



MEETING MINUTES

Wednesday, July 12, 2023 – ZOOM HEARING

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law, this meeting was conducted by remote participation.

Call to Order 7:03 pm

Roll Call by Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

DAVID W. HATFIELD

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST TO CONTINUE:

(23-14, 23-15, 23-16, 23-17) 369-371 MAIN STREET – KINGMAN BLOCK, LLC

A request from Attorney McGrail to continue this matter until the meeting on August 16, 2023 and also to extend the time for the Board to render and file any decisions until October 31, 2023.

Dave moved to continue to August 16, 2023 and also to extend the time until October 31, Joe seconded the motion.

Voting members all in favor – Dave, Jim, Chip, Tom, Joe



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Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST TO CONTINUE:

(23-39, 23-40, 23-41, 23-42) 10 BROADWAY – NEW CREEK LLC

A request from Attorney McGrail to continue this matter until the meeting on August 16, 2023 and also to extend the time for the Board to render and file any decisions until October 31, 2023.

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KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST TO CONTINUE:

(23-43, 23-44, 23-45, 23-46, 23-47, 23-48, 23-49, 23-50) 314, 330, 336 SALEM STREET – GRANITZ FAMILY TRUST, LLC

A request from Attorney McGrail to continue this matter until the meeting on August 16, 2023 and also to extend the time for the Board to render and file any decisions until October 31, 2023.

Dave moved to continue to August 16, 2023 and also to extend the time until October 31, Joe seconded the motion.

Voting members all in favor – Dave, Jim, Chip, Tom, Joe

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KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST FOR CONTINUANCE:

(23-66, 23-67, 23-68) MEERA LLC & SKYGROUP INVESTMENTS, LLC – 1 AUDUBON ROAD

A request from Attorney McGrail to continue this matter until the meeting on August 16, 2023 and also to extend the time for the Board to render and file any decisions until October 31, 2023.

Dave moved to continue to August 16, 2023 and also to extend the time until October 31, Joe seconded the motion.

Voting members all in favor – Dave, Jim, Chip, Tom, Joe

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KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST FOR CONTINUANCE:

(23-70, 23-71, 23-72) 460-466 & 472 MAIN STREET – A&E REALTY TRUST

A request from Attorney McGrail to continue this matter until August 16, 2023.

Dave made a motion to continue to August 16, 2023, Joe seconded.

Voting members – Dave, Chip, Jim, Joe, Tom

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST FOR CONTINUANCE:

(23-88) 8 ALBION STREET – VISETH CHHUM & TASTING BOBA, LLC

A request from Attorney McGrail to continue this matter until August 16, 2023, in that they are still working on the revised sign design.

Dave made a motion to continue to August 16, 2023, Joe seconded.

Voting members – Dave, Chip, Jim, Joe, Tom

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

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CONTINUED HEARING:

(23-51) 377 MAIN STREET – DANA RODRIGUES

Purpose: Special Permit for a wall sign

Attendees: Attorney Brian McGrail, Dana Rodrigues

Discussion:

A new sign elevation was presented

It spaces out the lettering and shortened the sign

Jim feels this is exactly what they want to see for signage in Town.

The Board agreed.

Public Testimony:

None

Plans Presented:

- Sign Elevation, 32 1/16 feet x 24 inches, dated 6-22-23

Dave made a motion to grant the Special Permit to allow the wall sign on the Albion Street side of the building known as 377 Main Street in accordance with the plan dated 6/23/23.

Joe seconded

Reg. voting members Dave, Joe, Jim, Chip, Tom

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GREGORY W. MCINTOSH, ALTERNATE

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

CONTINUED HEARING:

(23-91) 620 & 632 MAIN STREET – S&C REALTY INVESTMENTS CO., INC.

Purpose: Modification of Signage from Prior Zoning Relief

Attendees: Attorney Michael McCarthy, Sean Donovan (sign contractor-ViewPoint Signs)

Discussion:

At the last hearing they were told to revise some of the drawings and there were discussions if some of the signs violated the height requirements.

Also, another matter came up regarding the color of the building, Attorney McCarthy argues that the color is not considered signage.

Jim said he does not consider the colors on the building signage.

But he suggested they go over the esthetics of the changes of the building with the Board.

Attorney McCarthy presented two elevations representing corporate colors.

The changes to the elevations to accommodate the correct height of the sign were presented. Top of sign will be 3 feet from the monolith.

