



TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

140 Worcester Street * West Boylston MA 01583 * zba@westboylston-ma.gov

MEETING MINUTES

August 18, 2016 (Revised 2/16/17 Meeting)

Chair: Kristina Pedone

Members Present: Kristina Pedone (Chair), David Femia (Clerk), Barur Rajeshkumar and Charles Witkus.

Others Present: Daniel Cronin (Associate Member), Associate Member Nathaniel Orciani and Secretary Toby Goldstein.

Members Absent: None

Mrs. Pedone called the meeting to order at 7:22 p.m. She read aloud names of members present. She then referred to the agenda, where the first item was a public hearing for 101 Goodale Street, Petition for Special Permit for Accessory Apartment. However, the continued public hearing for 90 Sterling Street, advertised at 7:15 p.m., was listed for 7:45 on the agenda. No representative for either party was present yet. Mrs. Pedone told all present that, due to a scheduling issue and error on the agenda, the board would recess until 7:45 p.m. Mr. Femia suggested that the board cover "Other Business" at this time instead, and Mrs. Pedone agreed.

Other Business:

a. Continued Discussion of Future Training Date: The board agreed on the Thursday, September 22, 2016 date for training that was proposed at the August 15 training with Town **Counsel regarding Special Permits, Variances and Open Meeting Law.**

b. Reorganization of ZBA: Mrs. Pedone stated that she was open to a reorganization vote now and was willing to have associate members come up to do so. Mr. Rajeshkumar said that it was his understanding that associate members cannot vote on that. Mr. Femia responded that, if **the vote by the full members is 2:2, they can bring up an associate member to break the tie,** otherwise, they can vote just with the four full members.

Mr. Rajeshkumar then asked Mr. Femia if he wanted to become Chair? He replied "yes." So, Mr. Rajeshkumar nominated Mr. Femia for Chair. Mr. Witkus seconded. Mrs. Pedone asked

the board members if there was anything they wanted to discuss? With no discussion, Mr. Femia was nominated as Chair; the board voted and the vote was 3 to 1 in favor (Mrs. Pedone voted “no”). Next, Mrs. Pedone asked for a nominee for Vice-Chair; Mr. Femia nominated Mrs. Pedone, and Mr. Rajeshkumar seconded. The board voted 3 to 1 to elect Mrs. Pedone as Vice-Chair (Mrs. Pedone voted “no”). Next, Mrs. Pedone nominated Mr. Rajeshkumar as Clerk. Mr. Femia seconded. All four members voted “yes.”

c. Miscellaneous Mail and Paperwork: Mrs. Pedone read mail and signed paperwork for Ms. Goldstein.

d. Minutes of July 21 Meeting and Executive Session of July 21: The board discussed this and agreed to continue to the September 15 meeting; it will be on the agenda for that meeting.

At 7:36 p.m., Mrs. Pedone stated that the board would recess until 7:45 p.m., for the scheduled public hearing for 101 Goodale Street, with the continued public hearing for 90 Sterling Street to follow. She apologized to the audience for the scheduling error.

Public Hearing, Matthew Bufton, Petition for Special Permit for Accessory Permit, 101 Goodale Street:

(Matthew Bufton and Carol Bufton, his mother, represented). Mrs. Pedone called the meeting to order again at 7:45. Mr. Rajeshkumar read aloud a letter that he submitted to the board (on file). He stated that he visited the site after the public hearing was posted with the consent of the applicant. He also stated that he disclosed himself as a citizen of town and not in official capacity. He further stated that this visit may or may not be in conflict of interest but for the fairness of the hearing, he was recusing himself. Mr. Femia, who also visited the site, recused himself, as they had conversations with the applicant and visited the property before the public hearing.

