

2023 JUN 29 6:30 PM  
TOWN OF

**Zoning Board of Appeals**  
**Minutes of June 29, 2023 at 6:30PM**  
**Zoning Administrator: Noreen Stockman**  
**Present: Morse, Peterson, Potamis, Finneran, Murphy, Petrucci**  
**Absent: Duffy**

A moment of silence was observed in honor of Ray Jack, DPW Director, who passed away on June 17, 2023.

**Public Comment** – none

**#105-22 Bowen, Trustees, 102 Grand Avenue, Falmouth** - requesting a modification of existing Permits #110-15 and 37-21; to remove Condition No. 2 of Special Permit (#110-15), and increase the total lot coverage; property is under an enforcement order, by letter dated September 14, 2022

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

Morse – We received a request for a continuation from Attorney Klauer; we were just made aware tonight that one of the voting members will not be here on the July 20, 2023. Would you be amenable to continue to the July 27, 2023 meeting?

Kevin Klauer, attorney for Applicants – That’s fine.

Morse made a motion to continue to July 27, 2023. Peterson seconded the motion. Motion carried 6-0.

All in favor.

Application #	Applicant Name:	Address:
105-22	Bowen	102 Grand Ave.
Document (s) Submitted:	Date Submitted:	Submitted By:
Application / fee	11/30/22	Klauser
Previous SP's	11/30/22	Klauser
(9) Copies site plan	11/30/22	Klauser
Enforcement letter	11/30/22	AK
Request Abutters	12/1/22	AK
Request reperm	12/1/22	AK
Email - J. Daule	12/1/22	AK
Permit - planning	12/2/22	AK
Cert. Abutters list	12/7/22	AK
Permit - fire	12/12/22	AK
Revised application	12/15/22	AK
Permit - Health	12/20/22	AK
Permit Eng.	12/22/22	AK
Referral CC	12/28/22	WS
Letter Support	1/17/23	AK
Letter - Support - Gemity	1/18/23	AK
filed extension waiver	1/20/23	AK
Revised plans	3/14/23	AK
Email - G. Street	3/15/23	AK
Email - Klauser <sup>Continuation</sup>	3/16/23	AK
Revised Eng. permit	3/14/23	AK
Email 8/26/22 S. Schluter	4/13/23	AK
Email w/ photos - B Dugan	4/24/23	AK
Email - Daule	5/11/23	AK
Revised site plans	6/13/23	AK
Email from T. Daule	6/27/23	AK

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**Absent: Duffy**

**#040-23 Quinn, 32 Frederick B. Douglass Road, North Falmouth** – requesting a Special Permit to allow a third garage bay

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

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

Assessors – no comment

Planning – no comment

Water - please call to have the Water Department mark the curb stop location prior to any excavation. Location is shown as approximate on the plan.

Fire – no issues with project

Health – no issues with project

Engineering - comments; drywells are proposed as recommended; construction must comply with Town’s “Soil Erosion and Sediment Control Standard Conditions”

Email from Conservation Commission dated June 12, 2023 – no comment

**Correspondence** – none

Kevin Klauer, attorney for Applicants – This property is located in the North Hill development, and located within the Single Residence B zoning district, on a lot that is just over 22,000 s/f. The Quinn’s purchased this property in 2019, and they are constructing an addition to accommodate their growing family. The existing dwelling is 3-bedrooms, with a footprint of 2,501 s/f, and entirely conforms to lot coverage and setback requirements. They recently obtained a building permit to expand the existing garage, by adding additional living space above. They would like to convert the last part of the garage into a third garage bay, which requires a special permit. The first garage bay is useless, because it’s primarily used for storage, and there’s a set of stairs there, as well as the backside of the fireplace; so it’s more of a utility area. Attorney Klauer opined the project meets the criteria of 240- 12.1E and 240-6.6B.

**Board Discussion** –

Peterson – What’s the bedroom count?

Klauer – There are 3-bedrooms, but the septic system is designed for 4.

Peterson – The room above is being called a “bonus room”, but still has a full bath?

Klauer – Yes, it’s a kid’s play area.

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Peterson – Shells in front of the third bay?

Klauer – Yes.