No Public Testimony

Plans Presented:

- Sign Plans prepared by ViewPoint Sign and Awning, dated 7-6-23
- Architectural Elevations prepared by James D. Smith Architects, dated 1/11/23

Dave made a motion to grant the request for a modification of previous decisions for signage according to the plans from ViewPoint Sign, dated 7/6/23.

Joe seconded

Voting members all in favor – Tom, Dave, Chip, Jim, Joe

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KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

NEW HEARING:

(241, 24-2) 27 OUTLOOK ROAD – WARREN W. MAGOON AND GRACE MAGOON, TRUSTEES of the 27 OUTLOOK ROAD REALTY TRUST

Purpose: Special Permit and Variance for an Accessory Apartment and a Proposed Third Story (finish attic)

Attendees: Attorney Brian McGrail

Discussion:

Attorney McGrail explained they are requesting relief for an accessory apartment

The Board approved an extension of the house and granted a Special Permit for an accessory apartment in 2021. But when they looked into the cost to construct the addition it was not cost effective. The Special Permit has also lapsed.

They have decided to have an accessory apartment within the dwelling by finishing the attic. There will be no exterior changes.

They are asking for a Variance to finish the attic which will make it a 3rd story, 2 ½ stories are allowed in the Single Residential District.

The request for the Special Permit is to allow the accessory apartment.

Attorney McGrail presented what they were previously going to do – an addition in the back of the house.

Currently being proposed:

- The percentage of the apartment will not exceed what is allowed.
- Total area is 4,785 SF
- Accessory apartment area is 830 SF
- Accessory apartment = 17% of total area
- The garage is made into the accessory apartment.
- The garage doors will go away.
- The dormer is already on the back of the house they will just change some windows.

Warren & Grace Magoon will live in the apartment and the son, wife and kids will live in the main house.

Greg – he agrees with Brian it is not an extension of the principal dwelling.

Chip feels this is better than the first approval because there is no addition and brings it into line with the bylaw.

Tom read Town Department comments into the record, there were no concerns/comments at this time.

No public testimony

Plans Presented:

- Proposed floor plans and elevations prepared by Pegasus Design Build, dated 4/7/23

Dave made a motion to grant the request of a Special Permit to add an accessory apartment in the current dwelling according to the plans prepared by Pegasus Design, dated 4/7/2023, they did contemplate the attic space and did not think it was an extension of the dwelling and did not increase the footprint of the dwelling.

Joe seconded

Voting members all in favor Dave, Chip, Jim, Joe and Tom

Dave made a motion to grant the Variance to vary the requirements to allow the third story finished attic space according to the plans prepared by Pegasus Design dated 4/7/23.

Joe seconded

Voting members all in favor Dave, Chip, Jim, Joe and Tom

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

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NEW HEARING:

(24-3, 24-4) 4 WEST PARK DRIVE – NATALIE MATSON AND RICHARD MATSON

Purpose: Variance & Special Permit to Add an Accessory Apartment

Attendees: Attorney Brian McGrail

Discussion:

Brian presented the site plan.

Modest additions will be added to the dwelling and they all meet setbacks.

Habitable area calculations were presented

Existing conditions of the first and second floor were shown as well as the new layout of the floor plans.

Natalie's mom will live in the accessory apartment.

Brian wondered if the additions that are being added have anything to do with the accessory apartment. They are for the main living of the house. So, is a variance needed? Joe feels the argument could go both ways because they are taking space away from the main house so that is why they are adding the additions.

Greg wondered what space was going to be taken away. They are losing an exercise area.

Elevations of all sides of the dwelling were presented.

Brian pointed out they would be setting a precedence.

Dave would recommend they entertain the Variance.

Tom read correspondence from town departments there are no objections or concerns.

Public Testimony:

None

Plans Presented:

- Floor Plans and elevations prepared by Celeste Hynick Architects, dated 5/10/23
- Plot Plan prepared by Edward Farrell, dated 6-11-23

Dave moved to grant the Special Permit to allow the applicant at 4 West Park Drive to have add an accessory apartment according by the plans presented Ed Farrell and Celeste Hynick.

Joe seconded

Voting members all in favor Dave, Chip, Jim, Joe and Tom

Dave moved to grant the Variance of the requirements related to the modification to the principal dwelling on the plans that are happening to the accessory apartment according to the plans noted above.

Joe seconded

Voting members all in favor Dave, Chip, Jim, Joe and Tom

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

APPROVE MINUTES:

The minutes of June 28, 2023 will be approved at the next hearing on August 16, 2023

The meeting adjourned at 8:19 p.m.