

Zoning Board of Appeals – Public Hearing

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Thursday April 22nd, 2021 7:00 p.m.

Members Present: Chair David Lavenburg, Jane Mantolesky, Steve Bennett, Mike Michon, Marissa Komack, Ellen Freyman, Jim Tourtelotte.

Members Absent: Suzanne White, Jerry Plumb.

Applicants Present: William Kaplita Jr., RJ Chapdelaine, Jeffrey Meehan, Zachary Kushner, Mely Cheng, Thomas MacDonald, Ann Marie Mowry, Dylan Johnson, William Wolmerdorf, Gregg and Kristen Lyons.

The **ZBA Hearing** was called to order at 7:04 p.m. by Chair David Lavenburg, who reminded the public of the reasons for virtual meeting settings as well as the protocols to follow during this hearing.

Petition #2021-3 – Special Permit (Keeping of Domestic Fowl) for 71 Knollwood Circle, Brit Van Valkenburg:

Recently, the applicant requested a hearing continuation, therefore Chair Dave Lavenburg made a motion, and was seconded by Mr. Bennett, to grant the request and continue said hearing to June 1st, 2021 to allow the applicant additional time to explore alternatives; notification of the new hearing date will be sent electronically in the near future to both the applicant and opposing abutters. Roll call vote - Mr. Lavenburg: yes; Ms. Freyman: yes; Mr. Bennet: yes; Ms. Komack: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Petition #2020-16 – Appeal of Building Commissioner’s Decision for 108 Eton Rd., Jeffrey Meehan:

With member Steve Bennet serving as mediator between the parties in recent weeks, the clothesline device at the Lyon residence on 108 Eton Road has been moved several feet behind the garage. While Mr. Meehan maintains his stance in considering the structure an unsightful accessory, he acknowledged that both parties had worked to reach a compromise per discussions at the January 19th hearing and is satisfied at this juncture with the arrangement made back in the winter; he wishes to explore fencing alternatives that would enhance the screening of this device from his property, therefore he was directed by Chair Dave Lavenburg to discuss these alternatives with Zoning Bylaw Enforcer and Building Commissioner Paul Healy. Mr. & Mrs. Lyon were present at the hearing and had no comment.

Comments from the public in favor of or against the petition:

- None.

Chair Dave Lavenburg made a motion, and was seconded by Ms. Freyman, to grant Mr. Meehan’s request to withdraw his Appeal of Building Commissioner’s Decision issued last year for the property 108 Eton Road with the condition that the clothesline device remains in its new and present location. Roll call vote - Mr. Lavenburg: yes; Ms. Freyman: yes; Mr. Bennet: yes; Ms. Komack: yes; Mr. Michon: yes. All in favor, motion passed 5-0.

Petition #2021-5 – Special Permit (Addition) for 139 Warren Tr., Ann Marie Mowry:

The applicant intends to build a one-story addition on her dwelling unit to accommodate a bedroom, bathroom and porch off the back of said addition for an elder relative.

Comments from the public in favor of or against the petition:

- None.

Marissa Komack made a motion, and was seconded by Mr. Lavenburg, that the board makes the following findings of property non-conformity effective based on Article VI of the Zoning Bylaws: (1) On lot size there are 11,500 sq. ft. instead of required 18,750 sq. ft.; (2) on frontage there are 115’ instead of the required 125’; and (3) on front yard setbacks there is a minimum of 8.6’ instead of 40’. Roll call vote - Mr. Lavenburg: yes; Ms. Mantolesky: yes; Mr. Bennet: yes; Ms. Komack: yes; Ms. Freyman: yes. All in favor, motion passed 5-0.

Ms. Komack made a second motion, and was seconded by Mr. Lavenburg, that the board make a finding based on said foregoing facts that the proposed project would further intensify the aforementioned non-conformities of the lot by increasing overall construction size thus reducing overall open space within it. Roll call vote - Mr. Lavenburg: yes; Ms. Mantolesky: yes; Mr. Bennet: yes; Ms. Komack: yes; Ms. Freyman: yes. All in favor, motion passed 5-0.

Ms. Komack made a third and final motion, and was seconded by Mr. Lavenburg, that the board make a finding that the proposed project won't be substantially more detrimental to the existing structure or neighborhood based on the project's scope generally conforming to the neighborhood and the lack of members of the public opposing said petition. Roll call vote - Mr. Lavenburg: yes; Ms. Mantolesky: yes; Mr. Bennet: yes; Ms. Komack: yes; Ms. Freyman: yes. All in favor, motion passed 5-0. The applicant was reminded of the appeals process to follow the decision made this evening.

Petition #2021-6 – Special Permit (Addition) for 151 Meadowlark Dr., Yek & Mely Cheng:

To avoid a conflict of interest, Chair Dave Lavenburg recused himself from this case. The applicant intends to build a 26.5'x16' deck in the dwelling unit's rear, facing east, and in a non-conforming lot.

Comments from the public in favor of or against the petition:

- None.

