



**Town of Walpole  
Commonwealth of Massachusetts  
Zoning Board of Appeals**

**Zoning Board of Appeals**  
*John Lee, Chair*  
*Drew Delaney, Vice Chair*  
*Robert Fitzgerald, Clerk*  
*David Anderson, Member*  
*Judith Conroy, Member*  
*Timothy Hoegler, Assoc. Member*  
*Mark Major, Assoc. Member*

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**MINUTES  
WALPOLE ZONING BOARD OF APPEALS  
MARCH 20, 2023**

Present: John Lee (Chair), Drew Delaney (Vice Chair), Robert Fitzgerald (Clerk), Judith Conroy, David Anderson.

Absent: Mark Major and Tim Hoegler

Also Present: Patrick Deschenes, Community Development Director

Mr. Lee called the meeting to order at 7:00 P.M.

Case No. 22-4, Thomas J. Powers, 132, 136, 140 Washington Street, Special Permit under Section 5-B.1.3.g of the Walpole Zoning Bylaws to allow for a three (3) story, six (6) unit, mixed-use residential development within the Business (B) Zoning district. (Continued from 2/15/23)

Case No. 22-30 opened at 7:01 P.M.

Dan Merrikin appeared before the Board and requested a continuance. He explained he still needed to finalize pending items with the Conservation Commission which would take place later that week.

Mr. Lee said that the case should be re-noticed to abutters as it had been continued multiples times for over a year. Mr. Merrikin agreed to re-notice.

Mr. Deschenes added that April 5<sup>th</sup> was the next available meeting for the Board, however the deadline to send new notices to abutters and in the newspaper had passed.

Mr. Merrikin asked if the notice had to appear in the newspaper or if it could go directly to abutters within 300 feet. The Board decided it should be advertised in the newspaper as well as directly to abutters.

**Motion** by Ms. Conroy, seconded by Mr. Delaney to continue to May 15, 2023 as well as an extension of time until June 1, 2023.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Case No. 23-11, Kathleen Watson and Kevin Plunkett, 7 Pilots Way, requesting an administrative appeal regarding the Building Commissioner's issuance of building permit BR-22-304 at 11 Pilots Way for an inground pool on the grounds that the owner is in violation of Section 5D: Excavation of Filling of Earth.**

Case No. 23-11 opened at 7:07 PM.

Kathleen Watson and Kevin Plunkett appeared before the Board. Ms. Watson said they filed an administrative appeal not due to the issuance of the building permit, rather the violation of section 5.D regarding earth removal.

Mr. Plunkett argued that the bylaw stated grade changes could not exceed one foot. The owners of 11 Pilot's Way installed an inground pool which caused them to raise the grade more than one foot. He believed this could pose water problems in his basement and he wanted to address and potential problems prior to the work being completed.

Ms. Watson presented a photo she felt captured the change in grade. She noted there could be a channel of water which would be directed at her property. There was currently a 6-foot privacy fence on her property and with the change in grade, she did not believe this would provide her adequate privacy. She noted in a letter she received from Jim Crowley, Building Commissioner, the 30 day window to appeal the building permit had expired. Ms. Watson did not believe that should be applicable in this case because the potential issues had not been discovered until the work was being done. No plans were on file with the Building Department when she requested so there was no way to anticipate the final product.

Mr. Fitzgerald asked how much the grade had been changed. Ms. Watson responded she believed it was three feet. Mr. Lee noted there was no starting reference point for the Board to use.

Ms. Conroy asked if prior to the project, the applicant could see over the fence. Ms. Watson said no and that she and Mr. Plunkett had complete privacy. Ms. Conroy asked if the rear yards were on the same level prior to the project. Ms. Watson said they were not as they live on a hill. All of the yards were terraced. She explained the reason for the appeal was to be proactive. At the Building Department, she asked what would happen if water was in her basement. She was told it was a civil matter and she felt the problem could be fixed prior to that point.

Mr. Lee asked what previous problems she experience regarding water in her basement. Ms. Watson explained there was earth removal due to the installation of a basketball hoop. The project was not graded properly and it resulted in water in her basement. She had a swale made on her property as well as a wall with another swale to mitigate the water.

Mr. Delaney asked if the land had always been contoured to their property. Ms. Watson explained when the homes were first constructed, there was never a problem. Mr. Delaney asked if there was always a natural decline towards her property. Ms. Watson said yes.

