

**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

**Public Comment – none**

RECEIVED  
ZONING DEPARTMENT  
MAY 11 2023

**Continuation(s)**

**#024-23 Bateman, 14 Clam Lane, East Falmouth** – requesting a Special Permit to construct a pool and a rinse station, exceeding 20% lot coverage by structures

Voting Members: Morse, Peterson, Murphy, Finneran, Duffy

Shannon Sylvester – Clancy Construction – We are asking to exceed 20% lot coverage, to install a plunge pool at the rear of the property. I submitted revised landscape plans, planting information, and locations and information on the hardscapes, and a lighting plan. The lights on the rear will be recessed and facing down, so there will be no lights shining towards the neighbor's home. There will be one single light at the far end of the pool. We will install a drain around the edge for water runoff, and we will fence around the pool equipment using the same material as the fence that will be around the pool.

Duffy – What effect will the fence have?

Sylvester – It helps to muffle noise; we can also include material that will help with sound.

Duffy – I would like to see it muted as much as you can. You addressed the lighting issues. One of the other issues was that the neighbor on Crowell Road raised a concern about the 100' fence that he will be looking at. I saw your landscaping plan, and everything that you're doing landscape wise is on your side of the fence. Nothing that addresses the neighbors' concerns.

Sylvester – It's a nice courtesy, but we are not required to landscaping on his side. When it comes to additional planting, that would be something that you would have to decide on, and whether or not you will hold us liable for that.

Finneran – How much distance will there be from the fence to rear property line?

Sylvester – Approximately 2'; enough space so we won't be trespassing on their property.

Murphy – I feel that the maples will not have leaves all year long. I think different trees would be better. He would be able to see right in the yard, when the leaves fall off. What sizes are the maples on the plans?

Sylvester – 40" – 60".

Murphy – I also agree with Mr. Duffy on the sound from the pump station.

Sylvester – I do have the option to build a shed for the pool equipment.

Murphy – I think that would be quieter.

Peterson – I appreciate the changes that you made; we hoped that you and the abutters would have chatted. The sound baffling makes a lot of sense. Let's try and make it as unobtrusive as possible.

Sylvester – We can always change out the maples to evergreens.

Morse – Were the patio paver's included in the lot coverage calculations?

Sylvester – No, pavers would not be included in the total lot coverage.

Morse – Would you be amenable if we conditioned dark sky compliant lighting?

Sylvester – No, that's fine.

Morse – Is there any other place that you could put the pool equipment?

Sylvester – Not really, no matter how we look at it, we'll be affecting multiple people.

**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

**Public comment –**

Henry Peters, no address provided – Is this going to be their primary residence or a rental? Is there going to be some type of stone border to prevent runoff? There are trees that were cut already, and he gave me his word that he wouldn't cut anything. I'm worried about the noise and runoff to my property. She hasn't showed us a landscape plan, or if she would work with us on the trees on our side. This is not a hardship case; it's a 30' long pool. Could they work on something with the fence; put more plantings in, and plantings on our side?

Ann Fulton, 9 Crowell Road – We have concerns with fencing; Mr. Clancy promised us a landscaping plan that would be acceptable to both parties. The maple trees will be bare  $\frac{3}{4}$  of the year. They are nice when they are in bloom, but when they aren't, they would not provide any privacy. We also have some concerns about runoff.

Gina Peters, Crowell Road - My other concern would be with this fence. The property was stripped of trees; the fence will be blown over into my yard. The fact that the house is so big and has been turned. Now they have added an AC unit off the garage, and puts it closer to the lot line. I have had issues with vehicles on my property. Will this set a precedent for the other properties that he has done down this road?

H. Peters – Was there a determination on the stamped patio for a setback?

Stockman – I did have a conversation with the Building Commissioner; if the patio is on grade, it would count towards the total lot coverage, and not towards the structure. The structure is the pool itself. I noticed that there was a request by an abutter to have trees planted on their property. The problem is that it's on the abutters properties, and the Applicant cannot be responsible for maintaining those plants on someone else's property. You also can't make someone plant on an abutter's property. I would advocate that's not a solution. I would also say swapping out some trees to evergreens would provide a year round effect.