**Public Comments** – none

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

Peterson made a motion to grant application # 040-23. Murphy seconded the motion. Motion carried 5-0.

**Findings**

- 1) Property located within the Single Residence B zoning district, Megansett Harbor Coastal Pond Overlay District, and Wildlife Corridor (foraging area)
- 2) Lot size is 22,132 s/f
- 3) on a public roadway
- 4) Existing lot coverage - 11.4% / 17.9%; proposed lot coverage 13.4% / 21.69%
- 5) Meets criteria of 240-6.6B and 240-12.1E
- 6) 3 bedrooms; 4 bedroom septic installed
- 7) Existing 2 car garage; first bay is not effective for use as a full bay
- 8) No opposition at hearing or in file

**Conditions**

- 1) Comply with the Water Department referral
- 2) Comply with the Engineering Department referral
- 3) Per plans
- 4) Construction Hours: Monday – Friday 7A-7P, Saturday’s 8A-4P; no Sunday’s or Holidays absent an emergency
- 5) Single family use; space above garage not to be separately rented
- 6) Material and vehicles to be kept on site, if unable to, contact Falmouth Police Department for a detail

All in favor.



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**Absent: Duffy**

**#041-23 Ferra, Trustees, 26 Lummis Lane, West Falmouth** – requesting a Special Permit to raze the existing non-conforming, detached garage, and rebuild a 3-car garage, with habitable space above

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

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

Fire – no issues with project

Water - the Water Department has reviewed the Plot Plan – Proposed re-vegetation, Garage dated February 12, 2023. The Water Department has the following comments: the existing waterline does not appear to be impacted by the proposed construction; if the garage second floor is potentially going to be used for a second dwelling unit, a separate water service will be required.

Planning - the proposed habitable space above the garage appears to have space for cooking facilities, which would create an accessory apartment. If so, it appears the said apartment would exceed allowable size in the Zoning Bylaw.

Health - A 6-bedroom septic system was installed in 2009 so the capacity is adequate for the proposed project. If this project is considered an accessory apartment, a denitrifying component would be required per the By-law. If not, then Health has no issues with the proposal.

Engineering - comments; obtain license from Select Board for objects in the right-of-way; within Conservation Commission’s jurisdiction for stormwater management and construction erosion controls.

Conservation - The Conservation Commission held a hearing under a Notice of Intent, which was closed on March 29, 2023. An Order of Conditions has been issued, and is attached to the referral.

**Correspondence** – none

Kevin Klauer, attorney for Applicants – The Applicants are seeking permission to raze and rebuild the existing non-conforming garage, and second dwelling, on the property. This property is 36,700 s/f, located on the north side of Snug Harbor, and within the Single Residence B zoning District. A portion of the lot and the primary dwelling are located within the flood zone, but the garage is not. Presently, there is a 3-bedroom, single-family dwelling, with a detached garage and the second dwelling with 2-bedrooms. The total footprint is 3,104 s/f, which is 8.46% lot coverage by structures. The garage is nonconforming as it’s an accessory structure, located in the front yard, and only 27.1’ from the front property line. It is nonconforming because it’s second dwelling on the lot, and currently contains a kitchen. The Applicants purchased the property in 2009, and the current structure is in poor condition. They would like to be able to utilize it as garage, which they can’t do in its current configuration. As far as the Applicants are aware, the

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structure has always had a kitchen. But we can't satisfy the Bylaw of proving it was in existence as of May 19, 1959; records show the garage was constructed in 1962. What is being proposed is a 3-car garage, with habitable space above. The kitchen will be removed, and it will be accessory to the primary use. There will be no change to the nonconforming setback, and the ridge height will be 21,10". Attorney Klauer opined the project meets the criteria of the 240-6.6 B., 240-10.2 A. and 240-12.1 E. An Order of Conditions was approved and issued by the Conservation Commission. It will be a significant improvement to the property. No new nonconformities will be created, and the existing non-conformities will be improved or eliminated.

**Board Discussion –**

Peterson – It's a good project as long as it's not tripping the Accessory Apartment Bylaw.

Klauer – It's not; it will be overflow space for their family.