Mrs. Pedone called the representatives forward. Matthew Bufton and Carol Bufton each gave their names and addresses. Mrs. Pedone informed those present that this hearing was continued from July 21 (actually, at the July meeting, the Buftons had petitioned for Variance, and withdrew that; this was a new public hearing and petition, for Special Permit for Accessory Apartment). She said that a 2 to 2 vote would deny the request. She explained that, on July 21, the board had questions about the layout of the proposed work area. Since the meeting, Planning Board issued a letter of comment about the project, which the ZBA and Mr. Bufton received. And, she added, the Building Inspector, Bentley Herget, was present this evening to give the board information to help them better understand the situation. Mr. Herget commented that he was not aware of the square footage of the house. Mr. Bufton responded that it was 2,544 square feet.

Mrs. Pedone then said to Mr. Herget that, at the last meeting, there were certain conditions stated. One was that the square footage of the house could increase by no more than 10%. Mr. Herget responded that he has researched the bylaws since the last meeting; an accessory apartment is a separate housekeeping unit, substantially contained in the structure of the dwelling but exists as a separate unit; it shall be subordinate and will not increase the area of the dwelling by greater than 10% (Mr. Herget emailed a letter to the board stating this information). He continued that, previously, they were called "in-law apartments" and could add no more than 10% to the original dwelling size, but in this case, he asserted that the apartment would not add anything to the size of the home, as they are finishing an area that is in the existing footprint.

Mrs. Pedone reiterated that the applicants are not adding more than what is existing, and added that they are complying with the 700 square foot size limit in Section 3.4 of the bylaws. She verified that there would be at least three parking spaces, and asked Mr. Herget if he had anything else to add? Mr. Herget replied that, in the future, he thought that the verbiage should be addressed in the zoning bylaws.

Mrs. Pedone then asked the board if they had any questions? Mr. Witkus asked to see the plans (Mr. Bufton showed the board the plans). Mr. Herget commented that he saw these plans, but not of the existing house; the board did not see these plans previously. Mrs. Pedone asked about access to the storage room. She said that it appeared that the storage room is accessed by the living/dining room of the house and, based upon her understanding of the bylaws, the storage area would therefore become part of the total square footage of the dwelling, and asked if there was a way to get into the storage room without going into the accessory apartment? Mr. Herget commented that the storage area is not heated and is not habitable space according to building code. Mr. Bufton verified that the storage area is not heated. Mrs. Pedone asked Mr. Herget, if a person needs to go into the storage area, is it considered part of the home? Mr. Herget responded that an arrangement has to be made to get in there, unless the storage is only for the accessory apartment, but as the storage area is unheated, it is not counted in the square footage.

Mr. Witkus then asked about the stairs and where they were? Mr. Bufton replied that there are stairs on the back deck and up to the entryway on the side of the apartment. In response to a question from Mr. Witkus, Mr. Herget replied that he believed that the plan will work and be functional. Mr. Witkus asked him if it could be converted back again later after the in-laws leave? Mr. Herget replied that it would be up to the owners to do with it as they wish. Mr. Witkus verified with Mr. Bufton that this would not be a rental apartment.

With no more questions or comments, Mrs. Pedone asked for a motion to approve the single family accessory apartment at 101 Goodale Street that will be no greater than 700 square feet.

Mr. Cronin made the motion to approve. Mr. Orciani seconded. Three voted in favor, one against (Mrs. Pedone). The request for special permit passed. The vote was as follows:

Mr. Cronin – “yes”
Mrs. Pedone – “no”
Mr. Orciani – “yes”
Mr. Witkus – “yes”

Continued Public Hearing, Big Daddy Realty Trust, 90 Sterling Street, Request for Special Permit:

Mrs. Pedone instructed that Mr. Cronin would stand in for Mr. Femia, who recused himself as an abutter; four full board members will vote (Mr. Rajeshkumar, Mr. Orciani, Mr. Witkus and Mrs. Pedone, who all sat in at the original public hearing), and Mr. Cronin would vote as an Associate Member (taking the place of Robin Mellecker, who sat in at the original public hearing but had since resigned); Mr. Cronin will vote in the event of a tie vote by the full members. The representatives stated their names and addresses (Joe Peznola of Hancock Associates, Craig Wambolt of Big Daddy Realty Trust, and Mark Wambolt). Mrs. Pedone announced this agenda item and asked one of the representatives to come forward and discuss any changes since the July 21 meeting.

