



ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Ed Toole (Chair), Lisa Botticelli (Vice chair), Susan McCarthy (Clerk), Michael J. O'Mara, Kerim Koseatac
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, June 13, 2019

Public Safety Facility, 4 Fairgrounds Road, Community Room –1:00 p.m.

Called to order at 1:06 p.m. and Announcements made.

Staff in attendance: Eleanor Antonietti, Zoning Administrator; Megan Trudel, Administrative Specialist; Terry Norton, Town Minutes Taker
Attending Members: Toole, McCarthy, Botticelli, O'Mara, Koseatac, Poor, Thayer, Mondani
Early Departures: O'Mara & Poor, 2:15 p.m.
Town Counsel: George Pucci, K&P Law, P.C. (by phone); Ed Marchant, 40B advisor (by phone)

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

1. April 11, 2019: **Motion to Approve.** (made by McCarthy) (seconded by: Thayer) Carried unanimously
2. May 9, 2019: **Motion to Approve.** (made by McCarthy) (seconded by: Thayer) Carried unanimously
3. May 20, 2019: **Motion to Approve.** (made by McCarthy) (seconded by: Thayer) Carried unanimously
4. May 28, 2019: **Motion to Approve.** (made by McCarthy) (seconded by: Thayer) Carried unanimously
5. May 31, 2019: **Motion to Approve.** (made by McCarthy) (seconded by: Thayer) Carried unanimously
6. June 7, 2019: **Motion to Approve.** (made by McCarthy) (seconded by: Thayer) Carried unanimously
7. June 10, 2019: **Motion to Approve.** (made by McCarthy) (seconded by: Thayer) Carried unanimously

II. OLD BUSINESS

1. 20-18 Surfside Crossing, LLC - Surfside Crossing 40B Hanley
Not a public hearing.
Extended beyond 40 days from close of Public Hearing on April 11, 2019 The Board will have continued deliberations regarding the application for a Comprehensive Permit in accordance with M.G.L. Chapter 40B. The Locus is situated at 3, 5, 7 and 9 South Shore Road and is shown on Assessor's Map 67 as Parcels 336, 336.9, 336.8, and 336.7 and is shown as Lots 4, 3, 2, and 1 on Plan Book 25, Page 50 as recorded at the Nantucket Registry of Deeds. The total lot area of the combined parcels is approximately 13.5 acres. Evidence of owner's title is recorded in Book 1612, Page 62 at the Nantucket Registry of Deeds. The property is located in a Limited Use General 2 (LUG-2) and within the Public Wellhead Recharge District. Votes are expected.
Voting Toole, McCarthy, Botticelli, Koseatac, Mondani
Alternates Thayer
Recused O'Mara, Poor
Documentation Comprehensive Permit and Comprehensive Permit Rules and Regulations
Discussion Discussion to ensure all the attachments are included.
Pucci – The draft comprehensive permit latest version is for discussion purposes and was sent today. It is a comprehensive permit for 60-units and includes a condition concerning final review for the recreation buildings and the appendix of attachments.
Marchant – Reviewed changes resulting from a discussion with Mr. Marchant that would be included in the final draft. The decision is close enough to a final form for a vote. He will get the final version back to the Board today so there is time to read it before filing with the Town Clerk on June 14th.
Toole – A line will be added requiring supplementing vegetation if there are large gaps in the screen.
Mondani – Under VI., there's a reference to the dimensional requirements for lots; asked if those are correct.
Toole – It looks like VI. 13-15, pages 12 to 14 were from an older iteration and never changed.
Pucci – Mr. Mondani is correct; 13-15 should have been revised. Noted a typographical error.
Mondani – Page 22 VI. 87, the reference to occupancy permit, asked if that is a defined term.
Marchant – That came from another document; we have been using Certificate of Occupancy.
Pucci – That should be Certificate of Occupancy.
Mondani – Page 23 94, you state "...at least 70% affordable units." Asked if that can be increased.
Marchant – No that can't be changed. 70% is the Department of Housing and Community Development (DHCD) maximum. To date, no one suggested providing a local preference for the affordable units.
Mondani – Also under 94, the second sentence it says the Board must provide evidence for the need of local preference.

