

## ZONING BOARD OF APPEALS

### REGULAR MEETING

OCTOBER 8, 2024 – 5:00PM (VIA ZOOM)

1. Call to Order. The meeting was called to order at 4:59pm.
2. Seating of Members & Alternates. Present: Stacie Weiner, Peter Menikoff, M.E. Freeman, Lee Greenhouse and Roxanne Belter. Absent: Harding Bancroft (Alternate). In attendance: Abby Conroy (Land Use Director), Miles Todaro (Land Use Tech Specialist) and Georgia Petry (Recording Secretary).
3. **Approval of Agenda. So Moved** by L. Greenhouse, seconded by M. E. Freeman and unanimously **Approved**.
4. **Approval of Minutes of September 10, 2024. So Moved** by L. Greenhouse, seconded by P. Menikoff and unanimously **Approved**.
5. Public Comment – None

#### **Public Hearing**

6. #2024-0262 / Zimmerman (Grickis) / 16 Woodland Drive / Request for Amendment to Variance from Required Yard Setback / Map 35 / Lot 06 / DOR: 09/10/2024  
The Public Hearing was Opened at 5:02pm. L. Greenhouse read the Legal Notice. S. Weiner asked A. Conroy if there were any changes to the application. A. Conroy indicated that a policy change was recommended: if a Variance is issued, the permit will be for foundation only, until an A-2 “As-Built” survey is attached. M. E. Freeman and P. Menikoff noted that this applies going forward, not tonight, as this is a change to the ZBA application; M.E. Freeman added that this is an excellent idea. L. Greenhouse asked if the ZBA approves the foundation, what happens next; A. Conroy pointed out that there is a Land Use Filing Form and that the Variance would not be effective until this step had been completed. L. Greenhouse asked if the application is for the entire project; A. Conroy answered yes. S. Weiner and P. Menikoff agreed that this step would clear the precedent problem. Attorney Grickis and Kevin Dathan, Architect, described what may have happened during the process; the builder may have scaled the plans instead of using the exact dimensions provided. P. Menikoff had specific questions about that explanation; Attorney Grickis expressed that the mistake was inadvertent. M.E. Freeman suggested that was speculation, but not bad faith and it was a deminimis mistake. L. Greenhouse commented that he was uncomfortable with waiving the application through and that professionals have insurance, if there was a penalty or fine. S. Weiner and M.E. Freeman pointed out that they

have no jurisdiction for fines. P. Menikoff asked A. Conroy, after the approval of a foundation, if a separate structure would require another permit and also what remedies are available, in case of errors. A. Conroy answered yes another permit would be required, citing a patio as an example, which is a structure and subject to setbacks. L. Greenhouse asked if sunken piers are considered foundations; A. Conroy answered yes, piers and slabs are the same, which is why it's important to have complete applications with specific details. P. Menikoff mentioned footing drains; A. Conroy noted that those are not considered structures and not covered by setback requirements. S. Weiner Closed the Public Hearing at 5:27pm. (Earlier during the Public Hearing, R. Belter left the meeting due to lack of cell phone service and was not present for the discussion or vote) Discussion and Vote: P. Menikoff (reluctantly) Voted Yes. M.E. Freeman Voted Yes. L. Greenhouse initially Abstained, then later changed his Vote to Yes. S. Weiner Voted Yes. A. Conroy pointed out that 4 affirmative votes were required to approve a ZBA Variance. The **Variance for Application #2024-0262, 16 Woodland Drive, was Approved.** Attorney Grickis thanked the Commission for their consideration.

**Adjournment. So Moved** by M.E. Freeman, seconded by L. Greenhouse and unanimously **Approved.**