Mr. Peznola explained the plans that he had to refer to, which were plans that were submitted last week, along with architectural floor plans and plans with elevations. He mentioned that the board had concerns with the number of units, rooms and parking spaces at the last meeting. Mr. Peznola said that the plans are revised, and informed the board that the applicants have decreased the number of units by 20, they will all be two bedroom townhouses, and they had increased the parking to 2.7 spaces per unit from two spaces per unit (Planning Board had recommended this change). Regarding the configuration, they eliminated one building of three which ran from south to north and this opened up more green space and usable space for the other buildings. The existing roadway that accesses the condominiums will be maintained. There will be eight visitor spaces and parking in front of the units. Regarding the units, there will be two six-unit and one eight-unit buildings with sidewalks and more green space in front of the buildings which will allow more room to deal with items such as stairs. They are reducing the amount of impervious on the site. Mr. Peznola commented that he hoped that the board would act favorably, and asserted that this new plan will not be more detrimental than the pre-existing nonconforming use, summarizing that they would be decreasing the number of bedrooms from what's existing by 32.

Next, Mrs. Pedone asked Chris Olson of Planning Board to come forward and reiterate what was before the board. Mr. Olson gave his name, title (Chair of Planning Board) and address (74

Newton Street). He said that the Planning Board's position was that both a special permit from ZBA for nonconforming status of the lot and a special permit from Planning Board under Schedule of Use (multi-family, residential use greater than four units) and site plan review are needed. He explained that what was before the ZBA was current nonconforming status on the lot and whether or not the planned use will be more detrimental to the neighborhood than what is there today. Mr. Olson asserted that one could argue if going from two buildings to three would increase nonconformity, and added that the number of units could be a density issue under "Dimensional Requirements." Mrs. Pedone, to summarize, said that the issues in front of the ZBA were nonconformity and density for the area.

Mr. Witkus opined that the developer made a big change in decreasing the number of units from 40 to 20. Mr. Rajeshkumar addressed Mr. Peznola, acknowledging that this was a considerable change, but compared to other locations nearby, he still felt that the density was too high.

Mrs. Pedone then opened the hearing to public comment. First to speak was Davis Femia of 86 Sterling Street, speaking as an abutter. He commented that, regarding the size of the property, the condominiums next to it have eight units on 2.6 acres of land, but the applicants were asking for twenty units on about 1 ½ acres of land. He said that he would like to see something built other than a hotel, but thought that it would be too much for the property. He continued that the ZBA deals with nonconformity and recommends decreasing the number of units, but if it's conforming, only 6 units would be allowed; but if it's nonconforming, he thought that only two buildings should be allowed.

Next to speak was Joe Campos of 51 Angell Brook Drive. He said that he was an abutter and a resident of the Town. He commented that people knew what was there previously and asserted that it would be good to have tax-paying, decent people living there and that it would probably help the Town in the long run. He thought that it was a good opportunity and that they should try to decide how small they can make the development where the developer would still make a profit.

Mr. Rajeshkumar then commented that, looking at the plan, he did not see a considerable change from the proposal at the last meeting. He added that he was happy that they want to build there, but they should reduce the units in comparison to other developments in the area. Mr. Peznola responded that they did reduce the size by 25% and increased the parking. Mr. Craig Wambolt added that they also reduced the bedrooms by 33%. Mr. Peznola continued that they can compare this plan to other developments, but asserted that the board must look at what is there today and if the plan would be more or less detrimental.