- Marchant** – DHCD wants to be sure a local preference doesn't prevent affirmative fair housing being achieved. The applicant is obligated to help do that.
- Pucci** – Back to page 10 VI, the maximum of living units is 60 with bedrooms at 206; the mix between single-family units (SFU) and duplex can be adjusted by the applicant within the 60 living units and 206 bedrooms with no more than 2 fourplexes. The applicant implied it would be in their best interest to have some flexibility; do you want to allow them that.
- McCarthy** – Our thought was the applicant could do less duplexes and more SFUs, but not the other way around.
- Consensus wants to keep the limitation on the maximum number of duplexes.**
- Botticelli** – Noted a typographical error.
- Marchant** – We want the applicant to remain responsible until all units are sold and all infrastructure in place; read language similar to that used for Sachem's Path. The ZBA doesn't want to deal with the homeowners' association (HOA) or condo trust.
- Pucci** – Asked that be sent to be included in the comprehensive permit.
- Marchant** – About the \$200,000 traffic mitigation payment, thought it was at the issuance of the first building permit; you should have some kind of date.
- Toole** – We all agree about the HOA language. He thinks traffic mitigation should be paid prior to issuance of the first building permit. For Rugged Scott, we've had the developer seed the HOA with \$250 per lot; suggested \$400 per lot, which would be a 3% increase
- McCarthy** – Thinks this should follow what we did for Rugged Scott and Sachem's Path but with the higher dollar amount. Thinks it should be included in the decision with the other HOA stuff. She sent wording on how to ensure the market rate owners don't overrun the affordable owners.
- Marchant** – It was Condition L under Rugged Scott; the trick here is we never got adequate information from the applicant on the governance document, so we don't know if the HOA will include the condo owners.
- Marchant** – He wants specific language requiring a safety protection plan for the early occupants during construction; read proposed language.
- Toole** – The applicant was indicating the construction would be phased.
- Marchant** – The condition that the interior finishes of the affordable must be the same as the market rate, he doesn't think that's reasonable. The quality of the finish of the affordable units should be reasonable; read language he drafted.
- Mondani** – He questions what constitutes reasonable quality.
- Toole** – Agrees because how do we know what they're putting in and who determines that.
- Marchant** – He can add language requiring the applicant to submit the material to be used for review by the Board; he'll add that must be done prior to issuance of the first building permit. Asked about the fencing.
- Pucci** – He included Mr. Thayer's language about the perimeter fence and haybales delineating the limit of work.
- Toole** – It should be included that the developer must maintain the split-rail fence until the HOA takes over. We should add language that the split-rail fence must remain and be maintained in perpetuity.
- Marchant** – About the waivers, 139-28 doesn't understand what's being said.
- Pucci** – It's worded that way because you need an Historic District Commission (HDC) Certificate of Appropriateness (COA) for a building permit but there is none in this case; he was told the Board wanted to designate the HDC Administrator to confirm a building is constructed in conformity with the architectural plans.
- McCarthy** – If we don't understand what was written, it's not clear.
- Botticelli** – We want the HDC Administrator to do the final inspection to ensure a structure is in compliance with the plan. We waived the need for a COA but not the inspection.
- Antonietti** – The HDC inspector does the final site inspection prior to receipt of the Certificate of Occupancy; in place of the plan review process is through her.
- Toole** – Page 36, Condition 144, we aren't asking them to file architectural plans with the HDC; we want to ensure the building was constructed in compliance with those plans and the "HDC inspection" takes place. We are granting the part of the waiver where they go through the process to get an HDC COA; they came to us for that. They do have to submit a request for an HDC inspection to ensure the structures conform with the plans and the ZBA is designating the HDC administrator to act in that capacity.
- Pucci** – He's going to need charged efforts to get information to him, so he can include it this afternoon.
- Marchant** – He will send Mr. Pucci his comments within an hour after closing of this discussion.
- Discussion about how to word Waiver 139-28.
- Toole** – Page 2 of Waivers 139-19.B.1.b: it talks about no parking areas of more than 20 cars or more are permitted on one lot. Some areas like the road are one big lot with 20 additional parking spaces; the way he reads it, the applicant would have a hard time to have one additional parking space per dwelling unit for overflow. It should just say "denied."
- Page 8 Waiver 4.18 Sidewalks: they asked to waive the requirement for sidewalks on both sides; the way it says "granted" makes it seem they don't have to put in any sidewalks. It needs to specify that they have to put in a sidewalk on one side as shown on the plans.
- Page 9 Waiver 4.19 Bikepaths: we are granting that; they don't have to put in a bicycle path.
- Waiver 4.24 Driveway apron: The applicant eliminated that a long time ago. You can also strike the bridge waiver. We've made some edits, are we comfortable they will be in the permit by noon tomorrow, or tonight.
- Marchant** – He's comfortable with what he has to do.