Peterson – We should beef up the tree line and I agree that trying to plant on someone else's property would be difficult. I would also like to see the pool equipment be enclosed, and let's take a look at the generator to see if something can be done about that.

Murphy – I would like the shed and evergreens.

Finneran – Evergreen trees would attenuate the sound and some kind of insulation would do quite a bit for the pool equipment.

Duffy – You submitted a landscape plan and there was a picture of a natural colored fence; is that what you are going with now?

Sylvester – It's a white PVC fence, that picture must have been put in by accident.

Duffy – There was a comment about difficulty getting to the rear of the property, has that been addressed?

Sylvester – We can access it on the other side, and I'll tell the guys to make sure they use that side.

Potamis – You could move the fence and put the vegetation on your side, so now you have two things helping with noise.

Duffy – The property that the abutters are referring to is currently undeveloped, so the request for screening accommodation is not immediate. How far into the future are you looking at to build?

Peter – There's no rush, but that doesn't mean that I don't want screening. It would be good thing have the plantings on our side; we would accept the responsibility of maintaining them. What are you going to do to mitigate the runoff?

**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

Morse – Did you share these landscape plan with your neighbors?

Sylvester – I tried to have a sit down with them after the last meeting, but was brushed off. They haven't reached out to me, and I don't have their contact information.

Morse – Why wasn't the pool originally included?

Sylvester – It was a secondary thought.

Morse – What I'm noticing is that they break ground, and then come to us for specific items. I think this 2 step process becomes a disadvantage.

Finneran – If your amenable to evergreens, would you put them on the other side of the fence?

Morse – That's not for us to decide, if they want to come up with a private agreement that's fine.

H. Peters – Mr. Duffy had mentioned putting money in account so we could buy the trees for our side.

Duffy – My proposal was different; I proposed that they put money in an escrow account, and that you plant and install yourself, and you would be responsible for maintaining it.

Stockman – There is no prohibition to someone fencing in their property, they have to fence by code for a pool. You can't tell them what color the fence is. You could ask they put in an extra drywell for runoff. I would advocate that the Board not offer that the Applicant fund an account for an abutter; that will create a problem for the future. That one-time Zoning Board action was related to a 40B, and an abutter. What the Applicant is asking for is what is allowed in the bylaw. Swapping out the maples for evergreens makes sense; 6-8' tall so that you have something there.

Potamis – We could ask the abutters to get together to see if they will come up with a private agreement.

Duffy – I'm troubled by this application. I think it's approvable, but I'm bothered because the neighbors have brought up valid concerns. I'm distressed that we got a picture of a fence, that is not what's actually going up. The Applicant should present a plan for the shed equipment. I'm not comfortable going forward with this tonight.

Finneran – You talked about 17 arborvitaes for the fence line; you could stagger them.

Murphy – I agree with Mr. Duffy. There are more lots going in here, and I would think that it's going to get worse.

Peterson – I think they need to figure it out and come back with a plan.

Morse – We are looking for a landscape plan to include evergreens, and work with the neighbors. We are more interested in a shed for pool equipment and facing it with sound mitigation.

Finneran made a motion to continue to May 25, 2023. Peterson seconded the motion. Motion carried 5-0.

All in favor.



**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

**#028-23 McGoldrick, 70 Birch Lane, North Falmouth** – requesting a Special Permit to remove the existing deck, construct a covered porch and an attached garage, with habitable space above

Voting Members: Morse, Peterson, Murphy, Finneran, Duffy

Murphy read the 'Notice of Public Hearing' into the record and read the following referrals:

Planning – no comment

Health - The property has a 5-bedroom septic system. Plans indicate 5-bedrooms with an office. It was difficult to see on the plan, but the office need to be open via a cased opening to the house, for it not to be considered a 6<sup>th</sup> bedroom. Revised email dated 3/28 – no issues with Health, the property has a 5-bedroom septic system and the plans indicated 5-bedrooms

Engineering - standard comments; drywells are proposed as recommended; erosion and sediment controls are proposed as recommended