Mrs. Pedone then asked if the applicants can present evidence for the pre-existing nonconforming use? Mr. Peznola responded that they had a letter at the last meeting and information from Town records that it was a structure with legal nonconforming use; he believed that they supplied sufficient information. Mrs. Pedone asked Mr. Herget if the property was in legal nonconforming use currently? He replied "yes." Mr. Cronin continued, asserting that the units, which would have two bedrooms and an office, would have a detrimental effect on the school system, believing that most people would use the office for an extra bedroom. Mr. Peznola responded that they are committed to two bedrooms, and asserted that young people today have a desire for office space, and said that they must return to the argument of whether or not this use and configuration will be more detrimental than the current use and, from a financial standpoint, what the value would be inherent to the nonconforming use and what can be gained. He asserted that the reason nonconforming use is protected by the State is its inherent value, and not how it fits in the neighborhood but if the changes made would be less detrimental. Mr. Peznola added that residents are aware of the history of the property and opined that what they presented would be less detrimental.

Mr. Witkus then asked Mr. Olson if he thought that if the board approves 16 units, with 10,000 square feet per unit with real cluster housing, would Planning Board accept this? Mr. Olson replied that, in his opinion, Planning Board would probably deal with whatever number of units would be approved by ZBA, as they do not have the ability to ask the applicants to decrease the number of units.

Mrs. Pedone then commented that the cluster housing would be new to West Boylston, but opined that it would make sense to get the land moving and that the development would be good for young couples. She said that she thought that 16 units on the one acre of land would work and would not be as crowded as people would think, but opined that it would look better than Freedom Village (across from Town Hall). Mr. Witkus and Mr. Cronin agreed that 16 units would be better than what is currently there. Mr. Rajeshkumar commented that it was too much for 1.5 acres of land; he noted that the property had 41 hotel units, but that would now be 20 condominiums, and admitted that this would be less but wanted to see more reduction, using the comparison of other developments, mentioning Freedom Village. Mr. Peznola, disagreed with that comparison, where the units of Freedom Village have three bedrooms and there is an acre of wetlands on the property. Mr. David Wambolt reiterated the question of whether or not their plan is more detrimental, and said that, if the numbers do not work for them (monetarily), they would open a hotel instead of the condominiums. Mr. Craig Wambolt continued that this plan was dramatically different from what they started with, and asserted that 16 units would not work economically for them, and he thought that the other plan would be more attractive. He also asserted that they have compromised a great deal and have tried to work with the Town, and said that it was not their original plan to create another hotel.

Mrs. Pedone then thanked the applicants for their revised plans with less units. She said that, based on what is currently at the location, the number of units has decreased though she thought it was still too high and the board was concerned with replacing what was there with a lot of units. She said that the Building Inspector stated that the structure was nonconforming, and reiterated that the question was if the applicants' proposal would be a bigger detriment to the Town than what is already there. Mrs. Pedone opined that the planned structures would be visibly nicer and, even though she did not extremely like cluster housing, she was not comfortable with the applicants opening a motel, and thought that what was planned would be more eye-pleasing. She continued that she liked the decrease in units, the layout, the applicants' presentation, the Building Inspectors comments, and Planning Board's comments, and asked if there was a motion at this point from the board?

Mr. Rajeshkumar reiterated that he thought the number of units was too much and asked if the applicants could go back and re-design? Mrs. Pedone asked him if he would rather have the developers to continue the hearing to look at the project again? (At that point, Mr. Craig Wambolt asked for a five-minute recess; Mrs. Pedone announced the recess to all those present).

(After the five minutes, Mrs. Pedone then announced that the hearing was back in session and that 90 Sterling Street was the topic before the board). Mr. Peznola stated that the applicants proposed that the board approve 18 units. Mr. Dave Wambolt added that that would be a further 20% reduction. Mrs. Pedone, to verify, said that the original plan was for 24 units, then was decreased to 20, now would be 18. Mr. Craig Wambolt continued that this would be a one-time offer, explaining that they worked out the numbers, including the amount of work and risk to sell, and said that, truthfully, they would be better off going in a different direction. Mrs. Pedone asked if there would be 18 two-bedroom units? Mr. Craig Wambolt replied that they would like to be flexible and do two- and three-bedroom units, to maintain a total of 40. Mr. Witkus responded, asserting that the making of a motel instead would not happen, as there were too many of them in the area and he opined that no one would want to come out there. He said that he felt better with 18 units, but 16 units would be good.