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McCarthy – In the Sachem’s Path and Rugged Scott there’s language dedicated to HOA and subdivision management. She highlighted a lot of that language and sent it to Mr. Pucci. Asked why it’s not being included.

Marchant – He’s familiar with those and will review them; he’ll make recommendations to Mr. Pucci about which ones to add. He didn’t feel comfortable about that level of detail without input from the Board. We hadn’t imposed rental restrictions on the market-rate units; such restrictions would impact market value.

Toole – The only one we restricted from rental was Sachem’s Path; by the deed rider, they can’t be rented. If we want to include other HOA details, we should discuss it. Asked if the ZBA will have an opportunity to review the documents.

Marchant – They hadn’t figured out the governance or how it would be structured. It isn’t unusual to not get the documents at this stage. That usually occurs concurrent with the issuance of the building permits.

Toole – Page 23 paragraph 100, suggested adding a subparagraph about voting rights and seeding the HOA.

Mondani – Of all the post Comprehensive Permit elements, he’s less concerned about this; he doesn’t see how it could go awry. The homeowners can figure it out themselves.

No further comments, questions, inclusions or changes.

Toole – It is his intention to designate the voting members: Mondani, Thayer, Toole, McCarthy, and Botticelli.

Motion **Move to approve the comprehensive permit application with conditions as stated in the draft decision provided by counsel dated June 13, 2019, and that the chair is authorized to work with counsel to finalize the signed written decision in a final form suitable for filing with the Town Clerk, with any final revisions consistent with the Board’s discussions during final deliberations on the application on June 13, 2019.** (made by: Toole) (seconded by: Botticelli)

Roll Call Vote Carried 4-1//Mondani-nay; Thayer-yea; Toole-yea; McCarthy-yea; Botticelli-yea

Public Hearings:

2. 051-03 Rugged Scott, LLC - Rugged Scott a/k/a Beach Plum 40B Hanley
The Applicant seeks a determination that a proposed modification to the Comprehensive Permit, as amended, and the plans approved therewith, may be considered insubstantial pursuant to 760 CMR 56.05 (11)(a)(b), and as such, may be authorized by the Zoning Board of Appeals. The proposed modifications for which applicant seeks approval consist of: 1) Consent to the waiver of the 50’ setback restriction from the southeasterly boundary of the subdivision, only to the extent necessary, to allow for the proposed location of a shed on Lot 29 (2 Blue Flag Path); 2) Approval of the siting of the proposed shed approximately 30’ from the southeasterly boundary line inclusive of the 5’ setback from the boundary line of Lot 29 with buffer Lot 46, and the 25’ width of buffer Lot 46.

Voting Toole, McCarthy, Botticelli, Koseatac, Thayer

Alternates Mondani

Recused None

Documentation File with associated plans, photos, correspondence and required documentation

Representing Marianne Hanley, Reade, Gullicksen, Hanley, & Gifford LLP

Public None

Discussion (3:00) **Hanley** – Requested an extension

Motion **Motion to Approve the extension.** (made by: Thayer) (seconded by: Botticelli)

Vote Carried 5-0

3. 23-18 Adam Ross and Emma Ross 50 Okorwaw Avenue Beaudette
Applicants are seeking to vacate and rescind prior relief by Variance granted pursuant to Zoning By-law Section 139-32 in order to validate the lot as a nonconforming lot of record and a residential building lot. At the time the relief was granted, the 44,813 sq. ft. lot was undersized for the LUG-2 zoning district in which it was situated. When the zoning was changed to LUG-1 in 2017, the lot became conforming in all respects, rendering the need for relief obsolete. The Locus is situated at 50 Okorwaw Avenue, is shown on Tax Assessor’s Map 79 as Parcel 63, and as Lot 1 upon Plan No. 2012-82. Evidence of owner’s title is recorded in Book 1375, Page 117 on file at the Nantucket Registry of Deeds. The site is zoned Limited Use One (LUG-1).

