MINUTES
ZONING BOARD of APPEALS

Meeting Date: Tuesday, January 9, 2024 7:00 P.M.

Meeting Place: HYBRID MEETING*-Meeting Room A, Town Campus, 8 Campus Drive & Zoom Online Webinar

OPEN MEETING

William Piggott called the meeting of January 9, 2024 to order at 7:02pm. He seated John Zaaijer and Dylan Stella as regular members and read the public hearing statement.

MEMBERS PRESENT: Dennis Crowe, William Piggott, Steve Bischoff
ALTERNATES PRESENT: John Zaaijer, Dylan Stella
MEMBERS ABSENT: Richard Gilbert
OTHERS PRESENT: Land use official, Maria Pettola

OLD BUSINESS
None

ELECTION OF OFFICERS - Chair and Vice Chair

Commissioner Crowe made the motion to table the Election of officers to the next meeting. Seconded by Commissioner Zaaijer and unanimously approved.

PUBLIC HEARING(S):

23.22 69 Soundview Ave., Map 7, Lot 4, R-4 Zone. Owner: Ray Pantalena; Applicant: Russell Campaigne; Variance request to Section 2.17 to allow 42ft to a critical coastal resource where 50ft is required. Application includes a coastal site plan review.

Present for the hearing – Russel Campaigne.

A site plan was shown that outlined the existing and proposed building for the property. Mr. Campaigne states the existing house is currently about 32 feet off of the coastal resource, which is an existing concrete sea wall that runs along the property. He states that in trying to bring the property into conformity, the property was redesigned. One of the big aspects was moving the septic system up to the front of the property where it had the best soils and the least risk of erosion. A new septic system is proposed in the front which has certain setbacks for utilities. He further states the new proposed building (the yellow outline on the plan) was pushed as close to the front property setback as it could’ve been. They were also able to take a non-conforming side setback of the existing non-conforming house and remove it by basically having a conforming setback on the western side of the property. On the eastern side of the property, they removed a patio that was nonconforming and brought it into conformity with the layout.

He continues to say the property has hardships associated with non-conformities, and they have minimized the existing non-conformities in their new proposal. The house is both FEMA and
building code compliant and also keeps in line with the plan of conservation development. For this application they are asking for a 8ft set back reduction for the coastal site plan.

Commissioner Crowe asked if there are 3 reductions in nonconformities and states he does not believe the patio counts towards the setback.

After further discussions, Mr. Campagne states regarding the health department, they received 2 minor modifications that do not impact the application. One was a change to the second-floor plan associated with whether a room was considered a bedroom or not. There was also a note associated with a geothermal well which was removed from the plan until they have a direction.

Commissioner Stella asked for information on the legal hardship of this application. Mr. Campagne states that a legal hardship is actually not needed due to the reduction of the number of nonconformities that they have proposed, and the existing hardships associated with the property.

Mr. Campagne reviewed the application submitted, and Commissioner Piggott noted an error on page 2 – 6A.

The hearing was opened to the public for comments. There were no public comments or letters in favor or against the application submitted.

Mr. Campagne states he would like the DEEP letter that supports the variance to be part of the record.

**Commissioner Crowe made the motion to close the public portion of the hearing and move into deliberations. Seconded by Commissioner Stella and unanimously approved.**

**DISCUSSION**

During deliberations, Commissioners agreed that this application showed reduction in non-conformities and the house / design were laid out properly.

**Commissioner Crowe made the motion to close deliberations; seconded by Commissioner Stella and unanimously approved.**

**Commissioner Crowe made the motion to approve application #23-22 for replacement of the home at 69 Soundview Ave where the variance request Section 2.17 is to allow 42ft to a critical coastal resource where 50ft is required based on the reduction / elimination of the side setback and a substantial reduction in the critical coastal resource. Also, all construction must conform to the plans. Seconded by Commissioner Stella and unanimously approved.**

After approval, the coastal site plan was reviewed for the board. Mr. Campagne notes there are no negative comments associated with this application and DEEP is in support of this variance. The site plan was reviewed as well as maintenance during construction.
Commissioner Crowe made the motion to approve the coastal site plan for application #23-22 69 Soundview Ave as the application is consistent with the goals and policies of the Coastal Management Act. Seconded by Commissioner Stella and unanimously approved.

APPROVAL OF MINUTES

December 12, 2023

Commissioner Zaaijer made the motion to approve the minutes of December 12, 2023 as submitted. Seconded by Commissioner Piggott and unanimously approved.

CLOSE MEETING

Adjournment.

Commissioner Crowe made the motion to adjourn at 7:45pm; seconded by Commissioner Stella and unanimously approved.

Respectfully submitted,
Racquel Stubbs