Conservation – no comment

Email from the Water Department dated May 9, 2023

Correspondence – 3 letters with no objections

Laura Moynihan, attorney for Applicants – The property is located in the Wild Harbor Estates. It is an existing 5-bedroom dwelling built in 1974. The lot coverage by structures is 27.56%, with total lot coverage being 35.65%. The lot size is 15,765 s/f, located within a Residential B zoning district. The existing height is 21'. The Applicants are proposing a garage addition, front porch, add landing and steps, remove existing deck and shed, and relocate the existing generators. The proposed lot coverage will be less than what exists at 27% by structures, and 37.38% by structures, parking and paving. The proposed building height will be slightly increased to 22.5'. The garage addition and porch will be compliant with setbacks. The existing property is already non-conforming to the existing lot coverage. I did supply a lot coverage worksheet to show you that there are houses already over the allowable lot coverage. Attorney Moynihan opined that the project meets the criteria of 240-10.2A and 240-12.1E. There will be no increase in bedroom count, and it will be a benefit to the Applicants and neighborhood.

**Board Discussion**

Peterson – The entire rear deck will be removed.

Moynihan – Correct.

Murphy – Did you go before the homeowners association?

Moynihan – Yes, and that approval is in the file. They asked for 1 landing on the garage side to be removed, and that the patio be built on grade.

Morse – Could you email your PowerPoint presentation for the record?

Moynihan – Yes.

**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

**Public comment** – none

Finneran made a motion to close the hearing. Peterson seconded the motion. Motion carried 5-0. Peterson made a motion to grant application #028-23. Murphy seconded the motion. Motion carried 5-0.

**Findings**

- 1) Property located within the Residential B zoning district, Wild Harbor Coastal Pond Overlay, private road
- 2) Meets criteria of 240-12.1E and 240-10.2A
- 3) Lot size is 15,765 s/f
- 4) Not within a flood zone
- 5) Proposed lot coverage - 27.10%\37.38%
- 6) Proposed ridge height - 22.5'
- 7) Remaining 5-bedrooms, on septic
- 8) 3 letters with no objections
- 9) Approval letter from the Homeowners Association
- 10) Modest reduction in lot coverage

**Conditions**

- 1) Per plans
- 2) Applicant will relocate water line
- 3) Remaining 5-bedrooms
- 4) Construction Hours: Monday – Friday 7A-7P, Saturday's 8A-4p; no Sunday's or Holidays absent an emergency
- 5) Defer to Homeowners Association re: work hours
- 6) No other structures without prior approval from the Zoning Board
- 7) Shed and deck to be removed and not replaced

All in favor.



**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

**#031-23 Fraser / Champney Trustees, 50 Seaspray Drive, East Falmouth** – requesting a Special Permit to raze and rebuild the existing dwelling, exceeding 20% lot coverage by structures

Voting Members: Morse, Peterson, Murphy, Finneran, Duffy

Murphy read the ‘Notice of Public Hearing’ into the record and read the following referrals:

Planning – no comment

Health – Health does not have any issues with this project

Fire – no issues with Fire

Conservation - this property falls within an AE flood zone so the Conservation Commission will need to permit the work. If you can forward my information to the homeowners, I can email them the appropriate applications.

Email from the Water Department dated May 9, 2023

**Correspondence – none**

Kevin Klauer, attorney for Applicants – We are requesting permission to raze and rebuild the existing dwelling. The proposed dwelling will have lot coverage by structures of 22% percent. This property is located at the midpoint of the Seacoast peninsula, on a lot of 9,800 s/f, located within a Residential C zoning district, and not within a flood zone. Presently, there is a 2-story, 3-bedroom dwelling with 2 sheds, and a total footprint of 1,470 s/f, which is 18.1% lot coverage by structures. The existing dwelling is presently conforming to lot coverage and setbacks. The owners are planning to retire to Falmouth and make this their full-time residence. They are proposing to raze the existing dwelling, and rebuild a new, 2-bedroom, single story home. A new Title 5 septic system was installed in 2020 for 4-bedrooms, so we will be well under the capacity for the new 2-bedroom dwelling. The proposed ridge height will be slightly over the existing at 20’4 ¼”. The footprint is about 300s/f larger, and the lot coverage by structures will be 22%, but will otherwise comply with setbacks and total lot coverage. Attorney Klauer opined that the project meets the criteria of 240-11.3A(4) and 240-216. We did submit a lot coverage worksheet, and out of 34 homes, this is below the average for footprint, and the total gross floor area. The proposal is very much in character with the neighborhood.