Voting Toole, McCarthy, Botticelli, Mondani, Thayer

Alternates None

Recused None

Documentation File with associated plans, photos and required documentation

Representing Rick Beaudette, Vaughan, Dale, Hunter & Beaudette P.C.,

Public None

Discussion (3:03) **Beaudette** – Reviewed the request. We were asked to ask the Select Board release the restriction In May, the Select Board granted that but imposed a new restriction that limits the area of the garage; that new restriction is on record with the Registry of Deeds. Submitted at the table the agreement met with the Select Board. We are asking the ZBA for a decision regarding the variance.

Thayer – He has no concerns.

McCarthy – This is what we asked for.

Toole – Asked that next time, please supply documents prior to the meeting to allow members the time to read it.

Mondani – Asked if it’s the intention of the party that the restrictions run with the property.

Beaudette – Yes to the maximum period allowed under the law.

Motion **Motion to Approve the rescinding of the prior variance conditioned on the attached agreement.** (made by: Botticelli) (seconded by: McCarthy)

Vote Carried unanimously

4. 06-19 Victor P. Haley 94 Orange Street Cohen
 Applicant is requesting relief by Special Permit pursuant to Nantucket Zoning By-law Section 139-33.A, to alter and expand a pre-existing nonconforming dwelling in order to build a 2 story addition. The existing ground cover will be expanded by approximately 194 sq. ft. as a result of the enclosure of an existing deck, yielding a total proposed ground cover ratio of 34% where 50% is allowed. While the expansion will result in a vertical extension of the setback intrusion on the north elevation, the structure will be no closer to the northerly lot line than existing. To the extent necessary, Applicant further seeks rescission of prior relief (ZBA File No.s 021-80 and 071-97) granted in connection with the now abandoned commercial 'guest house' use to recognize the exclusively residential uses upon the Locus. Locus, an undersized lot of record, is situated at 94 Orange Street, shown on Assessor's Map 55.1.4 as Parcel 47 and upon Plan File 51-P. Evidence of owner's title is recorded in Book 1456, Page 28 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

- Voting Toole, McCarthy, Botticelli, Koseatac, Thayer
- Alternates Mondani
- Recused None
- Documentation File with associated plans, photos, permits, and required documentation
- Representing Jay Maroney, Cohen & Cohen Law P.C.
- Public None
- Discussion (3:10) **Maroney** – Pulled it out of the setback.
Antonietti – This is a partial withdrawal, which you will approve and then you will approve the previous relief.
- Motion **Motion to Approve the partial withdrawal of the request.** (made by: Koseatac) (seconded by: McCarthy)
- Vote Carried 5-0
- Motion **Motion to Grant the relief as requested.** (made by: Koseatac) (seconded by: McCarthy)
- Vote Carried 5-0

5. 09-19 Andres J. Recoder & Isabelle Schiavi 22 Bassett Road Brescher
 Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A, to allow an extension, alteration, or change in the pre-existing nonconforming ground cover. The property, improved with two dwellings and a barn, is also pre-existing nonconforming as to frontage and setback. To the extent necessary, Applicant seeks to modify relief granted to prior owner in 2002 (ZBA File No. 064-02) which permitted a ground cover of up to 6,539 SF for a Ground Cover Ratio ("GCR") of 5.13% where maximum allowed is 3% of the lot area of 127,414± SF. However, when the work authorized in part by the 2002 Special Permit was completed, the resulting overall ground cover was less than that proposed. Therefore, the existing nonconforming ground cover is 6,207± SF, for a GCR of roughly 4.9%. Applicant proposes to enlarge one of the dwellings which will result in a net increase of 257± SF for an overall ground cover of 6,464± SF or a GCR of 5.07%. Locus is situated at 22 Bassett Road, shown on Assessor's Map 26 as Parcel 46 and upon Land Court Plan 37002-A. Evidence of owners' title is registered on Certificate of Title No. 21554 at the Nantucket County District of the Land Court. The site is zoned Limited Use General Three (LUG-3).