Mrs. Pedone then asked Mr. Orciani if he approved of 18 units? He replied that he was not sure, and asked the applicants if they would consider a lower number? Mr. Craig Wambolt responded, asserting that there was a high demand for hotel rooms in this area. In response to a question from Mrs. Pedone, Mr. Orciani replied that he would feel better with 18 units. In response to a question from Mrs. Pedone, Mr. Cronin replied that 16 is the most that he would feel comfortable with for the Town, and thought that this would even be too much. Mr. Rajeshkumar continued that he would not be comfortable with 18 units and opined that it would not be good for the Town. He thought that it would be a strain on the school system. He

said to the applicants that he would not suggest a number and that it was the applicants' choice to build a hotel, but the board needed to protect the Town; he thought that it was good that the applicants wanted to build, but that it would be too much on that property.

Mrs. Pedone then asked the applicants if they had anything further to discuss; they did not, so she asked for a motion to close the public hearing. Mr. Cronin made the motion, Mr. Orciani seconded. All in favor. (Mrs. Pedone then asked the representatives to stand back so that the board could deliberate).

Mr. Cronin remarked that the proposed development would be the same as a hotel except with two stories instead of one; he thought that 18 units was too many, the maximum should be 16, and that 12 would be better. He opined that the applicants were trying to threaten the board with building a hotel if the 18 units were not accepted.

Mr. Witkus thought that 16 units would be fine, that the applicants will be able to make money, and that the Town needs low-income housing for young couples. He did not think that the development would have a lot of children. Mr. Witkus also thought that it would be better than what has been there. Mr. Cronin asked the board what the development will look like in twenty years? Mr. Witkus first reiterated that he would like to see 16 units, then changed that to 12.

Mrs. Pedone then asked if there were any other comments pertinent to this, and suggested that the board can either have more discussion with the builder or vote. She mentioned that there were some suggestions of amounts of units different from the builder's proposal of 18. Mr. Rajeshkumar wanted to ask the applicants for a final time if they would lower the number of units. Mrs. Pedone called them forward, and thanked them for their patience and information. Mr. Rajeshkumar asked them if 18 units was the final amount, or if they were willing to change it? Mr. Craig Wambolt asserted that they have been willing to work with the board, and asked if the problem was the density of the units or the number of bedrooms? Mr. Rajeshkumar replied that it is the 18 units. Mr. Wambolt continued, asserting that their proposal would be less impactful than what is currently on the property. He asserted that the units will be occupied by young couples, many who work in the area, and that most of them would not have children (addressing Mr. Cronin's concerns about impact on the schools). He thought that this would be a stepping stone to single-family homes for these people. Mr. Wambolt opined that what is on the property now impacts the Town more than what they propose, and that it will have more value to the Town. He suggested that they could specify in the Condo Association's bylaws that the office will not be used for a third bedroom. Mr. Wambolt believed this to be a high risk, low return project, representing lower profit for the applicants. He thought that 18 units would be a good amount, and asserted that there would be yard space and plenty of parking.

Mr. Witkus suggested that the board allow 16 units, which would be a compromise for them, and give the applicants a chance to accept that or not. Mr. Craig Wambolt responded that the applicants are compromising by lower the units from 20 to 18. (The applicants and the board discussed that they were not sure one or two units would make a difference, when discussing lowering the units below 18).

Mrs. Pedone then asked for a motion to approve the special permit that is in front of the board, with a decrease in units from 24 to 20 to 18 units, with a mix of two and three bedroom units, not to exceed 40 bedrooms, agreeing with Mr. Rajeshkumar for the decrease to 18 units, and that this will be less detrimental that what is currently on the property. Mr. Rajeshkumar made the motion. Mr. Cronin seconded. All in favor. The vote was as follows:

Mr. Rajeshkumar – “no”

Mr. Cronin – “no”

Mrs. Pedone – “yes”

Mr. Orciani – “no”

Mr. Witkus – “no”

Mr. Witkus asked for a new motion to allow 16 units on the property. Mr. Craig Wambolt asked for another five minute recess.