**Public Comment –**

Steve Haddad, no address provided – I lived across the way, and a new Title 5 system was installed in 2009, for 6 bedrooms. Since then, they have redone the house, and the garage is strictly meant for overflow. The stove will be taken out, and the whole kitchen will be eliminated.

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

Peterson made a motion to approve application #041-23. Murphy seconded the motion. Motion carried 5-0.

**Findings**

- 1) Property located within the Residential B zoning district, West Falmouth Harbor Coastal Pond Overlay District, and within the AE17 and VE 18 flood zone
- 2) Lot size is 36,700 s/f
- 3) Public road
- 4) Existing Lot Coverage is 8.46% (structures and total); proposed lot coverage 9.28% (structures and total)
- 5) Testimony – no intent to rent space, kitchen will be removed
- 6) Lot is adequate in size
- 7) Garage is pre-existing, nonconforming, because it's less than 50' from the street property line
- 8) Existing non-conformities will either be reduced or eliminated
- 9) Ridge height 21'.10"

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**Conditions**

- 1) Per plans
- 2) Comply with the Engineering Department's referral
- 3) Construction Hours: Monday – Friday 7A-7P, Saturday's 8A-4P; no Sunday's or Holidays absent an emergency
- 4) Kitchen to be removed, and not replaced
- 5) Materials and vehicles to be kept on site
- 6) Comply with the Water Department's referral
- 7) Single-family use only; not allowed to be an Accessory Apartment

All in favor.





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**Absent: Duffy**

**#042-23 Reppucci / Briones, 24 Prospect Street, Falmouth** - requesting a Special Permit to utilize the Premises as a single-family dwelling, and to allow additional habitable space on the second floor of the detached garage

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

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

Fire – no issues with project

Water - Department has reviewed the Site Plan Prepared for Paul Reppucci dated November 19, 2019. The Water Department has the following comments: the existing water line is not shown on the plan; if the garage second floor is potentially going to be used for a second dwelling unit, a separate water service will be required.

Engineering – standard comments

Conservation – no comment

Health - the exercise room meets the definition of a bedroom. The cased opening in the room labeled "den" and the elimination of a first – floor bedroom to become a living room puts the proposal at 3-bedrooms (2 main house and 1 above garage). This meets the 1995 Board of Health decision that limited the property to 3-bedrooms.

**Correspondence**- 9 form letters (support); 1 letter with comments

Kevin Klauer, attorney for Applicants – The Applicants are seeking permission to modify the existing Special Permit, which allowed the use of a 2-family dwelling, and noted no habitable space above the garage. This property was built in 1930, and the lot is 4,897 s/f. Presently, there is a 2-family, 3-bedroom dwelling, with a detached garage, and unfinished space above the garage. The footprint is 1,438 s/f, and lot coverage by structures is 29.38%. There are many non-conformities; the dwelling is non-conforming to the front yard setback at 23', the side yard setback to the north is 2.5', the garage is non-conforming to the side yard setback, at 6.7', and the rear yard setback is 7.2'. Lot coverage is non-conforming by structures and structures, parking and paving being 29.38% / 52.24%. It should be noted that at one point, lot coverage by structures was allowed to be 35% by right. The Special Permit that was issued in 1996 allowed a 2- family use. These Applicants purchased the property in 2019, and would like to use the house as a single-family dwelling, with additional space on the 2<sup>nd</sup> floor of the garage. This will not be rented out, or be used as an accessory apartment. The kitchen will be removed, and as noted in the health referral, these plans do comply with the septic system. Attorney Klauer stated the project meets the criteria of 240-10.2A, 240-11.3A(4) and 240-12.1E.

**Board Discussion** –

Peterson – In one of the abutter's letters, they commented about parking.

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Klauer – This will decrease parking, by going from a 2-family, down to a single-family. They intend to use this for their personal use.

Petrucci – I would assume this space would be conditioned as non-rentable?

Klauer – Yes, it's not intended to be rentable space.

**Public Comment-**

Todd Davis, 55 Counting House Way – We oppose any project that changes the use or past permit, for the use of that space above the garage. We feel that the previous Special Permit addressed any issues. We don't have any concerns with what they are doing to the existing house. But we are opposed to habitable space above the garage. There is also a deck that has been a problem in the past, and it overlooks our property. We would ask that you uphold the previous permits.

