

ZONING BOARD OF APPEALS

REGULAR MEETING

SEPTEMBER 10, 2024 – 5:00PM (VIA ZOOM)

1. Call to Order. The meeting was called to order at 5:00pm.
2. Seating of Members & Alternates. Present: Stacie Weiner, Lee Greenhouse, M.E. Freeman, Peter Menikoff, Harding Bancroft (Alternate), Abby Conroy (and Use Director) and Georgia Petry (Administrative Assistant). Absent: Roxanne Belter. H. Bancroft was seated as Voting Alternate for R. Belter.
3. **Approval of Agenda. So Moved** by S. Weiner, **With All in Favor.**
4. **Minutes of August 13, 2024.** L. Greenhouse asked for a correction to Item #4 – L. Greenhouse had abstained from the vote. A **Motion to Approve the Minutes of August 13, 2024, as Amended**, was made by S. Weiner, **With All in Favor.**
5. Public Comment – None
6. #2024-0262 / Zimmerman (Grickis) / 16 Woodland Drive / Request for Amendment to Variance from Front Yard Setback / Map 35 / Lot 06 / DOR: 09/10/2024  
S. Weiner indicated that the application is being accepted this evening and asked Attorney William Grickis to explain the application. Attorney Grickis described that there was some confusion between the architect, surveyor and contractor, but not on the part of the owners. Attorney Grickis referred to the original application site plan which contained a de minimis zoning encroachment on only one corner of the proposed garage addition. He noted that the “As-Built” survey reviewed by A. Conroy showed an extension of 4.9’ into the setback area on one corner and about 1’ on the other corner. He mentioned P&Z Regulations 803.5, as an immaterial amendment to the original application, or the owners would file this as a new application; they are open to either one. S. Weiner commented that the ZBA needs direction as to whether this could be an amendment or a new application. M.E. Freeman asked A. Conroy for guidance on the amendment process, as it was not familiar to this Commission. A. Conroy noted that she had not come across this before and compared it to the Public Hearing component of a Special Permit application process; the Commission could find this to be immaterial on the site plan only, without holding a Public Hearing again. A. Conroy pointed out that this application is a setback to the front property line, but wasn’t sure if there were objections to the original application. P. Menikoff asked if there was any construction on the site after 2022; Attorney Grickis answered yes and explained that the post-2022 construction increased the incursion into the front yard setback. P. Menikoff asked why the “As-Built” was

inconsistent with what the ZBA approved; Attorney Grickis answered that he had tried to find out, but has not been able to find out the exact details of how it happened. A. Conroy suggested that a condition going forward would be to have an "As-Built" survey of the foundation before further construction. L. Greenhouse asked why they were having this discussion now, instead of accepting the application and having the substantive discussion at the next meeting; M.E. Freeman commented that it depends on if they are considering this as a Variance. L. Greenhouse further commented that substantive discussion should be at the next meeting. S. Weiner indicated that there should be a Public Hearing on this matter and that it is the correct process. P. Menikoff expressed his concern about setting precedent for others to get approval for certain amounts of setbacks, do the construction, and then come back to the ZBA with their mistakes. A. Conroy indicated that the protocol going forward would include a foundation "A-Built." S. Weiner commented that the time until the next meeting is needed to clarify this process; the application has been accepted and the Public Hearing will be held on October 8, 2024.

**Adjournment. So Moved** by L. Greenhouse, seconded by S. Weiner and unanimously **Approved**.