Mr. Lee called Mr. Crowley to the podium.

Mr. Crowley explained a by-right permit had been issued for an in-ground swimming pool in August of 2022. The project met all the criteria to occur by-right so there was no requirement for a Special Permit or noticing of abutters. He explained the section of the bylaw Ms. Watson referenced. Mr. Crowley explained that the removal of earth in this situation was an incidental use to the construction of the pool, which as stated within the applicable section of the Bylaws, is allowed to occur by-right without the need for a Special Permit.

Mr. Crowley stated that the 30-day window to appeal the issuance of the building permit and the 30-day window of the notice of construction had both expired. There was still work that needed to be done and

the homeowners were waiting for the ground to thaw to complete the project. Mr. Crowley provided the Board with a site plan which showed the location of the swimming pool exceeded the minimum setback requirements of 6-feet from the property line. The proposed location as 18-feet from the property line. He determined there was roughly a two foot grade change that was also 18-feet from the property line. The large grade changes were found at the front of the homes.

The homeowners hired Dan Merrikin, Legacy Engineering to construct a retaining wall and drainage system to defer water on their property. Mr. Merrikin agreed with Mr. Crowley that the activity in question was exempt from Zoning Bylaws, Section 5.D. He noted he was hired by the homeowners to address the neighbors' concerns and he would make reasonable efforts to address any potential concerns. The reason for the grade change was to create a level pad around the pool which is required for the construction of an in -round pool.

Ms. Conroy asked to confirm change in grade based on comments. Mr. Merrikin confirmed the change in grade was 2-feet. Mr. Conroy noted that the decking was not completed on the project and she was concerned with increasing the impervious surface. Mr. Merrikin noted that based on the proposed plans, the impervious area would be reduced as the asphalt sport/basketball court would be removed which would reduce runoff.

Mr. Merrikin said there would be a deck and patio with landscaping. The slope was not substantial but agreed with the homeowners to create a small retaining wall and other potential additions to the project to alleviate any drainage concerns.

Ms. Conroy wanted to ensure the applicant's existing 6-ft fence would remain adequate for their privacy. Mr. Merrikin believed it would suffice. He noted he was onsite the past weekend and could not see over the fence or into their yard. The fencing would not change and he noted that there could be viable activity at certain vantage points, but that could be seen vice-versa. Mr. Merrikin state4d that the proposed retaining wall would be roughly 18-inches.

Mr. Lee asked Mr. Merrikin to work on plans and wanted to know how to solve any potential problems. He asked if something could be done to direct water around the pool and hoped to find a plan that would make both parties satisfied.

Mr. Deschenes reminded the Board that they only were required to review Mr. Crowley's interpretation of Section 5.D. and that the Board did not have the ability to add any conditions to a building permit that was issued by-right.

Ms. Conroy asked what the consequences were to not agreeing with the Building Commissioner. Mr. Crowley explained there were two ways to interpret the bylaw. If the Board agreed with Ms. Watson's interpretation, any pool, addition or anything that exceeded the threshold would require a special permit from the Board. He believed the bylaw had clear exemptions and that the homeowners had hired Mr. Merrikin to appease the neighbors at their expense which they were not required to do. He noted that the homeowners had the right to complete the project without any additional costs of Mr. Merrikin's services.

Mr. Delaney asked how many swimming pools required a Special Permit. Mr. Crowley confirmed no one had ever needed one prior.

Mr. Delaney asked if the land was stabilized. Mr. Merrikin said there were no signs of erosion and noted he was on site the past weekend.

Dan Shea, 11 Pilot's Way, expressed that he had spent a lot of money to address these concerns. He retained a civil engineer and landscaper. Last year when he tried to work with a landscaper it was too late in the season to work on the project. Mr. Shea stated that there was clearly an exemption for this incidental use within the bylaws.

Mr. Anderson felt that Mr. Crowley's interpretation of the bylaw was correct. Other members agreed.

John O'Leary, 776 Washington Street, did not believe the change in grade was properly addressed. Mr. Plunkett believed there was still a violation but was relieved the homeowners were seeking other remediation strategies.

Mr. Lee understood the applicant's argument but felt the by-law needed to be read in its entirety. He believed the Building Commissioner's interpretation was correct.

The applicants requested to close the public hearing.