(After the five minutes, Mrs. Pedone called the meeting to order again, continuing the public hearing for 90 Sterling Street). Mrs. Pedone reminded those present that Mr. Witkus wanted to make a motion to approve 16 units, and they recessed so that the applicants could discuss that. David and Craig Wambolt responded that they will accept the motion for 16 units. Craig Wambolt commented that they would be at a loss of two units. David Wambolt added that Planning Board said that the issue was if this would be less detrimental. Mrs. Pedone asked Mr. Witkus for a motion to vote to approve 16 units; Mr. Witkus made the motion, and Mr. Orciani seconded. The vote was as follows:

Mr. Rajeshkumar – “no”

Mr. Cronin – “yes”

Mrs. Pedone – “yes”

Mr. Orciani – “yes”

Mr. Witkus – “yes”

The vote was 4 “yes” to 1 “no”; the motion passed.

Public Hearing, Michael Marino, Brian Marino, and Rose Marino, Trustee, Request for Special Permit, 0 West Boylston Street (for Flagg RV):

The applicants contacted Ms. Goldstein earlier in the day, and sent an e-mail to the board requesting a continuance as they were not ready for their presentation with information requested by Planning Board. Mrs. Pedone asked for a motion to continue to the August meeting. Mr. Rajeshkumar made the motion. Mr. Cronin seconded. All in favor.

Public Hearing, Andrew Beardsley, Eastern Brightside, LLC, Request for Special Permit, 263 Maple Street:

(Mrs. Pedone called back Mr. Femia to sit on the board, and Mr. Orciani went back into the audience). (Attorney Steve Murphy represented Mr. Beardsley). Mr. Murphy had plans for the board, which he said were in the application. Mrs. Pedone wanted to be sure that they were not new, and showed them to the audience. Mr. Murphy explained that Mr. Beardsley bought the property last August as investment property. Mr. Beardsley had a conversation with the Gonyeas, who are abutters to him, about a parcel that he wanted to sell to them. Mr. Murphy explained that the ZBA can reduce frontage, allowing sufficient frontage for utilities and the passage of traffic, and said that there will be less than 100 feet of frontage but pointed out that the lot is irregular and asserted that the bylaws allow reduction of frontage if there is not any negative impact on access. He mentioned a letter submitted by Planning Board to the ZBA (on file), stating that they did not find any negative impact on access by decrease in frontage.

Mrs. Pedone asked Mr. Olson for an opinion from Planning Board. Mr. Olson acknowledged what Mr. Murphy described. He stated that, in Section 4.2C, is that the lower limit of frontage is 100 feet. He continued that Planning Board acknowledged that the requested reduction may or may not impact access, and wondered if a variance would be more appropriate and commented that the language seemed a problem.

Mrs. Pedone then asked for any other concerns. Mr. Witkus asked about the thin strip of land on the plans, asking if it was a paper road? Mr. Murphy replied that the title does not indicate a paper road and that there is nothing on the record about that. Mr. Witkus asked him who wants the lot? Mr. Murphy replied that the Gonyeas want it as a buffer, said that it is not buildable, and that it will add 40 feet to their lot.

Mrs. Pedone then opened the discussion to public comment. First to speak was Craig Gonyea of 257 Maple Street. He explained that he just wanted that strip of land to make his yard larger

and there was nothing else that could be done with it. Mr. Femia agreed that it would not be a buildable lot.

Next to speak was Phillippe Chevalier of 250 Maple Street. He said that he was in support of the transfer of the property. He discussed the history of ownership of the property, and said that the strip of land was to be a road at one time. He asserted that the question was the reduction in frontage, 60+ feet and 40 feet. He reiterated that Planning Board did not approve the lot. Mr. Chevalier pointed out that the two frontages cannot be combined or taken away, and thought that the unused strip would be most beneficial to the Gonyeas.

