

ZONING BOARD OF APPEALS
WEDNESDAY, MAY 3, 2023
RESOURCE ROOM

Attendance: Chair Dan Heney, vice chair Mike Fitzpatrick, Jim Palmer, Ron Forge, John Bombara & Ken Frasier, Building Inspector

Chair Dan Heney called the meeting to order at 7:04 PM.

1. (7:04 PM) (0:12 TS) 7:00 PM Public Hearing: Susan Koopman (#2023-07) 62 Peters Cove Road
Date of Application: 4/10/2023
Decision Date for Variance: 100 Days of Application (7/19/2023)
Susan Koopman is requesting a variance pursuant to MGL, chapter 40, a section 10 in section 9.2 of the Douglas bylaws for side yard setback relief under dimensional regulation, appendix B to expand a pre-existing nonconforming single-family dwelling in an RA zone district. The chair Dan Heney recused himself and Jim Palmer recused himself and Mr. Fitzpatrick, the vice chair, stated that there is an issue now because it leaves only three voting members and in order to grant a variance, it requires four voting members. Therefore, Mr. Fitzpatrick stated he doesn't think they should discuss the hearing because they won't be able to vote on it. Rob Knapik, the attorney for the applicant, stated that Mr. Fitzpatrick is correct and that they should continue the hearing and figure out how to move forward. So, they will continue the meeting and get town counsel's opinion on how to proceed with this.
2. (7:17 PM) (13:30 TS) 7:15 PM Public Hearing: Stephen Black & Barbara Katzenberg (#2023-08) 310 Northwest Main Street
Date of Application: 4/12/2023
Decision Date for Variance: 100 Days of Application (7/21/2023)
The applicants are requesting a variance pursuant to MGL, chapter 40 a section 10 and section 9.2 of the Douglas bylaws to reduce the area of their lot in order to convey land to the neighbor under dimensional regulations appendix b in an RA zone district. All the certified mailings have been returned and the public hearing is now open. John Bambara recused himself because he is a direct neighbor to both parties. Attorney Henry Lane is present representing the applicants and stated this piece of the lot has no use to the applicant and would benefit them more by not owning that portion, and it would also benefit the neighbor by adding frontage and better access to their property. Attorney Lane also wanted to let the board know that the neighboring lot will probably be coming before the board for a special permit to reconstruct their house, utilizing the better frontage and access. Mr. Bombara stated that he is in favor of this variance due to the severity of the slope of the driveway currently in the Randor's property.
(7:27 PM) (23:40 TS) Motion to close the public hearing made by Mike Fitzpatrick, seconded by Ron Forget. Roll Call vote - Jim Palmer, Ron Forget, Mike Fitzpatrick and Dan Heney all in favor.
(7:28 PM) (24:10 TS) Motion to approve the plan as presented made by Ron forget, seconded by Jim Palmer. Roll Call vote - Jim Palmer, Ron, Forget, Mike Fitzpatrick, and Dan Heney, all in favor.

(7:29 PM) (25:30 TS) Mr. Frasier received a call from the residents at 278 Northwest Main St., a pre-existing non-conforming lot that currently has a shed and a trailer on the property and the property owners wanted to know what they needed to do to make it a buildable lot, Mr. Frasier explain to them that they would need a full set of plans, showing a house a septic and a well, in order for the board to be able to determine whether it can be a buildable lot. The property owners stated they have had a site plan and a survey plan done already, and they have the location where the well the septic and the foundation will be with the proper setbacks, but they wanted to find out if the board required more than that. The board stated they need a stamped site plan and a conceptual design of the shape of the house foundation.

Discussion:

1. (7:39 PM) (35:15 TS) North Brown LLC

Ken Frasier stated they have the daily construction report, and he does not see that there is anything new added, he did issue permits for a foundation for 10 and 12 which of the foundation is poured. Mr. Frasier's understanding is that all units on Nautical Way are under P&S.

(7:40 PM) (36:10 TS) Ken Frasier had a gentleman come into the office today, Neil Newton, 32 Compass point Way that has concerns with the condition of the roads and his driveway and was questioning the condition of the water retention basins and the rain gardens. The contractor was going to put a finish coat on his driveway, and Mr. Newton was questioning the base coat because of some tractor tire ruts in it so he didn't want them to do a finish coat until that issue was addressed. Mr. Frasier told the contractor that he preferred them to do the topcoat on the entire site at the same time. Mr. Frasier thinks that it's resolved to the point where they are going to just patch his driveway for the time being. The stormwater gutter runoff is an issue because they are supposed to be going into dry wells according to conservation stormwater management conditions, and none of them are. Mr. Fitzpatrick suggests forwarding the paperwork to the conservation agent. Mr. Frasier stated he would have a discussion with the conservation agent about the gutters and where they're draining in the requirements needed. Mr. Fitzpatrick stated he would like to see a memo from conservation stating that it's outside their jurisdiction or not, to cover the zoning board down the road. The potholes in the entrance were supposed to be taken care of this week, but due to the rain that didn't happen. In addition, they put it off until next week, but they have been marking the areas where they will be repairing potholes.

2. (7:47 PM) (43:25 TS) Meeting Minutes: March 1, 2023 – Possible Votes

(7:47 PM) (43:35 TS) Motion to approve the minutes of March 1, 2023, as written made by John Bambara seconded by Mike Fitzpatrick. The vote passed unanimously.

(7:48 PM) (44:35 TS) Mr. Fitzpatrick asked Mr. Frasier what the ratio currently is for the affordable for the north brown, Mr. Frasier stated he does not know the exact numbers and he will check and get back to him. He believes that they are within the ratio of 16 to 4, but he will find out for sure.

(7:52 PM) (48:30 TS) Motion to close the public hearing made by Jim Palmer, seconded by Mike Fitzpatrick. The vote passed unanimously.

Respectfully submitted,

Stephenie Gosselin