**Motion** by Ms. Conroy, seconded by Mr. Delaney to continue to close the public hearing.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson-aye)

**Motion** by Mr. Delaney, seconded by Mr. Anderson to deny the administrative appeal.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson-aye)

**Case No. 23-3, John Walsh Co., 1549 Washington Street, Special Permit under Section 9.3 of the Walpole Zoning Bylaws in order to demolish the pre-existing, non-conforming two family dwelling and construct a new two family dwelling within the Residence A (RA) Zoning District.**

Case No. 23-3 opened at 8:01 PM.

Attorney Brian Almeida and applicant John Walsh appeared before the Board.

Mr. Walsh explained he purchased the pre-existing two-family that was built in the 1800's. He planned to demolish the existing dwelling and construct a new two-family dwelling which would be expanded in area, but compliant with the bylaw. Mr. Walsh stated that the original plan was to have homes face Stone Hill Terrace. The new units would be side by side. It was noted that Carl Balduf, Town Engineer, expressed concerns over the address of the new units. The applicant explained he did not want to cause any problems for abutting properties and welcomed creative solutions.

Mr. Lee asked if the existing home had a Washington Street address along with frontage. Mr. Walsh said yes.

Mr. Walsh explained comments offered by Carl Balduf, Town Engineer, explaining that the Fire Department preferred to see the front door facing the street address. He provided a revise plan which showed on unit facing Washington Street and one unit facing Stone Hill Terrace.

Mr. Lee said changing addresses would cause larger issues including the Assessor's Office and the Registry of Deeds. Mr. Walsh confirmed that the revised plan which has one unit on Washington Street and on unit on Stone Hill Terrace would not require abutting properties to change their addresses. Additionally, the two existing curb cuts would be incorporated into the new plan.

Mr. Delaney asked when stamped plans would be available. Mr. Walsh confirmed he would have them prior to the next Board meeting.

Mr. Fitzgerald said the project may require a Special Permit under 12.3.C. Mr. Walsh was aware and just waiting for the abutter list and then would formally apply.

Mark Arruda, 1541 Washington Street, explained his driveway faced Stone Hill Terrace. He asked about disruption to utilities during demolition. Mr. Walsh explained that only the home being demolished would be cut off from utilities and his property would not be affected.

Mr. Lee thought it would be wise for Mr. Walsh to have a meeting with neighbors to address their concerns regarding construction prior to the next meeting. Mr. Walsh agreed.

Jim Scanlon, 2 Stone Hill Terrace, appreciated Mr. Walsh's flexibility regarding addresses. He further explained how large of an undertaking it would be to change an address.

Eileen Rose, 8 Stone Hill Terrace, explained that the proposed home did not need to go onto Stone Hill Terrace. She felt the only reason was to increase real estate value and believed the units should face Washington Street. She also expressed concern over a potential address change.

Mr. Walsh said the reasoning for having the building to face Stone Hill Terrace was due to safety. Washington Street was a main through-way and cars typically drive very fast. The concern regarding street addresses came up just days prior to the meeting. His intention was never to require abutting properties change their addresses.

Elwood Willey, 6 Stone Hill Terrace, said he had lived in his house for 41 years. He would be opposed if there was an address changes but felt encouraged by the applicant's plan.

John O'Leary, 776 Washington Street, noted this home was a two-family in an RA zone which was not allowed. After conducting his own research, he found that only one family had been living in one side for two years. He believed that the two family use had been abandoned.

Mr. Walsh said the existing two family dwelling had been rented out for the past 30 years with no break in its use. Ms. Conroy asked if he could provide cancelled checks and utility usage to support that claim. Jim Crowley, Building Commissioner, explained that this property had been taxed as a two family the entire time. Abandonment was only for commercial properties. Additionally, the second living unit needed to be removed to revert the property to a single family. In this instance, tenancy did not matter.

Janice Young, 19 Sandy Valley Drive, agreed that this had always been a two family and was never abandoned. Although she was unaffected by the project, she felt for her neighbors if they needed to change their addresses. She also appreciated Mr. Walsh's flexibility.

Mr. Lee explained this item would be continued and the applicant could submit revised plans as well as apply for a Special Permit under Section 12.3.C. Mr. Walsh confirmed he would be prepared to move forward for the May 15<sup>th</sup> meeting.

Ms. Conroy asked if the Special Permit Mr. Walsh applied for under Section 9.3 also needed to include additional sections within Section 9. Mr. Crowley explained that the other sections within Section 9 refer to the details the Town would like to see incorporated, however Section 9.3 refers to the requirements of the Special Permit. Ms. Conroy asked what was included within the 50% the applicant was allowed to expand. Mr. Crowley said two stories and the applicant's proposed plan fit within the requirements. Anything larger would require a Variance.

