

Zoning Board of Appeals – Minutes

November 9, 2023

Location: Town Hall Hearing Room

Time: 7:30pm to 9:00pm

Board Member Attendees: Antonio Carmo Chairman, Meghan Connolly Member, & Sal Botelho Alt Member

Board Member Out: Marc Oliviera Member & Lucas Tourgee Alt Member- The board had a quorum.

Attendees: Atty. Caroline Smith, Pamela Leite, Amanda Leite Matthews, Amy Leite, Annabella Leanders, Atty. Mark Bobrowski-Via Phone, Joe Freitas, & Donna Leary

Topic	Discussion:
Mail & Minutes:	<p>7:38pm- Antonio Carmo opened up the meeting, introduced himself and the Board members that were present.</p> <p>The meeting minutes, bills, and correspondence were moved to the end of the hearing. M. Connolly made a motion. S. Botelho seconded.</p> <p>Meeting Minutes: The meeting minutes from 8/29/23 were reviewed by the Board. M. Connolly made a motion to accept the minutes as read. T. Carmo seconded. The meeting minutes from 10/25/23 were reviewed by the Board. M. Connolly made a motion to accept the minutes as read. S. Botelho seconded.</p> <p>Bills: Bills paid by Secretary: 10/3/23- Local IQ for \$429.60- Newspaper ad Botelho 97 Jerome St. Map 1 Lot 61, Ad ran 8/14/23 & 8/21/23. 10/3/23- Escrow balance for Botelho \$570.40 97 Jerome St. Map 1 Lot 61.</p> <p>Correspondence: None</p> <p>No other New Business came in front of the Board at this time.</p>
ZBA Rules & Regs	<p>7:40pm-Atty. Bobrowski explained ZBA Rules & Regs dated 2002 are unsigned, need Board to review and ratify the 2002 Rules & Regs. M. Connolly made a motion and seconded to ratify Rules & Regs from 2002- All signed on pg. 8 Amendment to the 2002 Rules & Regs. M. Connolly made a motion and seconded to adopt hiring consulting fees under Chapter G.L.C.44 + 53G. – All signed Atty Bobrowski explained to the Board the applicant of the Crystal Dr. file refused to pay the atty. fees that is why this is being taken care of now.</p>

Luis Belchior-Owner/
Pamela J. Leite-App
1 Crystal Dr.
Map 16 Lot 64-01
40A Public Hearing

7:50pm: Chairman Carmo continued the 40A Public Hearing for Luis Belchior-Owner/
Pamela J. Leite- Applicant 1 Crystal Dr. Map 16 Lot 64-01. Atty. Caroline Smith introduced herself to the Board. She requested the escrow amount of \$1,000.00 back to her client in full. Secretary explained the amount for the newspaper ad comes out of the \$1,000.00 escrow as well. She asked Atty. Smith to email a request for the balance of the escrow account. She then continued explaining the information she emailed over to the Board after the last meeting. She spoke about the new By-Laws not taking in effect and the sample letters from other towns from the AG about this. Told the Board they need to decide what By-Laws are in effect to use for their decision. Also submitted an As-Built plan and a letter from the applicants requesting a decision be made tonight. She also spoke about the case Atty. Bobrowski submitted to the Board, this case is not due to financial hardship, potential to move the pool house and the shed has no building permit and the propane tanks not inspected. Her remedies are to remove the illegal structures and buildings- issue a cease and desist and place building and propane tanks in a different spot. T. Carmo stated the Board did have some new submissions since the last meeting. Building Inspectors report- shed is less than 200 sq. ft. and the dimensions on the setbacks- 1 corner is 13ft, 4 in. and the other corner is 16ft. 6 in, one corner is over, Certificate of Occupancy, Building Permit for the house with sign-offs dated 1/10/2013, propane tank receipt- F.W. Webb- 500 gallon tank-11/23/12, letter from Propane Plus 10/14/21, application with state set-back requirements, and a well permit-2011. Atty. Bobrowski stated the list of components is worth to appeal. T. Carmo said he reviewed the driveway on Google Earth and it is past the 10yrs it was there between 4/2012-4/2013. Atty. Smith told the Board she agrees with the Board about the well, house and driveway being past the 10yrs. She would like the Board to take in consideration the driveway has no permit and doesn't comply with zoning. T. Carmo said as far as the shed/pool house there is no building permit because it does not require one just a setback issue. T. Carmo discussed the 100ft buffer, Atty. Bobrowski stated there was no reason to discuss, no house on Padelford St. has a 100ft. buffer. He also told the Board as far as the propane tanks that is an issue under the fire code, not a zoning issue. He asked if the homeowner or building inspector were present to ask the location of the propane tank, but neither were present. Atty. Bobrowski further discussed about the new By-Law to be used and explained. He told the Board if any doubt can continue the hearing to 60 days w/ the applicant's approval, he anticipates the AG's approval and if not approved the applicant can come back. The setback requirement based on the amount of acreage is gone, not in new By-Laws approved on 6/5/23. Atty. Smith then stated the shed/pool house doesn't apply to either By-Law her issue is what will the remedy be. Atty. Bobrowski stated the property is more than 2 acres have the homeowner move it back 30ft. and once approved can move it 15ft. M. Connolly asked Atty. Bobrowski about waiting for AG's decision and would the homeowner have to apply to put in a new propane tank. Atty. Bobrowski stated the propane tank is a structure it is a fire code violation not the ZBA's job, not sure of the location of the tank either. We know for sure the pool house/shed is off. If the AG approves the new By-Laws the owners will have to move the pool house/shed and the propane tanks 15ft from the setbacks. Atty. Bobrowski also further stated the shed/pool house is under 200 sq. ft. it does not need a building permit. Atty. Smith asked where that is written. Atty. Bobrowski said it is the MA state building code but it still has to comply with the setbacks. S. Botelho brought up the MA code and read it into the record. Atty. Smith stated the certification is still missing. M. Connolly said the Board knows it hasn't been certified, still know it doesn't meet the setbacks and have to wait for the AG's approval then give the owner time to move it. Atty. Bobrowski there is a violation on the setback for the shed, move to the effective area and violation on the propane tank, move to the effective area. T. Carmo asked if there were any comments from the audience. Amanda Leite Matthews the pool house there is no permit- built btw 2011-2023, due to google images.

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Signatures

1. Antonio Carmo

2. Meghan Almondy

3. Sal Botolhu
