

APPROVED 4/2/2025

ZONING BOARD OF APPEALS
WEDNESDAY, MARCH 5, 2025
RESOURCE ROOM

Attendance: Chair Dan Heney, vice chair Mike Fitzpatrick, Jim Palmer, Ron Forget, Margaret Bacon, Les Stevens, Ken Frasier Building Inspector

Dan Heney called the meeting to order at 7 pm.

1. (0:10 TS) 7:00 PM Public Hearing: Ronald & Gail Lebel (#2025-01) 45 Lindbergh Ave
Date of Application: 2/12/2025

Decision Date for Special Permit: 90 days after close of Public Hearing

The applicants are requesting to construct a sunroom on an existing single-family home on a pre-existing, non-conforming lot on property located at 45 Lindbergh Ave, Assessors Map 227, and parcel 21. Scott Davidson joined the table to discuss the addition that is proposed to be 12 x 13 of the back of the house was approved by the Conservation Commission. The Board stated that they are going to need a certified plot plan and an as-built, so this public hearing will be continued.

(8:55 TS) Motion to continue the public hearing case #2025-01 to April 2, 2025, made by Mike Fitzpatrick, 2nd by Jim Palmer. The vote passed unanimously.

2. (10:40 TS) 7:00 PM Public Hearing: Jacob Bloniasz (#2025-02) 125 Ledgestone Road (Amendment to Special Permit)

Date of Application: 2/11/2025

Decision Date for Amended Special Permit: 90 days after close of Public Hearing

The applicants is looking to construct an 8 x 28 deck to the front side of a single-family home on a pre-existing, non-conforming lot on property located at 125 Ledgestone Road, Assessors Map 110, parcel 11. Jake Bloniasz, 76 Manchaug Street, he is looking for a continuance to be able to meet with the Conservation Commission because they are looking for NOI (Notice of Intent) and he had filed and RDA.

(13:25 TS) Motion to continue the public hearing #2025-02 to April 2, 2025, made by Mike Fitzpatrick, 2nd by Jim Palmer. The vote passed unanimously.

3. (14:40 TS) 7:00 PM Public Hearing: Steve Flagg (#2025-03) 3 Hough Rd, Remand from Land Court No. 24 MISC 000164

Date of Application: 2/11/2025

Decision Date of Amended Special Permit: 90 days after close of Public Hearing

The applicant is requesting to reconstruct a single-family home on a pre-existing, non-conforming lot on property located at 3 Hough Road on Assessors Map 11, parcel 44. Attorney Brian Falk with Mirick O'Connell representing the applicant and explained the Land Court proceedings which resulted in an agreement for a remand back to this board for additional testimony reopening the hearing. Part of that remand order was that the board waved its contention that the structure at 3 Hough Road is not a residential structure. Attorney Falk showed his presentation to the board and the proposed plans for the reconstruction and stated that the standard the board has to make a finding that the modification would not be substantially more detrimental to the neighborhood than the existing non-conforming structures. Attorney Falk stated their argument that the proposed structure is a significant improvement to the existing structure. There was discussion about Old Parker Road and that the owner of it has not been determined because it was listed as a paper road, but they do not know if it still is and the frontage proposed on the plan considers it a road. Mike Fitzpatrick discussed the issues he has

with this being that in August 25, 1989, Wilfred and Lucille Duplais successfully had the lot declared unbuildable with the assessor. Attorney Falk argued that although a prior owner had it declared unbuildable the assessor's office is not the final authority on whether a lot is buildable or not and is arguing that it is in fact buildable because it fits the 50 feet of frontage and 5000 square feet area. There were many neighboring residents to this property that spoke up to being in favor of this new proposed home construction and one neighbor stated she did a lot of research on Old Parker Road in question and that it is a road or right of way and no one owns it any longer.

(1:23:25 TS) Motion to continue this public hearing to April 2, 2025, made by Mike Fitzpatrick, 2nd by Jim Palmer. The vote passed unanimously.

4. (1:27:50 TS) Approve Minutes: February 5, 2025 – Possible votes

(1:29:35 TS) Motion to approve the meeting minutes of February 5, 2025, as amended, made by Les Stevens, 2nd by Mike Fitzpatrick. The vote passed unanimously.

5. (1:30:15 TS) North Brown, LLC

Neil Rybicki joined the table for discussion on what the board is looking for with the bonding and the prevailing wage and some incomplete items and have the town engineer put a number on those things for a bond amount. Ken Frasier will get something in writing from the Water/Sewer Commissioner as to the acceptance of phase 2 for the board. There was discussion about phase 3 having space for fire and ambulance to be able to make it in there and in order to move into phase 4 the town needs as-builts and a bond in place. Doug Bush the town's engineer stated that he has reviewed the as-builts submitted and will get an estimate for the paving for the bond amount. Doug Bush will get in touch with Bob Sullivan the Water/Sewer Commissioner to make sure everyone is on the same page.

(1:53:40 TS) Motion to adjourn the meeting made by Mike Fitzpatrick, 2nd Jim Palmer. The vote passed unanimously.

Respectfully submitted,

Stephenie Gosselin