**Motion** by Ms. Conroy, seconded by Mr. Delaney to continue May 15, 2023.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

The Board took a 5 minute recess.

**Case No. 23-4, Paul Nee, 8 Hoover Road, Special Permit under Section 9.4.A of the Walpole Zoning Bylaws to allow to construct a rear deck to a dwelling that is pre-existing, non-conforming in regard to its rear setback.**

Case No. 23-4 opened at 8:45 PM.

Paul Nee, homeowner, appeared before the Board. He proposed to construct a rear deck. Mr. Lee asked what was the current rear yard setback. Mr. Nee responded that it was 29.8 feet. Mr. Lee stated the proposed deck would be 17.8 feet from the property line. He asked Mr. Nee why he was not able to make this conforming. Mr. Nee said the existing setbacks did now allow for this.

Mr. Deschenes explained this was a pre-existing, non-conforming structure in regards to the rear yard setback. The applicant was allowed to seek relief to exacerbate this non-conformity under a Special Permit and did not require a Variance.

Mr. Lee asked if Mr. Nee had met with the Building Commissioner. Mr. Nee confirmed they met and discussed the proposal. Mr. Lee asked if there would be any conflict with a rear abutter due to the new setback. Mr. Nee said there would not be a problem. Mr. Lee asked if the deck would be opened or covered. Mr. Nee said it would be opened.

Mr. Fitzgerald stated there was a letter of support from a neighbor.

Mr. Lee asked how high the deck would be off the ground. Mr. Crowley said no more than 4 feet.

**Motion** by Ms. Conroy, seconded by Mr. Delaney to close the public hearing.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Motion** by Ms. Conroy, seconded by Mr. Delaney to approve the Special Permit.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Case No. 23-5, Scott Sardina, 4 Hoover Road, Special Permit under Section 9.4.A of the Walpole Zoning Bylaws to allow to construct a rear deck to a dwelling that is pre-existing, non-conforming in regard to its rear setback.**

Case No. 23-5 opened at 8:55 PM.

Andrew Green and Scott Sardina appeared before the Board. Mr. Green explained that the homeowner hired Mr. Sardina in June of 2022 to construct a 10x12 rear deck. The work had been completed, however a building permit was never filed.

Mr. Lee asked if this deck met current safety standards. Mr. Crowley said not currently as no inspections had been done. A notice was left on the homeowner's door mid construction then a violation was sent when no one responded to the notice. A building permit was then filed for, however upon the review of the plot plan, it was found that this deck required a Special Permit. The building permit was on hold until the Board rendered a decision. If approved, the building permit would be reactivated and the inspections would be done. The footing would need to be dug up to be properly inspected, but it would determine how much the inspectors have access to the area.

Mr. Delaney asked why the building permit was pulled after the fact. Mr. Green said the homeowner opted to not pull a permit. He knew that it was wrong. Mr. Delaney was frustrated as he stated the applicant should have known better.

**Motion** by Ms. Conroy, seconded by Mr. Fitzgerald to close the public hearing.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Motion** by Ms. Conroy, seconded by Mr. Fitzgerald to approve the Special Permit.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Case No. 23-6, Christopher Gibson, 657 North Street, Special Permit under Section 5-B.1.3.i of the Walpole Zoning Bylaws in order to construct an accessory structure/building to be used as a custom furniture making space to be operated by the homeowner.**

Case No. 23-6 opened at 8:55 PM.

Christopher Gibson, homeowner, appeared before the Board.

Mr. Lee read the legal notice and department comments into record. He asked Mr. Gibson if he filed with the Conservation Commission. Mr. Gibson explained that he hired John Glossa to mark the wetlands and it was determined that the proposed work was outside of the 100 foot buffer zone. He also presented Mr. Glossa's findings to the Conservation Agent and she determined this did not require a filing with the Conservation Commission.

Mr. Lee noted that the Board would need confirmation regarding the Conservation Agent's guidance. He explained Mr. Gibson could proceed at his own risk as a filing with the Conservation Commission could alter his plans which would require a modification from the Zoning Board. Mr. Gibson decided to proceed at his own risk.

