

Zoning Board of Appeals – Minutes

March 7, 2023

Location: Town Hall Hearing Room

Time: 6:00 to 7:00pm

Board Member Attendees: Tony Carmo Chairman, Meghan Connolly Member, Lucas Tourgee Alt Member & Marc Oliviera Member

Board Member Out: None - The board had a quorum.

Attendees: John McCaffery, Kenneth MCauliffe, Jeff Sill, Abutters- Barry Derosa, Joseph & Leeann Ali, & Atty. Paul Haverty

Topic	Discussion:
Mail & Minutes	<p>6:02pm- Tony Carmo opened up the meeting, introduced himself and the Board members that were present.</p> <p>The meeting minutes from 1/24/23 were reviewed by the Board. M. Oliviera made a motion to accept the minutes as read L. Tourgee seconded.</p> <p>Bills: None</p> <p>Correspondence: None</p> <p>No other New Business came in front of the Board at this time.</p>

John McCaffery/
Kenneth Mcauliffe
16 Riverside Dr.
Map 8 Lot 98-
40A Public Hearing

6:05pm-Chairman Tony Carmo continued the 40A Public Hearing for John McCaffery/
Kenneth Mcauliffe, 16 Riverside Dr. Map 8 Lot 98 requesting a Special Permit. The
Chairman stated the voting members would be himself, Marc Oliviera, & Meghan
Connolly. Several abutters were present. The applicants John McCaffery & Kenneth
Mcauliffe were present. Mr. Kenneth Mcauliffe came in front of the Board and introduced
himself. He told the Board they would like to take the existing small cottage on 16
Riverside Dr. down. It is a very narrow lot, he would like to put a new home on the
existing lot but with a footprint slightly larger. He has already been to both the Board of
Health and the Conservation Commission and both have approved his plans. The lot is
pre-existing/ nonconforming. He will be reducing the already nonconforming right side
setback. That is the only option due to the location of the septic tank. M. Oliviera asked
about the location of the leaching field, was it going to be more in the back of the home.
Then M. Oliviera mentioned the setbacks are all pre-existing nonconforming. Atty. Paul
Haverty introduced himself to everyone. He explained to the Board and the audience the
main question is to determine if the pre-existing, nonconforming setbacks are increasing.
If there is an increase in the already nonconforming than there also has to be a variance
granted along with a Special Permit. The Board went over all of the setbacks on the
proposed plans. The frontage will be reducing the nonconforming setback, right side-yard
which needs 15ft for a set-back will have the existing 10ft of set-back, not changing, and
the Left side-yard set-back will be less than the already non-conforming, so that would
need a variance. ** Just one side is more nonconforming. The Board reviewed the
newspaper ad that ran and it only states the applicant is seeking a Special Permit, not a
variance. Atty. Paul Haverty told the Board the newspaper would need to list seeking a
variance as well. He also stated all the abutters would need to be notified again for the
variance. T. Carmo stated the 2 ways that can be done would be: 1) Have another Hearing
running the ad in the newspaper and sending out certified abutters letters for the Special
Permit and Variance or can finalize the Special Permit at this meeting and then fill out
another application and go through the whole process again for the Variance. There would
be another application fee, if just going to go for the Variance. Atty. Paul Haverty also
stated the only other way would be to change the building plans to just having the need for
a Special Permit. Jeff ??? Real Estate agent and Mr. John McCaffery told the Board they
may just accomplish the Special Permit tonight. Mr. Mcauliffe passed out photos of
something that would look like the proposed home. All further discussed. The Chairman
opened the Hearing to the abutters with any questions. Barry Derosa 12 Riverside Dr he
told the Board he lives on the left side of the property being discussed. He had a question
about the well, driveway, & Septic. All discussed. A question came up about a retaining
wall. Mr. McCaffery told the Board that is in with all the approved plans with the Board of
Health and Conservation Commission. Mr. Mcauliffe stated per the Board of Health they
will have to test Mr. Derosa's water before and after the build. Mr. Mcauliffe also stated
there will be no porch on the house, like the picture that was shown. Joe Ali 26 Riverside
Dr. told the Board his main concern is parking, but he is all for improving the
neighborhood. Mr. Mcauliffe said they are pushing the house further back than what it is
now, so that gives room for parking. T. Carmo said at this time the new home will stay at
the 10ft side yard set-back. Mr. Derosa asked about the pier. The Board told him that is
not part of the ZBA, but any improvement would be nice. Leeann Ali 26 Riverside Dr.
asked how far back the house will be from the street. Mr. Mcauliffe stated right now it is
4ft from the street, the new house will be 10ft. from the street he can't go any further back
due to the septic. She asked about a garage or a carport, the answer was no. Atty. Paul
Haverty told the Board in terms of the re-notice, the Hearing will need to be continued. It
would be for a Special Permit and a Variance- the variance would be for the 10ft. instead
of the 15ft side yard set-back. M. Oliviera made a motion to continue the hearing until
April 4, 2023 at 6:00pm for the variance piece and Special Permit. L. Tourgee seconded.

All Motioned the next meeting date will be April 4, 2023 @ 6:00pm.

Motion to adjourn was made by L. Tourgee @ 6:40pm

Signatures

1.

Antonio Carmo

2.

Meghan A Connolly

3.

[Signature]