Murphy – Is there someone living in the garage now?

T. Davis - Not that I know of. If that becomes habitable space, it will be occupied. We are against this application because of this. It's upsetting to have to go through this again.

Peterson – What if they put up a visual obstruction, so they can't look into your back yard?

T. Davis – Or have the stairs built on the inside, or remove the deck, and put it on the front.

Myra Davis, 55 Counting House Way – I'm concerned; I want you to consider why the previous Board made the decision they made. We couldn't use part of our house, because of the noise, and the people looking down. This is very important to us.

Petrucci – Your primary concerns is the deck, and the sliding door?

M. Davis – Yes.

Petrucci – But you saying that a privacy screen won't be helpful?

T. Davis – It's not just about the deck; it's the traffic and noise, and any partying that may happen up there. We have had to live through that, in the past. If there are no windows, nothing at that end it would eliminate some of the issues.

Petrucci – So you want to see the sliding door and the deck in the back eliminated?

T.Davis – Absolutely. We would be more than happy to work with the Reppucci' s if they want to, but as it is now, we oppose it.

Peterson – You've heard what the abutters had to say. Is there a way to flip everything around, because that would take all of those issues away.

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Klauer – It's a significant cost too. We are being held to account for sins of past owners, which I don't think is appropriate. This would still be pursuant to a Special Permit, that would have conditions that would be enforceable. The Applicants would be happy to put screening along the fence, which would address the concern of them "peering" into the abutter's back yard. They would also be happy to put privacy screening in back of the deck. It's very easy to say "just flip it to the front", but it's a significant change in cost, and not necessary. This is not an accessory dwelling; they intend to use this space as a workout room, not a bedroom. I hear the neighbors' concerns, but by modifying a Special Permit, there will be conditions that are enforceable by the Building Commissioner. I think there are reasonable steps that can be taken to address the concerns of the abutters.

Finneran - I see this as the views and vistas, when you're less than 10' from a property line. Removing the deck would decrease the non-conformity, and if it is going to be used as a workout room, there is no way you would be able to get a car in there, with a fence. I'm kind of listening to the abutter.

Potamis – Could anything be gained by working with the abutter?

Sarah Briones, owner /Applicant - We have been there for 4 years. We have 10 letters from direct neighbors. In the last 4 years, we have been great neighbors. We don't throw parties, and adhere to the 10:00 pm rule. I understand that the slider looking into their back yard would be creepy, but we can either get rid of it, or add screening. The front of the garage has a door that we use, so we can't put anything in the front. We could probably figure out a way to put in a door.

Finneran - The garage door doesn't preclude you from putting the deck in the front.

Briones – We are making this a workout space, and we have no intention of using it as a bedroom.

Potamis – If it's a workout room, the deck would not be necessary.

Paul Reppucci, owner / Applicant – We have been good neighbors, and our house was easily the worst house on the street. We can attest to what the abutters have said, but that was before us. We have been great neighbors, and have improved so much. 10 letters of support from our neighbors speak volumes, and I think that if you're going to start denying properties with balconies or overhangs, you've got a lot of work to do, because there are many properties that have them. With all due respect, we have seen the rear abutters about 3 times since we've owned the property in 2019. They don't live there full time, and we've hardly ever seen them. We would probably screen the whole deck, if that's what it takes to give them privacy. We're quiet people; we're not going to cause problems for them.

Murphy - What's the 2<sup>nd</sup> floor of the garage used for now?

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Reppucci – We use it as storage.

Murphy – No one is sleeping there?

Reppucci – No, it's gutted.

T. Davis – They may be good neighbors, but they may not own the property next year. The decisions that you make here have long-lasting ramifications, and you have to look at it from the public's point of view. Why does there have to be a bathroom in a workout room? Why does there have to be a deck? Put the stairs on the inside, if they're going to make it a work out room. We are concerned about the long lasting ramifications; it's not our primary property, but we have been using it for years.

Peterson – The deck is existing today; we are trying to help you, by having them screen. We heard you, and we're looking at screening. It seems like they are trying to do the right thing.

Finneran – If they have a landing, and a man door going in, and the slider goes away, will that be amenable to you?