**Board Discussion**

Finneran – We will be voting the staking policy tonight, and we need all of the lot corners staked going forward, because that was not done here.

Peterson – The shed in the left hand corner of the property will be removed?

Klauer – Yes.

**Public Comment - none**

Murphy made a motion to close the hearing Peterson seconded the motion. Motion carried 5-0.



**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

Peterson made a motion to grant application #031-23. Murphy seconded the motion. Motion carried 5-0.

**Findings**

- 1) Property is located within the Residential C zoning district, Waquoit Bay Coastal Pond Overlay, private road, not within a flood zone
- 2) Lot is 8,137 s/f
- 3) Proposed lot coverage - 22% / 26.2%
- 4) Proposed ridge height – 20' 4 ¼"
- 5) Meets the criteria of 240-11.3A(4) and 240-12.1E
- 6) No letters of opposition
- 7) Remaining 2-bedrooms
- 8) Testimony – new Title 5 system installed in 2020; below Board of Health regulations for capacity
- 9) Testimony – shed at northerly side of property to be removed

**Conditions**

- 1) Per plans
- 2) Construction Hours: Monday – Friday 7A-7P, Saturday's 8A-4P; no Sunday's or Holidays absent an emergency
- 3) Comply with Engineering Department comments
- 4) Comply with Water Department comments
- 5) Engineer to stake where front of house will be, to ensure that it is not closer to the road than intended
- 6) Vehicles and materials to be kept off road; if detail is needed, contact Falmouth Police Department
- 7) No other structures without prior approval from the Zoning Board

All in favor.



**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

**#032-23 Nanji, Trustee, 24 Willis Lane, East Falmouth** – requesting a Special Permit to allow a third garage bay

Voting Members: Morse, Peterson, Murphy, Finneran, Duffy

Murphy read the 'Notice of Public Hearing' into the record and read the following referrals:

Engineering – standard comments

Fire – no issues with the project as drawn

Health - Health has no issues with the proposed third bay expansion

Email dated May 9, 2023 from the Water Department

Order of Conditions submitted to file

**Correspondence - none**

Daniel Johnston, attorney for Applicants – We are seeking a Special Permit to convert a 2-bay garage into a 3-bay garage. The square footage of the garage will be 1,070. The only change that would be made would be the door layout, and an interior wall that will be taken down to combine the rest of the garage area. The property has a single-family dwelling and is located within the Residential B zoning district. The original home had a previous Special Permit to allow 2, 3-car garages, to total 6 bays; 3 bays were attached to the home and 3 bays were detached. The existing structures have been demolished and replaced with a new single-family dwelling, which is allowed by-right, and has received all building permits. There will be no change to the footprint of the garage. The lot coverage by structures will be just over 16%, on a lot that is 6.27 acres. The garage is 1.2% of the total percentage.

**Board Discussion**

Murphy – Noreen and I were looking over the plan, and the shed is in an odd area.

Johnston – The shed is considered to be in the front yard, so we are getting an updated plan to have that relocated.

Murphy – You said the property was over 6 acres, but the table notes 83,000 s/f as the lot area.

Shawn Riley, project engineer – The buildable land is 83,000 s/f.

Morse – As I mentioned earlier tonight, I don't like when people build a garage at this stage instead of just asking for it from the get-go

Johnston – There was a Special Permit granted in 1999, and we didn't think that it would be necessary to get another Special Permit, because the last residence had permission for 6 bays, and we are only asking for 3.

**Public Comment**

**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

Michael Rimmel, 33 Davis Neck – You just want to change out the door? What was the door originally going to be?

Riley – Just a single man door with a pass door.

Murphy made a motion to close the hearing. Finneran seconded the motion. Motion carried 5-0.

Finneran made a motion to grant application #032-23. Peterson seconded the motion. Motion carried 5-0.

