

ZONING BOARD OF APPEALS

REGULAR MEETING

SEPTEMBER 8, 2026 – 5:00PM (REMOTE)

1. Call to Order. The meeting was called to order at 5:07pm.
2. Seating of Members & Alternates. Present: Lee Greenhouse, Cori Daggett, Peter Menikoff and M.E. Freeman. Absent: Roxanne Belter and Harding Bancroft (Alternate). Attending: Miles Todaro (Land Use Tech Specialist) and Georgia Petry (Recording Secretary).
3. **Approval of Agenda. So Moved** by L. Greenhouse, seconded by C. Daggett, **With All in Favor.**
4. Public Comment – None
5. **Minutes of August 11, 2026.** C. Daggett asked for a correction to Item 7. To read “... the new proposed new house would also be within the setback area.” A **Motion to Approve the Minutes of August 11, 2026, as Amended**, was made by P. Menikoff, seconded by L. Greenhouse, **With All in Favor.**
6. #ZBA-26-2 / 288 Twin Lakes Road / Map 63, Lot 07 / Owner: Jodi Luby / Applicant: Christopher Lancto / request for variance of sections 304 and 300.2 to expand a nonconforming structure in the side yard setback / DOR: 09/08/2026
M. Todaro explained that this meeting is to schedule a public hearing, have a discussion and ask more questions. P. Menikoff asked what the variance is for and if there is an attorney present. Attorney Anthony Palumbo described the existing building as non-conforming and they want to make it more non-conforming; it is a small undersized lot and they can’t comply with the existing setback rules. L. Greenhouse asked if the application is complete; Jodi Luby, Owner, commented that she had personally dropped off the plans. L. Greenhouse is concerned with the footprint of the building, relative to the setback lines. Attorney Palumbo commented that he had sent documents regarding the setbacks. L. Greenhouse asked if they have documents for a complete application. Attorney Palumbo described the proposed garage expansion. P. Menikoff asked why septic system documents were included; Ms. Luby and Attorney Palumbo indicated there are no problems with the septic system. A **Motion to Accept #ZBA-26-2 and Schedule a Public Hearing**, was made by L. Greenhouse, seconded by M.E. Freeman, **With All in Favor.** The **Public Hearing** is scheduled for **October 13, 2026 at 5:00pm**; it will be a Remote meeting via Zoom.

7. #ZBA-26-1 / 145 Farnum Road / Map 48, Lot 15 / Owner: 145 Farnum Road LLC / Applicant: Emily Vail / request for variance of sections 304 and 300.2 to improve nonconforming single family dwelling / DOR: 08/11/2026

L. Greenhouse read the Legal Notice. The **Public Hearing was opened at 5:30pm**. Attorney Emily Vail described the update to the wetlands survey and pointed out that the regulated area has been expanded, according to a map revised 8/6/2026. Attorney Vail noted that construction within the 40' setback area can't be authorized without a variance. L. Greenhouse asked if the construction is encroaching within the 40' setback; Attorney Vail answered, correct, the proposed expansion is encroaching within the 40' setback. Attorney Vail informed the ZBA that they have filed an application with the Inland Wetlands & Watercourses Commission (IWWC) because of the well; that will be heard on September 14, 2026. P. Menikoff asked what IWWC is being asked to do; M. Todaro answered that it is the review of the proposed work within the 150' upland review area (URA). Attorney Vail commented that if the variance is not granted, they would have to submit a totally different application to IWWC and described what IWWC regulations might allow to minimize impacts to the wetlands. Attorney Vail added that they were told to come to ZBA first to determine this application, which is preferred by the owners. M.E. Freeman commented on the shape of the proposed building to accommodate a staircase; Attorney Vail responded as to why it is needed. P. Menikoff asked if there is no other way to do the work within the current footprint; Ms. Paksai answered yes, that is correct. M. Todaro explained that the ZBA could continue discussing the application while the Public Hearing is open or they could close the Hearing, continue the member's discussion and then vote. Attorney Vail confirmed with M. Todaro that no comments or correspondence was received from the public; M. Todaro confirmed that. **A Motion to Close the Public Hearing** was made by L. Greenhouse, second by M.E. Freeman, **With All in Favor**. The **Public Hearing was closed at 5:50pm**.

Commission discussion: M.E. Freeman expressed her comments about the property and mentioned that the Minutes (of the last meeting) had made clear the member's concerns. P. Menikoff commented that they need to come up with a rationale which is different than hardship. C. Daggett commented that they should look at whether the land itself creates a significant hardship to be able to grant a variance. P. Menikoff commented that the land hardship has been there all along and it was there when they bought the house this year. M.E. Freeman expressed that moving the well is another hardship. P. Menikoff and M.E. Freeman did not agree on the level of hardship. L. Greenhouse agreed with P. Menikoff in principle, noting that the law is not kind, but commented that moving the well is the rationale for the hardship. P. Menikoff disagreed with C. Daggett on the land being the hardship; he wants it shown in the Minutes that the hardship is based on the requirement to move the well. **A Motion to Approve the Request for Variances of Sections 304 and 300.2 for Improvements to the Property Located at 145 Farnum Road, Based on the Hardship of the Requirement to Move the Well**, was made by P. Menikoff, seconded by M.E. Freeman, **With All in Favor**.

Adjournment. So Moved by L. Greenhouse, seconded by C. Daggett, **With All in Favor**.