Davis – It's not ideal. I can't understand why they can't take the stairs down, remove the slider frame it in, and put the stairs on the inside of the building.

Finneran – If they had the stairs on the side, and a landing with a regular door, wouldn't that alleviate 85% of your complaints? There won't be anyone sitting on the deck.

Peterson – The abutters have some valid concerns; if there is a way that the stairs can be switched around and switch out a slider to a privacy door, they may work.

Finneran – I think you're limited to a landing and a door; what more can we do?

Petrucci - I like the idea of eliminating the sliding door, and putting a passage door in, and installing privacy screening along the fence.

Morse – We went from overwhelming opposition, when you were here last time, to an improvement, with support. I think the abutters have some concerns, and I think the Board has made it clear on what would most likely get a "yes". Would you be opposed to a continuance, to rework your plan?

Klauer – No, we will need a little bit of time, to speak with the architect.

Morse made a motion to continue to July 20, 2023. Murphy seconded the motion. Motion carried 5-0.

All in favor.

Application #	Applicant Name:	Address:
04223	Renucci / Brone	24 Prospect St
Document (s) Submitted:	Date Submitted:	Submitted By:
Application/fee	5/18/23	Klauer
Owner authorization	}	}
c/c calculations		
Previous SP #4296		
(9) copies site plan		
(9) sets. arcl. plan		
Request Abutter	5/18/23	(initials)
Request referals	5/18/23	(initials)
Referal - fire	5/19/23	(initials)
photos Ex. garage	5/19/23	(initials)
Referal - H2O	5/19/23	(initials)
Rec'd Abutter	5/24/23	(initials)
Referal. Eng.	6/8/23	(initials)
letter of support - Wightman	6/15/23	(initials)
letter of support - Mackenzie	}	}
letter of support - O'Keefe		
letter of support - Locascio		
letter of support - Cuhnan		
letter of support - Spector		
Referal - Acosta	6/27/23	(initials)
<del>Referal</del> letter of support	6/23/23	(initials)
letter of support	6/21/23	(initials)

Matimer

letter of support  
deonina  
letter w/ comments (mercurio)

6/26/23  
6/29/23

(initials)  
(initials)

2019 Decision  
W. Stockman  
6/29/23

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**Absent: Duffy**

**#044-23 Delaney, 90 Priscilla Street, Teaticket** - requesting a Special Permit to construct an addition to the existing, nonconforming dwelling

Voting Member: Morse, Peterson, Murphy, Finneran, Petrucci

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

Planning – no comment

Water - Water Department – Plans do not show any revisions to the water service. No actions required by the Water Department.

Engineering - drywells proposed as recommended for new roofs, and should be connected to drywells; there is no indication of that on the plans; construction to comply with the Town's "Soil Erosion and Sediment Control Standard Conditions"

ConCom – no comment

**Correspondence** – none

Morse – We received a request from Attorney Klauer to allow this application to be withdrawn without prejudice.

Murphy made a motion to allow application #044-23 to be withdrawn without prejudice.  
Peterson seconded the motion. Motion carried 5-0.

All in favor.

Application # 049-23	Applicant Name: Klaum	Address: 90 Priscilla St.
Document (s) Submitted:	Date Submitted:	Submitted By:
Application / See	5/23/23	Klaum
owner authorization	}	}
(9) copies site plan		
(9) sets arch plans		
Request ADU's	5/24/23	Ⓚ
Request referals	5/24/23	Ⓚ
Referal H2O	5/25/23	Ⓚ
Referal Planning	5/25/23	Ⓚ
Cert. ADU's list	5/31/23	Ⓚ
Referal - Eng.	6/8/23	Ⓚ
Referal - ADU's	6/22/23	Ⓚ
Referal - ConCom	6/27/23	Ⓚ
Request for w/draw	6/28/23	Ⓚ



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**Absent: Duffy**

**Open Meeting:**

- 1) Vote Minutes: June 22, 2023 - tabled
- 2) Request for Insubstantial Change(s), modifications to Comprehensive Permit no. 058-19, 36 Crooked Meadow Road, Hatchville – vote anticipated