Mr. Lee read the letter from Carl Balduf, Town Engineer, regarding curb cuts and noted that the Board of Health letter required updated plans. Mr. Gibson believed this was a misunderstanding. Originally, the Board of Health thought there was going to be a full basement which would require a greater setback from the septic system. It was determined the slab foundation only required a 10-foot setback.

Mr. Gibson explained he had lived at the property with his wife for 7 years. Woodworking had become a hobby. He began working in the basement but it was becoming harder to work on large projects. The proposed garage would serve a dual purpose. It would provide a garage as well as a ground level workspace. He planned to make one piece of furniture a month and would not have any employees. Nothing would be sold out of the garage and there would not be a sign.

Mr. Lee asked what kind of materials would be used. Mr. Gibson said 2x6 construction board with batten siding, metal roof and a truss. The structure would be 40'x30' on a slab foundation.

Mr. Delaney asked how close Mr. Gibson was to the rear neighbor. Mr. Gibson said he was at least 30 feet from the property line and the neighbor's house was also roughly 30 feet away from the property line. Mr. Delaney said that working late could be difficult. Mr. Gibson agreed and said he purposefully did not put windows facing the abutting property for that reason.

Mr. Lee notice there was a garage door but no proposed driveway. Mr. Gibson explained that it was not their main priority to use the garage. It will mainly just be the workshop. There would be a gravel driveway to one garage bay but no immediate plan for curb cuts or paving.

Charles Hede, 7 Buckboard Drive, believed he needed an RDA from the Conservation Commission. He asked why the structure required approval. Mr. Deschenes explained it was for the home occupation. Mr. Hede asked if the Special Permit could be transferred for another use. Mr. Lee said no. Mr. Hede asked about the hours of operation. Mr. Crowley explained the standard Town hours of operation applied which was 7 AM to 8 PM. General noise ordinances would be followed. Mr. Hede asked if there would be any street parking. Mr. Gibson said there would not be any parking or additional traffic. Also Mr. Gibson was not planning to create an additional curb cut.

Mr. Lee noted a condition would be no street parking.

Ms. Conroy asked if this use was more of a hobby or a business. Mr. Gibson explained that it was really a hobby, but due to revenue, he was required to file as a business.

Mr. Lee asked if there would be a water connection. Mr. Gibson said it was a possibility but it depended on what the process entailed. Mr. Lee asked if there would be any changes to the septic system. Mr. Gibson said no.

Mr. Deschenes read the supplemental findings the Board needed to consider. He believed the project fit within the scope.

**Motion** by Ms. Conroy, seconded by Mr. Fitzgerald to close the public hearing.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)



**Motion** by Ms. Conroy, seconded by Mr. Fitzgerald to approve the Special Permit.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Case No. 23-7, John Rooney, Jr., 11 Winthrop Street, Special permit under Section 12.3.C. of the Walpole Zoning Bylaws for the modification to a preexisting nonconforming one-family dwelling that exceeds the impervious surface requirement for a residential use within the Water Resource Protection Overlay District.**

Case No. 23-7 opened at 9:27 PM.

Scott Henderson, Project Engineer, appeared before the Board. He explained the proposed additions to the property required a Special Permit under Section 12.3.C as the impervious area would exceed 15% within an Area 1 of the Water Resource Protection Overlay District. A set of dry wells would be installed that would drain as they fill up. Mr. Henderson stated the system was designed to meet the required standards.

Mr. Lee read the department comment letters into record and made note of the curb cut and telephone concerns noted in Mr. Balduf's letter. Mr. Henderson was aware additional permitting would be required. He explained that the plans showed the maximum allowable setbacks on the plans, however impervious area could be decreased if needed.

Mr. Lee said this was a small home with two proposed additions. Mr. Henderson confirmed there would be two additions and a rear deck, all of which complied with zoning. Mr. Lee said on the right side there would have an 11-foot setback. Mr. Henderson explained that the lot lacked frontage so the zoning allowed them to build into the side yard setback in this situation.

Mr. Crowley explained that the Town focused on foot print as opposed to floor area ratio (FAR). He noted that 7 doors down this project would be approved by right as it would be outside of the Area 1 zone.

Mr. Lee asked if there was any architectural renderings. Mr. Henderson said they were not common for this purpose.

Mr. Delaney said there were two proposed driveways and wanted to confirm this would not be a two family. Mr. Henderson said that it would not as it would be a violation within the zoning.