Steve Bennett made a motion, and was seconded by Mr. Tourtelotte, that the board makes the following findings of property non-conformity effective based on Article VI of the Zoning Bylaws: (1) On lot size there are 15,125 sq. ft. instead of required 18,750 sq. ft.; and (2) on frontage there are 110' instead of the required 125'. Roll call vote - Mr. Bennett: yes; Mr. Tourtelotte: yes; Ms. Komack: yes; Ms. Freyman: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Mr. Bennett made a second motion, and was seconded by Mr. Tourtelotte, that the board make a finding based on said foregoing facts that the proposed project would further intensify the aforementioned non-conformities of the lot by increasing overall construction size thus reducing overall open space within it. Roll call vote - Mr. Bennett: yes; Mr. Tourtelotte: yes; Ms. Komack: yes; Ms. Freyman: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Mr. Bennett made a third and final motion, and was seconded by Mr. Tourtelotte, that the board make a finding that the proposed project won't be substantially more detrimental to the existing structure or neighborhood based on the project's scope generally conforming to the neighborhood, the lack of members of the public opposing said petition and the location of the proposed addition within the town's setback requirements. Roll call vote - Mr. Bennett: yes; Mr. Tourtelotte: yes; Ms. Komack: yes; Ms. Freyman: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0. The applicant was reminded of the appeals process to follow the decision made this evening.

Petition #2021-7 – Special Permit (Addition) for 133 Lawnwood Ave., Zachary Kushner:

The applicant, a real estate developer and town resident, intends to demolish an existing one-story 10'x16' addition due to its structural issues to build a new two-story, 15'x16' addition with a crawl space to accommodate a new kitchen on the first floor and a master bedroom on the upper level; other exterior modifications to the home will be limited to the addition of architectural dormers in the front façade. The goal is to place the house on the market after renovations are completed.

Comments from the public in favor of or against the petition:

- Thomas MacDonald (123 Lawnwood Ave.) is interested in learning more about the scope of the renovation and will be contacting Mr. Kushner in the future but did not explicitly opposed the petition.

Jane Mantolesky made a motion, and was seconded by Mr. Lavenburg, that the board makes the following findings of property non-conformity effective based on Article VI of the Zoning Bylaws: (1) On lot size there are 8,712 sq. ft. instead of required 18,750 sq. ft., (2) on frontage there are 66' instead of the required 125'; (3) on front setback there are 32.6' instead of 40'; and (4) on west side yard setbacks there is 1.5' instead of the required 15'. Roll call

vote - Mr. Lavenburg: yes; Ms. Komack: yes; Mr. Bennet: yes; Ms. Mantolesky: yes; Ms. Freyman: yes. All in favor, motion passed 5-0.

Ms. Mantolesky made a motion, and was seconded by Mr. Lavenburg, that the board make a finding based on said foregoing facts that the proposed project would further intensify the aforementioned non-conformities of the lot by increasing overall construction size thus reducing overall open space within it. Roll call vote - Mr. Lavenburg: yes; Ms. Komack: yes; Mr. Bennet: yes; Ms. Mantolesky: yes; Ms. Freyman: yes. All in favor, motion passed 5-0.

Ms. Mantolesky made a third and final motion, and was seconded by Mr. Lavenburg, that the board make a finding that the proposed project won't be substantially more detrimental to the existing structure or neighborhood based on the project's scope generally conforming to the neighborhood and the lack of members of the public opposing said petition. Roll call vote - Mr. Lavenburg: yes; Ms. Komack: yes; Mr. Bennet: yes; Ms. Mantolesky: yes; Ms. Freyman: yes. All in favor, motion passed 5-0. The applicant was reminded of the appeals process to follow the decision made this evening.

Petition #2021-8 – Special Permit (Addition) for 191 Nevins Ave., William Kaplita Jr.:

The applicant wishes to build a 12'x'16 addition on the east side of the non-conforming lot to accommodate a sunroom and mudroom; a dormer will be part of the addition's roof design to aid in water diversion.

Comments from the public in favor of or against the petition:

- None.

Steve Bennett made a motion, and was seconded by Mr. Lavenburg, that the board makes the following findings of property non-conformity effective based on Article VI of the Zoning Bylaws: (1) On lot size there are 15,000 sq. ft. instead of required 18,750 sq. ft.; (2) on frontage there are 75' instead of the required 125'; (3) on front yard setbacks there is 30.3' instead of 40'; and (4) on the side yard setbacks there is 9.9' and under 13' (west and east sides respectively) instead of 15'. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. Komack: yes; Ms. Freyman: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Mr. Bennett made a second motion, and was seconded by Mr. Lavenburg, that the board make a finding based on said foregoing facts that the proposed project would further intensify the aforementioned non-conformities of the lot by increasing overall construction size thus reducing overall open space within it as well as extending the east side yard setback's non-conformity. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. Komack: yes; Ms. Freyman: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Mr. Bennett made a third and final motion, and was seconded by Mr. Lavenburg, that the board make a finding that the proposed project won't be substantially more detrimental to the existing structure or neighborhood based on the project's scope generally conforming to the neighborhood and the lack of members of the public opposing said petition. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. Komack: yes; Ms. Freyman: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0. The applicant was reminded of the appeals process to follow the decision made this evening.

Meeting Minutes Review:

1. March 23rd, 2021 Public Hearing: Mr. Lavenburg made a motion, and was seconded by Mr. Bennett, to approve the minutes as presented. Roll call vote - Mr. Lavenburg: yes; Ms. Freyman: yes; Mr. Bennet: yes; Ms. Mantolesky: yes; Ms. Komack: yes.

The meeting was adjourned at 7:41 pm.

Respectfully submitted,

Bianca Damiano