Nick Mirrione, representative for Applicant – When this project was first filed in 2019, we asked for 6 guest parking spaces, and no sidewalk around the activity area. That plan was not approved, and the plan that was approved took out the guest parking. The Board added a sidewalk on the outside of the play area, and they added vertical non-mountable curbing, so people couldn't park on the sidewalk. We filed for an insubstantial change to take out the sidewalk, and add guest parking; that was deemed substantial. A public hearing was held, and it was denied. We are back again, to further change the plan, to add guest parking, and add a post and rail fence, along the border of the activity area. So people won't park on the lawn, we're proposing that fence be 18" off the back of the curbing, add landscaping near the electric panels to camouflage them, and add a stone dust walkway, so the residents can access the lawn area.

**Board Discussion**

Finneran – The curbing will be where the parking spaces are?

Mirrione – The peer engineer for the Town made a recommendation, to put curbing in front of the guest parking spaces.

Peterson – I would be interested in hearing what the residents have to say; there is clearly a need for additional capacity. Is there a reason why you picked stone dust for the material for the walkway, and not paved?

Mirrione – Paving adds to the total lot coverage, and that may put us over.

Petrucci – Were you supposed to have granite curbing going around the entire perimeter of the green space?

Mirrione – It wasn't specified as granite; it was conditioned that we have vertical, non-mountable curbing. The recommendation that was made from the peer was that we don't put fence posts there; we put vertical curbing in instead.

Petrucci – Vertical curbing is usually put in for safety, correct?

Mirrione – Yes, so is a fence, but I do understand his point.

Morse – I don't have a problem with the curbing and extra parking spaces.

The issue about the Cape Cod berm vs curbing was a specific condition, and I am getting very frustrated with these changes after the fact.

Mirrione – When they took out the guest parking, for some reason at that time, the Board did not think that we should have guest parking. To make sure we didn't have it, they conditioned that we install vertical, non-mountable curbing, so they couldn't go up and park in the grass area.

Morse – That was my recollection as well, and that was so someone couldn't inadvertently access that area that is being used for recreation.

Finneran – What would stop you from putting non-mountable curbing all the way around, to protect everyone equally?

Mirrione – It's not for protecting, it was from keeping people from parking there. The fence is much nicer looking.

Finneran – I believe there is a certain safety factor with non-mountable curbing.

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**Public Comments –**

Jonathan Giacomini – unit 3B – I am in full support of this change; we need more parking. It will eventually make us have to park in the street, if we can't do this. Each unit has 2 parking spaces, with 3 bedrooms each. We need this parking. I think it's a tiny change, and it's effective. I don't understand the argument regarding the curbing vs fencing.

Michael Hoffman, unit 5A – I support it, the fence with the extra parking is good.

Murphy – Where you are asking for the guest parking, there were cars parking there today?

Mirrione – We built it anyway, because of the need at the time. We have been reprimanded before, but we took a gamble.

Stockman – I did a site visit yesterday. From a resident's point of view, that green area is their shared front/back lawn. If there is a fence, it blocks people's access, because there are only 2 access points. I would say that's not inviting for the folks that live there; it's more like a 'keep out' atmosphere. I would not be a fan of the stone dust path, because it's hard to maintain, and not a stable surface to walk on. I don't know how well it would hold up over time. The other concern was the large septic vents, that protrude from the lawn area. It's unfortunate, because you come into this brand new complex, and that's what you see. I have provided information to the Board; there is a company that makes septic vent covers, so they look aesthetically more pleasing. The vent can look like a bird bath, or you can put a plant on them. Where this will permanently be their front yard, I think this would be worthwhile to screen, or they could even plant around it.

There are also pieces of metal piping that stick up about 4-6", proximate to the front walks to units. I would recommend that it be repaired or covered, but it needs to be dealt with. There is a resident that is deaf, and is looking to have a sign installed. I don't think that's an unreasonable request, given that it's for their safety. It could be installed at either entrance to the complex.

Mirrione – We would be happy to install signage. The vents are unsightly, but we did have to raise them, due to Title 5. Those are good ideas. I disagree with the notion that 2 access point are restrictive; we tried to create central access.

Potamis – I agree that the stoned dust is difficult; would you consider gravel, or dense grade?