(Next, Mr. Femia discussed with Mr. Gonyea ownership of the house and properties between the properties). Mr. Murphy commented that the properties cannot be combined because they are not contiguous. Mr. Femia asked Planning Board how the owner could have bought the property without there being 100 or more feet of frontage? Mr. Olson replied that Planning Board did not discuss this. In his opinion, zoning bylaws cannot determine if that can or cannot be done, so he does not know the answer to that. (There was no further public comment after this).

Mr. Rajeshkumar then reminded Mr. Murphy that Planning Board recommends a variance for them. Mr. Murphy responded that the bylaws allow decrease in frontage if that does not impact access negatively.

With no further comments, Mrs. Pedone asked for a motion to close the public hearing. Mr. Femia made the motion. Mr. Rajeshkumar seconded. All in favor. Mrs. Pedone then announced that the board would deliberate, noting that there would be 66.3 feet total footage.

Mr. Femia remarked that he was trying to understand how someone can buy the property when the frontage was not there. He reiterated that the properties cannot be combined, there is a house between them, the 40.3-foot strip on one side and 60+ on the other, and then the applicant wants to sell his 40-foot strip to Mr. Gonyea. Mr. Femia wondered if other people would want to do the same if this is allowed. However, he thought it was not clear what to do, as a variance deals mostly with other types of issues.

Mr. Chevalier (former Chair of the ZBA) then said he would explain the situation. Mrs. Pedone then asked for a motion to reopen the public hearing. Mr. Femia made the motion; Mr. Rajeshkumar seconded). Mr. Chevalier then explained the history of the property. He said that, in the early 1950's, the lot was divided; the 60+ foot lot was 50 feet at that time; it was a pre-existing, non-conforming lot and was grandfathered into the bylaws.

Mrs. Pedone then asked for a motion to close the public hearing. Mr. Femia made the motion. Mr. Rajeshkumar seconded. All in favor. (Mr. Femia then made the comment that the petitioner should tell the board in situations such as these when the property was established, so that, if it is grandfathered and proved by the applicant, it makes it easier to make a decision.

Mrs. Pedone responded that this information was in the petition packet given to the board before).

Mrs. Pedone then said that, before the board, was a special permit request to decrease the minimum frontage at 263 Maple Street; in the bylaws, 120 feet is required and the board is asked to reduce the frontage to less than 100 feet. She asked for a motion to approve or deny the request. Mr. Cronin made a motion to approve the reduction in minimum frontage to 66.3 feet instead of 120 feet. Mr. Rajeshkumar seconded the motion. There were two “no” votes (Mr. Femia and Mr. Witkus) and three “yes” (Mr. Rajeshkumar, Mr. Cronin, and Mrs. Pedone). First Mrs. Pedone announced that the motion passed because of the three to two “yes” vote, but Mr. Rajeshkumar wanted to change his vote, so there needed to be a roll call vote. The vote was as follows:

Mr. Rajeshkumar-“no”

Mr. Cronin – “yes”

Mrs. Pedone – “yes”

Mr. Femia – “no”

Mr. Witkus – “no”

Mrs. Pedone announced that the vote was two “yes” to three “no”, therefore the request was denied. Mrs. Pedone made clear that the reason for denial will be made clear on the decision to go out. Mr. Rajeshkumar commented that he thought the applicants should request a variance, and he also stated that the strip of land is not buildable. Mr. Femia commented that, even if the land is grandfathered, it will only be 66 feet. Mr. Witkus commented that it should be a variance and asserted that the request shouldn’t have taken place.

With no further business to discuss, Mrs. Pedone asked for a motion to adjourn the meeting at 9:53 p.m. Mr. Rajeshkumar made the motion. Mr. Femia seconded. All in favor.

Respectfully submitted,

Toby S. Goldstein, Secretary

Date Accepted: _____

By: _____