- Voting Toole, McCarthy, Botticelli, Koseatac, Mondani
- Alternates Thayer
- Recused None
- Documentation File with associated plans, photos and required documentation
- Representing John Brescher, Glidden and Glidden, P.C.
- Public None
- Discussion (3:16) **Brescher** – Reviewed the request. Asking for less ground cover than allowed under the special permit; here to amend that 2004 special permit.
McCarthy – Noted a discrepancy with Mr. Bracken's plans.
Toole – Asked what further clarification the Board was seeking at the last hearing.
Antonietti – You wanted to know why the Zoning Enforcement Officer (ZEO), Marcus Silverstein, required a special permit; the ZEO's March 17, 2018, letter is included in the packet.
McCarthy – Her concern is the length of time that has passed; this project has been lingering since 2006.
Brescher – Currently on the ground is the 6,027 square feet (SF). No work has been done on the special permit for 6,464 SF. His understanding is the issue is reallocating ground cover from a screened porch to enclosed space.
Botticelli – She doesn't see why should have to issue a new permit for it to get smaller. She'd like to see the building permit that indicates this has been going on for 13 years.
Toole – We aren't comfortable with the information we have. He'd like to hear from Mr. Silverstein. We want: the original building permit, clear and concise narrative of how this got here.
- Motion **Motion to Continue to July 11, 2019 meeting.** (made by: Koseatac) (seconded by: McCarthy)
- Vote Carried 5-0

III. NEW BUSINESS

1. 10-19 Rock D. Gonnella, Trustee, North Nom. Tr. 73 Easton Street Nathan Barber
 Applicant is requesting relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver from the 5' side yard setback provision in Section 139-16 in order to validate the placement of an outdoor shower, a portion of which is sited as close as 2.4' from the easterly lot line. Locus is otherwise dimensionally conforming to the provisions of the Zoning By-law. Locus is situated at 73 Easton Street, is shown on Assessor's Map 42.4.1 as Parcel 109 and as Lot 5 upon Plan No. 03-57. Evidence of owner's title is recorded in Book 1343, Page 84 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

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Voting Toole, McCarthy, Botticelli, Koseatac, Thayer
Alternates Mondani
Recused None
Documentation File with associated plans, photos and required documentation
Representing Linda Williams
Nathan Barber
Public None

Discussion (3:35) **Williams** – The bylaw states an outdoor shower doesn’t count for the set back if it is on embedded brick or flag stone, but once you put it on a platform, it counts for setback. The Board could grant the variance relief based upon the shape of the lot and soil conditions. The platform is integrated with the boardwalk. The shower is on the site plan.
Botticelli – The shower doesn’t show up on the site plan; the HDC plans don’t reference the platform. No one would have known it would have been on a platform.
Toole – The work around is simply: not to attach it or place it on gravel. You could have made a large-enough outdoor shower without encroaching into the setback.
McCarthy – They could move the door and reduce the size thus bringing it out of the setback. The hydrology and topography are for something integral to the house; this is for a shower that is a luxury.
Barber – Confirmed that no matter the size of the shower and if it were on the ground, this wouldn’t be a concern; the issue is because it’s on a platform.
Koseatac – He understands how bad the soil situation in that area is but approving this isn’t that easy.
Thayer – Agrees there was another way to build this and it wouldn’t have counted for setback.
Toole – He thinks they could have easily complied. Someone should have known this would be an incursion.
McCarthy – No one knew there would be a platform.
Toole – There are currently two people who will vote against this; you need a 4-1 vote at best.
Koseatac – Granting the variance would set a bad precedent for other homes in the area.
Williams – Asked to withdraw.

Motion **Motion to Approve the withdrawal without prejudice.** (made by: Koseatac) (seconded by: McCarthy)
Vote Carried 5-0

2. 14-19 Graham N. Burton and Luanne M. Burton 37 Tomahawk Road Burton
Applicant seeks Variance relief pursuant to Section 139-32.A for a waiver from the front yard setback provisions of Section 139-16.A. Specifically, applicant proposes to construct a building to be used for tile storage to be sited within the twenty (20) foot front yard setback. The Locus is situated at 37 Tomahawk Road, is shown on Assessor’s Map 69 as Parcel 326, and as Lot 187 upon Land Court Plan 26984-8. Evidence of owners’ title is registered on Certificate of Title No. 26126 at the Nantucket County District of the Land Court. The Locus is in the Public Wellhead Recharge District and is zoned Commercial Industrial (CI).

Voting Toole, McCarthy, Botticelli, Koseatac, Mondani
Alternates None
Recused None
Documentation File with associated plans, photos and required documentation
Representing Graham Burton
Public None

Discussion (3:58) **Burton** – He had a variance to build a storage structure, which expired while he sought other permits. Asked that it be reissued.
Antonietti – She can redraft the old one. If this is approved today, statutorily she has to get it signed within 14 days; asked who would be available to sign it in the next 10 days.

