

Approved:

Zoning Board of Appeals May 12, 2021 Meeting Minutes

Call to Order:

Mr. Brian Heath, Chairman, called the meeting to order via Virtual Zoom Meeting to Attend Via Video, Meeting ID: 961 7458 2541, at 7:00pm

Attendees:

Present: Brian Heath, Chairman, Gerry Chipman, Vice Chair, Anna Klimas, Member

Absent:

Staff Present: Jennifer Burke, Community and Economic Development Director, Jasmin Farinacci, Executive Assistant

I. 6:00 PM: Executive Session

To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on litigating position of the public body and the chair so declares

II. Call to Order

III. 7:00 PM: Public Hearings*

- Use Variance – Plymouth Street

Present before the Board: Paul Costello

The applicant is seeking a Variance to utilize the lot as a single-family home use rather than a commercial use. There are soil conditions on the east of the site that limit the development for this lot. Any commercial development would be impractical and wouldn't keep with the neighborhood, and feels this Variance wouldn't derogate from the by-law and will not negatively impact the neighborhood as it is largely residential in use.

Present before the Board: Jeremy Warshaw, 66 Whitman Street

Mr. Warshaw discusses a previous application before the Board for a property also owned by the applicant and has questions about the abutter notice. Ms. Burke answers Mr. Warshaws questions.

Present before the Board: Robin Thomas,

Ms. Thomas states that she has grievances with this application and Ms. Lehtola's previous applications for the property. Ms. Thomas is not in favor of this project.

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After further discussion the Board moves to close the meeting.

MOTION: Member Chipman moves to close the public hearing. Ms. Klimas seconds.

Roll call vote:
Brian Heath, Aye
Anna Klimas, Aye
Gerry Chipman, Aye

Chairman Heath states he feels a residence is a better use for this neighborhood than a commercial use. Member Chipman and Klimas agree with Chairman Heath.

MOTION: Member Chipman moves to approve the Use Variance. Member Klimas seconds.

Roll call vote:
Brian Heath, Aye
Anna Klimas, Aye
Gerry Chipman, Aye

Jennifer Burke notes that there is nothing for the next meeting and recommends cancelling the second meeting in May.

IV. Public Meeting

• McElwain School Apartments – Matthew Zahler

Vote on 40B Deed rider

Present before the Board: Jennifer Tamarkin
Ruth Silman

A local regulatory agreement is required for the 40B Deed rider, and it is recommended to utilize the existing Chapter 40B rider to the state agreement in lieu of creating a new Deed rider. There is a request that the Board assent to this as a form of attachment and a letter will be submitted on May 5th with all of the documents attached. There is an acknowledgement the ZBA Chair needs to sign before it can close so all of the documentation is complete.

Chairman Heath says he has read the Deed rider and feels it is appropriate to utilize instead of writing a new rider. Member Chipman and Klimas agree this has been reviewed by Town Council and believe this is the appropriate action.

MOTION: Member Chipman moves to accept the signature and filing of the rider. Member Klimas seconds.

Roll call vote:
Brian Heath, Aye
Anna Klimas, Aye
Gerry Chipman, Aye

Approved:

V. Additional Board Business

- Minutes to be approved: 4/28/2021

MOTION: Member Chipman moves to approve the minutes of April 28, 2021. Member Klimas seconds.

Roll call vote: Brian Heath, Aye
Anna Klimas, Aye
Gerry Chipman, Aye

- Director's Report, if needed

VI. Adjournment

MOTION: Member Chipman moves to close the public hearing. Member Klimas seconds.

Roll call vote:
Anna Klimas - Aye
Gerry Chipman - Aye
Brian Heath - Aye

DRAFT