

**ZONING BOARD OF APPEALS
WEDNESDAY, AUGUST 6, 2025
RESOURCE ROOM**

APPROVED 11/5/2025

Attendance: Chair Dan Heney, vice chair Mike Fitzpatrick, Jim Palmer, Ron Forget, Margaret Bacon, Les Stevens (alternate)

Absent: Sean Holland

Dan Heney called the meeting to order at 7 pm.

1. (0:10 TS) 7:00 PM PUBLIC HEARING: 6 Legacy Circle LLC (#2025-09) 8 Legacy Circle, (Special Permit)

Date of Application: 7/17/2025

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

Tom McIntyre and John Palmer on behalf of McIntyre Loam, McIntyre Materials and the landowner Six Legacy Circle LLC stating they are not seeking a change in use they are seeking an additional retail component for their existing uses. Mr. McIntyre went over the reasons for approval of the special permit request and it is the same special permit that has been granted at his two previous sites. Jeremy Flansberg, 63 Monroe St & 73 Davis St and stated that he met with Mr. McIntyre about where this is proposed to be and expressed his opposition that he has enough frontage for this proposal. The board showed him the plans that there is adequate frontage.

(5:25 TS) Motion to close the public hearing for case # 2025-09, made by Mike Fitzpatrick, 2nd by Margaret Bacon. The vote passed unanimously.

(16:00 TS) Motion to approve the special permit for retail sales for 6 Legacy Circle LLC #2025-09 with the contingency that it is clarified they do not need site plan review from the Planning Board, made by Mike Fitzpatrick, 2nd by Jim Palmer. The vote passed unanimously,

2. (17:45 TS) 7:00 PM PUBLIC HEARING CONTINUED: Jason Randor (#2025-06) 284 Northwest Main St, (Special Permit)

Date of Application: 4/15/2025

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

Margaret Bacon recused herself from the public hearing. Mark Allen with Allen Engineering and Attorney Henry Lane representing the applicants. Mr. Allen gave an overview of what was discussed at the last meeting, which consisted of the location of the proposed main structure, and that they have since moved the structure back and centered it on the lot and made the structure smaller. Mr. Allen addressed the issues and concerns that arose at the last meeting regarding the existing structure and the applicants agreed to remove all of the material above the foundation, keep the existing foundation and put a pergola style roof on it, but the plans at the last meeting did not show the architectural drawing of this structure. Since the last meeting, they did send out a letter to the abutters by certified mail and received all the green cards back, and Mr. Allen has supplied a revised survey plan with the requested dimensions. There was also a new application submitted where all the dimensions that are referenced on the new plan are included. They discussed at length the other structure on the property that is being turned into a pergola and whether it should be able to be kept or made to be

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taken down. Mike Fitzpatrick voiced his opinion that with the new ADU law that this existing structure could easily be converted into something as a pre-existing, non-conforming building within the setbacks. Jason Randor, the applicant confirmed that it is a single level structure as was questioned by Mike Fitzpatrick. Mr. Fitzpatrick also stated that under the application, they applied under 3.4.5, which is reconstruction after demolition or catastrophe and the house is not being demolished. Mr. Fitzpatrick feels that it would be increasing the non-conformity of the lot by keeping two structures on the lot and is why he raised the concern at the last meeting that he would like to see it completely removed and not risk the chance of it being made into an ADU. Attorney Henry Lane added that he realizes that the town has run into this issue in the past with people converting building into apartments but suggested that the board could put a very clear condition in the special permit stating that the structure cannot be used for human occupancy, so there is no question as to what the intended purpose and use is for the structure. Mr. Fitzpatrick stated that they have done that in the past and it was not abided by and still thinks it is too much on one lot. Jim Palmer stated that he agrees that the foundation should be removed completely and if they were to do a patio or a pergola that the foundation should be above ground unlike the existing structures foundation, and Mr. Fitzpatrick stated that even the approval of an above ground foundation would have to be approved by the building inspector. The structure in question is 30 x 20 feet. The architect spoke to the reason for the pre-engineered heavy timber for the structure is because of the exposed columns that will be on the back side of the structure and the reason for retaining the existing foundation of the structure was to keep the stone foundation and to minimize the impacts on that end of the site closer to the water. The board is going to get Town Counsel's opinion on the second structure on the lot.

(39:15 TS) Motion for 284 NW Main Street to get Town Counsel's opinion on the second structure on the property, made by Jim Palmer, 2nd by Mike Fitzpatrick. The vote passed unanimously.

The board is getting the opinion of Town Counsel to see what their thoughts are on allowing the applicants to keep the second structure foundation on the property. Mike Fitzpatrick stated that he feels that his mind is made up that he does not think the foundation and structure should be allowed to stay and does not think that Town Counsel will be able to say anything that will change his opinion on the matter.

(42:15 TS) The Randors, Attorney Lane and Mark Allen asked for 5 minutes to discuss what they would like to do regarding the second structure for moving forward tonight.

DISCUSSION:

3. (42:30 TS) North Brown, LLC – Possible Votes

The board discussed the material of the light and that it should be made of something of better quality than what was suggested by the developer.

2. (50:45 TS) Public Hearing for 284 NW Main Street reconvened.

Attorney Lane stated that they are going to ask the board to vote on the special permit with the condition that the existing second structure be removed.

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(51:20 TS) Motion to close the public hearing made by Mike Fitzpatrick, 2nd by Les Stevens. The vote passed unanimously.

(53:55 TS) Motion to approve case #2025-06 for a special permit to build a new single-family residence per the plan by Allen Engineering and Associates dated April 10, 2025, and a revised date of 7/29/2025, with the exception that the existing structure that was proposed to be a pavilion will be razed and eliminated from the site, made by Mike Fitzpatrick, 2nd by Les Stevens. The vote passed unanimously.

(56:50 TS) North Brown

James Kohnke a resident of North Village asked about the email he had sent. The board stated that they usually review submissions and put it on the next agenda to discuss it.

(1:08:05 TS) Motion to adjourn the meeting at 8:08 pm, made by Les Stevens, 2nd by Mike Fitzpatrick. The vote passed unanimously.

Upcoming Meetings: September 3, 2025 & October 1, 2025

Respectfully submitted,

Stephenie Gosselin