Motion **Motion to Grant the relief as requested and subject to the condition no further construction in the front setback and previous conditions.** (made by: Botticelli) (seconded by: Koseatac)

Vote Carried 5-0

3. 15-19 9 Swain Street, LLC 36 Western Avenue Collatz/Newman
Applicant seeks Variance relief pursuant to Section 139-32.A for a waiver from the front yard setback provisions of Section 139-16.A. Specifically, applicant seeks to validate the As-Built dwelling with only the chimney sited as close as 29.8’ from the front yard lot line where a 30’ front yard setback is required. The remainder of the front elevation massing is cited in compliance with the 30’ front yard setback requirement. The lot has an area of 79,470 sq. ft., with a limited available building envelope due to shape, zoning setbacks, soil conditions, wetlands with associate buffer zones, and split zoning. The Locus is situated at 36 Western Avenue, is shown on Assessor’s Map 87 as Parcel 133, and as Lots A-1 & A-5 upon Land Court Plans 8597-C & 8597-E. Evidence of owner’s title is registered on Certificate of Title No. 26651 at the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20) and Limited Use General 2 (LUG-2).

Voting Toole, McCarthy, Botticelli, Koseatac, Mondani
Alternates Thayer
Recused None
Documentation File with associated plans, photos and required documentation
Representing Doug Collatz, contract builder
Public None

Discussion (4:04) **Collatz** – The chimney is 2.4 inches into a 30-foot setback. The buildable area of the lot is very tight between the front setback and the coastal dune.
McCarthy – The house is built; in this case the chimney is integral to the house, unlike a shower.
Botticelli – The 50-foot buffer to the coastal dune is very close to the house. There’s already a structure sitting 11 feet into the setback; it’s not like this is creating a new nonconformity.

Motion **Motion to Grant the relief as requested with no further intrusions.** (made by: Koseatac) (seconded by: Botticelli)
Vote Carried 5-0

4. 16-19 Paul M. O’Rourke & Elizabeth O. O’Rourke 54 Prospect Street O’Rourke
Applicant seeks Variance relief pursuant to Section 139-32.A for a waiver from the front yard setback provisions of Section 139-16.A in order to validate the placement of a front stoop/deck, a portion of which is sited slightly closer to the westerly front yard lot line than the prior dwelling, which was demolished and replaced with the existing structure. The demolished structure had been pre-existing nonconforming as to the required 10’ front yard setback (0.9’). However, the inadvertent siting of the front stoop/deck (0.2’) essentially increased the nonconformity. The Locus, an undersized lot of record, is situated at 54 Prospect Street, shown on Assessor’s Map 55.4.1 as Parcel 54, and as Lot 2 upon Plan File 03-55. Evidence of owner’s title is recorded in Book 1147, Page 324 on file at the Nantucket County Registry of Deeds. The site is zoned Residential One (R-1).

Voting Toole, McCarthy, Koseatac, Thayer, Mondani
Alternates None
Recused None
Documentation File with associated plans, photos, correspondence, and required documentation
Representing Elizabeth O’Rourke, co-owner
Paul O’Rourke, co-owner

Public None
Discussion (4:15) **E.O’Rourke** – Reviewed the request. It is .7 feet more into the setback. The steps make this code compliant in terms of egress. The railings and plantings provide protection from passing traffic
Thayer – It looks like part of the step is off the property.
E.O’Rourke – It is all on the property.
Toole – Noted there was a letter of concerns from an abutter.
Antonietti – She sent the abutter the documents; she responded with “all set.”
P.O’Rourke – The house sits in the same place.
Toole – Asked why the new bylaw for steps doesn’t apply.
Antonietti – It is very specific about three steps only. Read the bylaw.
Thayer – He has no problems with granting the relief, but it looks like it’s over the setback.
P.O’Rourke – He had it surveyed, it is not over the property line.
Koseatac – If someone complains about the privet hedge, the Department of Public Works will take care of it. He would leave that out of the decision.
McCarthy – She would like to look at the letter from the abutter.
Review of work on the site mentioned in the abutter’s letter.

Motion **Motion to Grant the relief as requested with no further intrusion.** (made by: Koseatac) (seconded by: McCarthy)
Vote Carried 5-0

IV. OTHER BUSINESS

1. None

V. ADJOURNMENT

Adjourned at 4:34 p.m. by unanimously consent.
Sources used during the meeting not found in the files or on the Town website:
1. None
Submitted by:
Terry L. Norton