Mr. Fitzgerald noted this needed to comply with the State Stormwater Management Policy. Mr. Henderson noted that was only for commercial projects and it did not apply to this scenario. He added that it did fall under the Clean Water Policy and said the system could hold a substantial amount of water.

Mr. Lee was concerned that future homeowners would not be required to return to the Board for another system. Mr. Henderson assured the Board that this was the best system available.

Mr. Lee noted the plans were to expand the foot print. He asked why the plan couldn't be altered to add another story. Mr. Henderson said the underlying zoning allowed for 40% impervious surface area. The

intent of the bylaw to limit this coverage in an Area 1 was to ensure homeowners did not pave their entire lots.

John Rooney, Jr, homeowner and applicant, explained to the Board that due to a disability he suffered several years ago, first floor living would be beneficial to him.

Mr. Lee was concerned that the existing home was too small and on a small lot that would be proposed to be built to the maximum setbacks. Mr. Lee was also concerned that the system would not last as long as the home and he feared there could be negative effects to the Town's drinking water. He also worried this could create a domino effect in an area where 15% was deemed reasonable.

The Applicant and his Engineer discussed the matter privately before returning to the Board and asking to withdraw without prejudice.

**Motion** by Ms. Conroy, seconded by Mr. Delaney to withdraw without prejudice.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Case No. 23-8, Richard Quinn, 672 Common Street, Special permit under Section 12.3.C. of the Walpole Zoning Bylaws for the modification to a preexisting nonconforming one-family dwelling that exceeds the impervious surface requirement for a residential use within the Water Resource Protection Overlay District.**

Case No. 23-8 opened at 9:55 PM.

Scott Henderson, Project Engineer, appeared before the Board. He explained the proposed additions to the property required a Special Permit under Section 12.3.C as the impervious area would exceed 15% within an Area 1 of the Water Resource Protection Overlay District. The current lot coverages for impervious surface area was currently 18.3%. The total impervious surface area proposed with two one-story additions and a front porch was 22%. The proposed infiltration system would handle 2,500 sqft which far exceeded the 1,400 sqft that was the total size of the additions. He added that the house was in keeping with the neighborhood.

Mr. Fitzgerald said the lot already exceeded the 15% impervious surface area. He assumed this rule came into effect after the house was constructed.

Richard Quinn, homeowner and applicant, explained he purchased the home from his wife's parents in 2010. An in-law suite was constructed between 2010-2012. Mr. Lee asked if proper permits were pulled. Mr. Quinn confirmed all permits were done properly.

Mr. Delaney asked what sort of maintenance was required for the system. Mr. Henderson said gutter cleaning twice a year. He noted the Town did not have any additional regulations for maintenance. It could always be conditioned. He added that he always checks each system after a large rainfall and the systems get inspected several times during construction. An operation & maintenance plan was included in the stormwater report.

Ms. Conroy noted that the lot area was undersized and asked why it did not require an additional Special Permit. Mr. Crowley explained that as long no new non-conformities were created, it's not required.

Mr. Fitzgerald asked for clarity on lot coverage. Mr. Crowley said it did not appear they received approval for lot coverage in the past. Since more than 7 years passed, it was considered pre-existing, non-conforming.

Mr. Fitzgerald read that the Special Permit requirements dictated the project could not be substantially more detrimental than the existing use. Mr. Fitzgerald did not believe the water supply would be an issue as the proposed system would capture more than the proposed additions.

Mr. Anderson added that he felt the 15% impervious restriction was intended for a Town body to review on a case by case basis but that relief can be granted. He didn't believe the 15% was to deter homeowners from expanding their property. Mr. Deschenes agreed.

**Motion** by Ms. Conroy, seconded by Mr. Fitzgerald to close the public hearing.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Motion** by Ms. Conroy, seconded by Mr. Fitzgerald to approve the Special Permit.

Motion carried 4-1-0 (Lee -nay; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

#### **Minutes:**

**Motion** by Mr. Fitzgerald, seconded by Mr. Anderson to approve the minutes from February 15, 2023.

Motion carried 4--0 (Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

**Motion** by Mr. Fitzgerald, seconded by Mr. Delaney to approve the minutes from March 1, 2023.

Motion carried 3-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye)

#### **Adjournment:**

**Motion:** by Ms. Conroy seconded by Mr. Anderson to adjourn.

Motion carried 5-0-0 (Lee -aye; Delaney-aye; Fitzgerald -aye; Conroy-aye; Anderson -aye)

Meeting adjourned at 10:27 P.M.