

Meeting called to order at 7:00 PM (Business Meeting)

Present Leo Ryan, John Pingree, Tom Mulligan, Jay Ogden

Zoom invoice signed by Tom Mulligan

Pitney Bowes invoice John Pingree motion to approve invoice, James Ogden second all in favor

Correspondence: letter from the Town of Groveland for a special permit granted

Continuation letter received for Carlton Drive to February 7th for water resource

Tom Mulligan informed the board that he had received a phone call from the attorneys requesting a continuation John Pingree motion to continue the meeting to February 7th James Ogden second all in favor

February 7th meeting discussion of mailings by applicants

John Pingree motion to pause business meeting

Public hearing 34 E Main St. Representing the applicant Attorney Lisa McGloin and Attorney Alexander Capano , applicant/owner Matt Donaghey 63 pond St, Georgetown. It was noted by T.Mulligan that Tracey Hartford will sign a Mullin's Rule in order to sit in on the next meeting forward with four member board.

Applicant is seeking square footage relief by way of a Variance and Special Permit for more than one building on a lot and Site Plan. Client seeks to put 4 Condo units on the in existing footprint keep with the nature of the building 2 (3) bedroom in the front of the property, and 2 (2) bedroom in the back of the property. Previous 40B was for 10 units. Barn is pre-existing non-conforming business use. Attorney McGloin presented petition from abutters. Hardship, economic due to the size of the building, consistent with zoning of the surrounding properties, would add to affordable housing. John Pingree and Jay Ogden or if payment in lieu of unit, questioned if that would be applicable.

Attorney McGloin presented plans to the Board Previously buildings were attached per Building Inspector and Fire Department buildings to remain unattached. John Pingree wants the buildings to be re-attached, to keep from setting the precedence of more than one unit on a property. Attorney McGloin agreed that the buildings could be re-attached. No correspondence has been received.

Audience questions & Comments

Karen Wilmarth, 41 E.Main St did not meet the applicant and did not sign the petition. Questioned parking, curb cut, trash pickup, will there be a homeowners association open space to the left will that remain and will snow removal and stormwater go onto that area and has that been reviewed for water onto other properties

Attorney McGloin, curb cut to the left side of the property, 9 parking spaces provided on left and right side of property as well as in the garage. No traffic plan has been conducted. Cars will be able to turn around on property and exit without backing into E.Main Street traffic.

J. Ogden had questions regarding the parking plan would parking be on top of the Presby Septic System applicant believes parking can be redesigned dumpster will be located at the back of the property need to make sure parking and trash can be placed on the septic system

Homeowner fees will cover trash exterior upkeep snow removal

Drainage plans will be part of the septic system plan James Ogden increase on left side will create an issue

Cassandra White 30 E Main St looks out onto the property has been empty for 13 years she has no problem backing out of her driveway at her location. Believes that it's a reasonable proposal for the work.

Michael Dubois 37 E Main St. Concerns with traffic and parking and parking for guests was not presented with the petition applicant said he did try a number of times. Mr. Dubois was not against original filing by Applicant Aulson, but was concerned with the parking and traffic.

Shawn McGee 124 N St. believes project will be an asset for the community, the four units would be an asset packing parking for guests in municipal parking lot.

T. Mullins reviewed criteria for variance: 1. Unique circumstances relative to the soil conditions, shape or topography of the land or the structures in question, but generally not effecting the zoning district 2. Literal enforcement of the bylaw would involve substantial hardship to the afore mentioned land or structure financial or otherwise 3. desirable relief may be granted without substantially derogating from the intent and purpose of the zoning by-law. All items must be met

Special permit criteria: 1. The requested use is essential or desirable to the public convenience or welfare 2. The desired use will not overload any water or municipal systems 3. The requested use will not impair the integrity or character of the district, or adjoining districts 4. The requested use will not cause an excess of that particular use, which could be detrimental to the neighborhood.

J. Ogden – asked what the variance is being seeked. T.Mulligan maximum number of units

Will not impair the district

L. Ryan clarification on number of units from previous filing and question for 30 E Main St. constructed prior to zoning, non-conforming unit. Open space is 30 E Main St. septic system location

J. Pingree questioned the case for the variance. Attorney McGloin: condition of buildings can be used for hardship, presented Johnson vs Town of Wareham 1972 case, two buildings on a lot was board of appeals hardship, barn doesn't have meaningful use.

Applicant would be willing to connect the two buildings, variance relief would be for the one structure

Property owner currently has building permits to repair back wall and some interior, kitchen and bath in front building. Rear building renovations to keep from collapsing and to make safe and rebuilt addition to left side of the carriage house, no change to the footprint

Applicant purchased property in 2020 with the 2018 permit for 40B still in place. 40B would have been un-economical to build, applicant let the permit expire

Plan for variance and second drive would eliminate town parking

Applicant proposed take back of the barn off for a drive through carport

2018 septic plan for Aulson was a ten bedroom design, 2 3bedroom units and 2 2bedroom units.

J.Pingree questioned if Water Resource is necessary

T.Mulligan questioned Johnson v Town of Wareham 1972, 40A changed in 1975, have there been any challenges since that time, is Johnson v Town of Wareham still good case law, Attorney McGloin research is it is still good case law. Attorney McClain to forward decision to the board.

Special Permit: Water Resource is not on the application for this meeting.

Special Permit for Multi-family 165-9 allow in the RA District, J.Ogden if buildings were attached would it still be considered Multi-family or would it be apartment building

Attorney McGloin seeks a continuance, Board discussion.

John Pingree motion to continue to February 14th, discussion, changed motion to continue to January 18th second James Ogden. T.Mulligan & Attorney McGloin signed extension

Continued business February 7th and March 7th L. Ryan will not be able to attend

April 4th everybody appears to be able to attend

Board member re-signing, need of a new Board member, T.Mulligan will contact Eric Burton for alternate position

Rules and procedure updating schedule a fees, and earlier start time

Motion to adjourn John Pingree James Ogden second all in favor

Respectfully Submitted

Robyn Holt, Administrative Assistant