Mirrione – Yes, dense grade would work. We could also have a metal piece that lines the outer edge of the walkway, so it doesn't travel.

Stockman – You could put in pervious pavers because you don't get charged for those for lot coverage. I was looking from the development toward Crooked Meadow Road, and it looked like trees have been planted but not any evergreens; it may make sense to put some of those in for some additional screening.

Potamis – I'm confused as to what he is asking.

Stockman – The original Decision was that sidewalk and vertical curbing be installed. Now it appears they are looking to not install a sidewalk, and have a path through the green area, and no perimeter sidewalk. A cape cod berm has been installed, instead of vertical curbing.

Peterson – When we had the original approval it would have had the sidewalk all the way around, so I don't think that if you were to make the stone dust asphalt, it would be the

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**Absent: Duffy**

equivalent of what the sidewalk would have been. I don't think you would trip the coverage by doing that.

Mirrione – We are right on the edge, because there have been a few increases.

Peterson – I think having the fence makes sense; the guest parking makes sense. I don't like the fact that you jumped ahead without approval; that's not what this whole process is about. I would like to see some of these other items corrected, if we approved this.

Mirrione – Those pipes are from Comcast, we can cap those at grade, once everyone has their cable.

Murphy – Are the mailboxes shown?

Mirrione – Yes.

Finneran – What's the total length of the walkway?

Mirrione – 160', 320' all the way around.

Finneran – You have about 1,100sf to play with before you hit 40%.

Stockman – This is a Comprehensive Permit, so there is not the limit, as to what could, or couldn't be done.

Finneran – I'd like to see something more substantial for the walkway.

Stockman – I would suggest as they are putting in the fence line, that they put it in sections. It will keep the vehicles off, yet allow the green to be accessed.

Morse – It doesn't trigger a substantial change, so I would be a yes. I would like to see more access. The curbing was done as a safety issue.

Mirrione – It wasn't done for safety, it was done so people couldn't park there.

Stockman – That is a safety issue, to keep cars off the where people would be walking.

Peterson – Are you willing to put in more access?

Mirrione – Yes. I would put the vents to cover the septic pipes in too.

Peterson – The signage for "hearing impaired" needs to be installed too.

Morse made a motion to approve changes as insubstantial with conditions. Murphy seconded the motion. Motion carried 5-0.

All in favor.

3) Reorganization of Board – tabled to July 27, 2023

4) Board Discussion

Peterson – When does the Select Board review our letter for Special Counsel?

Stockman – Their next meeting is July 10, 2023, but in the interim the new Town Manager wanted to follow up with the Chair, myself, and Town Counsel, to discuss the matter.

Morse – That meeting is scheduled for July 5, 2023.

5) Board Updates – Morse read a letter into the record identifying feedback recently received, concerning statements made at a recent hearing. He reviewed the Board's role, and reminded all to choose words carefully.

\*If you prefer the full statement be published, in lieu of the above:

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Morse read the following statement: We have received some feedback concerning potentially objectionable statements that have been made by Board members during a recent hearing that could be viewed as inappropriate characterizations.

As appointed public officials we are charged with a code of conduct in how we will conduct ourselves in the business of the Board. Board members are expected to be prepared, review submissions, make site visits and then to bring their life experiences and common sense when rendering a decision. Board members are expected to give whatever they feel is the appropriate amount of weight to applications and evidence presented in support or against a project.

As a quasi-judicial body, we are charged with making discretionary decisions that can significantly affect a person's property or business. Our decisions are appealable and can and will be reviewed in the Land or Superior Court by an aggrieved party.

A reviewing Court generally will give a Zoning Board decisions great deference if the record and reasoning is not arbitrary or capricious and the action taken is grounded on some rational basis.

When offering an opinion on evidence or a project I would remind all members to choose their words carefully and utilize tact, avoiding personal references or characterizations. The best definition for tact I have ever heard is

“Tact is the ability to step on a man's toes without messing up the shine on his shoes.”

-Harry Trueman

6) Future Agenda Item – Next meeting July 20, 2023 at 6:30PM

Meeting adjourned 8:15PM

Respectfully submitted,

Ashley E DeMello, Office Assistant  
Board of Appeals