**Findings**

- 1) Property is located within a Residential B zoning district, Green Pond Coastal Pond Overlay, and within an AE13 flood zone
- 2) Previous 1999 Special Permit
- 3) Lot is 6.7 acres
- 4) Private road
- 5) Proposed lot coverage - 16.7%\22.9%
- 6) Proposed ridge height - 33'
- 7) Received Order of Conditions
- 8) Meets criteria of 240-6.6B and 240-12.1E
- 9) Testimony – 2 previous 3 car garages totaling 6 bays; reduced by 50%
- 10) No change to footprint
- 11) Testimony – abutter concern about change to footprint

**Conditions**

- 1) Per plans
- 2) Construction Hours: Monday – Friday 7A-7P, Saturday's 8A-4P; no Sunday's or Holidays absent an emergency
- 3) Comply with Order of Conditions
- 4) Shed to be moved
- 5) Submit revised plans to show shed being relocated

All in favor.



**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

**#033-23 Blackwell, 362 Walker Street, Falmouth** – requesting a Special Permit to raze the existing non-conforming dwelling and detached garage, and rebuild the dwelling.

Voting Members: Morse, Peterson, Murphy, Finneran, Duffy

Murphy read the ‘Notice of Public Hearing’ into the record and read the following referrals:

Planning – no comment

Health – Health has no issues; property on Town Sewer

Engineering - comments; applicant to obtain a driveway permit prior to approval; project includes storm water mitigation as recommended; comply with Town’s “Soil Erosion and Sediment Control Standards”; comply with section 99-1, “Affixing of Legible Numbers; time limit for compliance.”

Fire – The Fire Department has no issues with the project as drawn

Wastewater - the property (362 Walker) is connected to the municipal sewer via a gravity sewer connection. The number of bedrooms is proposed to remain the same (3 bedrooms) so no flow-neutral bylaw hearing is required. For property owner, regarding demolition the sewer connection must be cut and capped before the building is demolished, in order to prevent dirt/debris from getting into the sewer system during the building demolition/construction. The property owner’s representative should call the DPW (508) 457-2543 to request a work order for Wastewater Division inspection of the sewer cut and cap. Regarding a new sewer connection: The property owners’ representative will need to complete a sewer connection modification permit for the new/modified connection to the sewer. Please contact the DPW to complete that application well before beginning the work.

Email dated April 26, 2023 from the ConCom

Email dated May 9, 2023 from the Water Department

**Correspondence** – none

Kevin Klauer, attorney for Applicants – We did revise the site plans to address the comments of the Engineering Department, and those have been submitted to you. We are seeking permission to raze and rebuild the dwelling. This property is located on the southern end of Walker Street, on a lot of 10,724 s/f, located within a Residential C zoning district and within an AE12 flood zone . Presently, there is a 3-bedroom dwelling with a detached garage. The existing dwelling is non-conforming to the side yard setback to the south at 6.1’, lot coverage by structures at 24.97% and total lot coverage at 45.69%. The Applicants purchased this home 6 years ago, and are planning to make this their full-time residence. Given its location in the flood zone, it has to come in compliance with flood zone standards, and the dwelling must be elevated for FEMA compliance. The first floor must be at elevation 13,’ and 8’ above the existing grade. The proposal will eliminate the existing detached garage, and outdoor parking. The number of

**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

bedrooms will be maintained. The non-conformities will either be improved or eliminated; the side yard setback will be improved to 7.5', lot coverage by structures will slightly be improved to 24.78%, and total lot coverage will be greatly reduced to 32.89%. Attorney Klauer opined that the project meets the criteria of 240-10.2A, 240-11.3(A)4 and 240-12.1E. We did submit a lot coverage worksheet, and even though this will be among one of the larger homes, there was a lot of thought that was put into the design, so it will fit in with the neighborhood. There will be no new non-conformities created, and any existing non-conformities will either be improved or eliminated.

**Board Discussion**

Peterson – Good project, well needed. With the ridge height being close to the maximum, we would like a certificate for the height. I don't think there will be a shadow risk.

Murphy – Have you gone in front of the Conservation Commission?

Klauer – We just needed an RDA from the ConCom.

**Public Comment** – none

Finneran made a motion to close the hearing. Murphy seconded the motion. Motion carried 5-0.

Murphy made a motion to grant application #033-23. Peterson seconded the motion. Motion carried 5-0.

