

FEBRUARY 28, 2023 MEETING MINUTES

Time: 7:03PM – 8:25PM
Location: Virtual via Microsoft Teams
Members Present: Heather Roman (Chair), Marc Kornitsky, Andy Rose, Paula Pearce, Tony Paprocki
Members Absent: Dan Doherty (Vice Chair), Brad Croft
Others Present: Marissa Meaney (Land Use Coordinator), Stephen Cummings (Inspector of Buildings)

MOTION: H. Roman to approve January 17, 2023 minutes. P. Pearce seconds; unanimous.

ZONING RELIEF PETITIONS

PETITION 23-01: 12 SHEPARD AVE

Petition by DANIEL NELLHAUS c/o MATTHEW WOLVERTON, ESQ. Requests Special Permit for Nonconforming Uses and/or Structures and Site Plan Special Permit for the construction of a second-story addition within the existing footprint. (Parcel ID: 32-37)

- Board clarified that application missed the Site Plan filing deadline by one day, so Board will not be able to vote until next meeting
- Attorney Wolverton provided description of petition
- Architect Craig Bosworth walked Board through site plan and drawings
- Item was opened for public comment
 - Jacqueline Shanahan – would like to make Board aware that there is a lot of construction going on in that neighborhood

MOTION: H. Roman to continue petition to April 4th meeting. P. Pearce seconds; unanimously approved.

PETITION 22-25: 53 PURITAN RD

Petition by JERRY SNEIRSON c/o JAMES CIPOLETTA, ESQ. Requests Special Permit for Nonconforming Uses and/or Structures, the appeal of a determination by the Inspector of Buildings, and a Dimensional Variance for the height of a pre-existing, nonconforming accessory structure. (Parcel ID: 19-202)

- H. Roman asked Board if they are in agreement that they do not have jurisdiction over appeal of Inspector of Buildings since it was not filed in time – Board agreed. Therefore, only Special Permit and Variance request will be considered.
- Attorney Cipolletta provided introduction and explained that Board is within reason to grant Section 6 special permit
- H. Roman directed questions regarding height of structure to Building Commissioner, Stephen Cummings
- Attorney Shutzer, representing next-door neighbor, Larry Bithell, asked if Board even had jurisdiction to hear application given that he views it as incomplete. H. Roman believes Board can move forward, M.

Kornitsky agrees, and relief can be conditioned based on filing of updated plan to be approved by Building Commissioner.

- Main concern: discrepancy between what was truly there and what is presented as having been truly there.
- Item was opened to public comment:
 - Angela Ippolito (Chair of Planning Board) – addressed procedural issues with application, namely the neglect of the Coastal Flood Overlay District. Application also needs updated landscape plan, as there was never one approved by the Planning Board.
 - M. Kornitsky stated that Town Counsel stated, in letter to Building Commissioner, that construction is required to be in compliance with regulations set forth in VE flood zone
 - S. Cummings stated that it would be up to owner to hire engineer to determine what can be done
 - A. Rose stated that burden of proof is on applicant and they have not proven enough, and therefore Board cannot come to a decision
 - Toni Bandrowicz (Chair of Conservation Commission) – stated that project appears to be in resource area and within buffer zone, and would therefore like to know if applicant intends to come before Commission with a filing
 - Jon Leamon (Vice Chair, Historical Commission) – Stated that height of structure appears to be 14', based on calculations from architect
- H. Roman – agrees with K. Shutzer and A. Rose that more information is needed

MOTION: H. Roman to continue petition to April 4th meeting. M. Kornitsky seconds; unanimously approved.