**Findings**

- 1) Property located within a Residential C zoning district, AE13 flood zone
- 2) Previous decision from 1998
- 3) Lot size is 10,724 s/f
- 4) Public road
- 5) Proposed lot coverage - 24.78%\32.89%
- 6) Proposed ridge height 34'.72"
- 7) Property is on sewer
- 8) Approved RDA from the Conservation Commission
- 9) Meets criteria of 240-10.2A, 240-11.3A(4) and 240-12.1E
- 10) Testimony- no increase in bedrooms; 4 bedrooms by right on sewer
- 11) Non-conformities will either be reduced or eliminated

**Conditions**

**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

- 1) Per plans
- 2) Comply with Engineering Department's comments
- 3) Height certification submitted at framing
- 4) Construction Hours: Monday – Friday 7A-7P, Saturday's 8A-4P; no Sunday's or Holidays absent an emergency
- 5) Vehicles and materials to be kept on property; if detail is needed contact the Police Department
- 6) Comply with Wastewater comments
- 7) Comply with Water Department comments
- 8) As-built to be submitted

All in favor.





**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

**Open Meeting:**

- 1) Vote Minutes: April 27, 2023 and May 4, 2023 - tabled
- 2) Review Draft Decision, #075-22 Blue Moon Sea Grille, Inc., 159 Main Street, Falmouth  
– vote anticipated  
Voting Members: Peterson, Finneran, Duffy, Potamis, Murphy  
Morse recused himself

Duffy – Do we have the lease from the Historical Society?

Klauer – Yes.

Duffy – Staff reports will be filed annually?

Klauer – Yes, if need be

Duffy – Have you applied to the Select Board for a license yet?

Klauer – I don't believe there will be any license needed from them; if there was, we pursue that.

Mary Downey, attorney for abutters – One major concern is that they are talking about employee parking, when they are taking away 4 businesses, and the study that MacMahon did are only on 56 seats. The employees who are patrons of the building have no parking. It's employee parking only, not patron. They have given some idea that they are going to be dragging trash from the restaurant [behind Timber] to the dumpster, and down to a wetland area. They will use Town Hall square to carry trash. I don't think that's what we want, and it's not responsible to handle trash in that way. Cavossa will have to trespass to pick up the trash once a week. I think the new submissions caused more questions and concerns. Just because the Planning Board went along with this plan doesn't mean that the Zoning Board has to agree with it. It's a derogation in terms of access. There has never been a fire or police study. I have concerns and objections that this is still an open meeting and there is a decision out there, with all of these conditions, that won't be shared with the public. It would be helpful to know what the conditions are. The ZBA requested a traffic study, and you have been refused.

Duffy – In your opening remarks, you said that they are taking away 4 businesses?

Downey – There are 3 business in the Bogosian building. It's not just the restaurant that will be using parking; it will be the entire building. There will be businesses that will lose parking.

Duffy made a motion to close the hearing. Murphy seconded the motion. Motion carried 5-0. All in favor.

Potamis – I'm satisfied. We generally don't share decisions with people in advance.

The Board reviewed and discussed findings and conditions of the draft decision.

Potamis made a motion to reopen the hearing. Duffy seconded the motion. Motion carried 4-1, with member Murphy in opposition

Klauer – We would like to request a continuance to try and address some of these concerns.

Duffy – This request is only about the parking associated with the deck and the plans.

Stockman – This draft is for the Board's purpose, not the public. There is not a purpose to do anything to the decision where the hearing has been reopened.

Potamis made a motion to continue to June 8, 2023. Murphy seconded the motion. Motion carried 5-0.

**Zoning Board of Appeals**  
**Minutes of May 11, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Duffy**

All in favor.

Potamis made a motion to release the draft to the public\applicant. Duffy seconded the motion. Motion carried 5-0.

All in favor.

3) Vote Staking Policy

The Board reviewed and discussed the proposed Staking Policy.

Murphy made a motion to approve, as amended. Finneran seconded the motion. Motion carried 5-0.

All in favor.

4) Board Discussion - none

5) Board updates – none –

Morse – The Percival Road site visit is Saturday May 20<sup>th</sup> at 10AM. Next Public meeting May 25<sup>th</sup>, 6:30PM, here at Town Hall.

6) Future Agenda Items - none

Meeting adjourned 9:15 PM

Respectfully submitted,

Ashley E. DeMello, Office Assistant

Zoning Board of Appeals