

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
February 28, 2024, 7:00 p.m.
Weymouth High School - Humanities Center
1 Wildcat Way, Weymouth, MA 02190

RECEIVED

2024 APR 17 P 1:09

TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

Members Present: Kemal Denizkurt, Chairperson
Jonathan Moriarty, Vice-Chairperson
Brandon Diem, Clerk
Carsten Snow-Eikelberg
Nicole Chin

Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
Monica Kennedy, Assistant Planner

Recording Secretary: Janet P. Murray

Executive Session: per MGL Chapter 30A, Section 21

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

Chairperson, Kemal Denizkurt, called the Board of Zoning Appeals meeting to order at 7:00 p.m. in the Weymouth High School Humanities Center, 1 Wildcat Way, Weymouth, MA 02190, and explained the procedures that would be followed to the people present.

Old Business:

Case #3502 - Hearing Continued Until 3/20/2024 The petitioner, Pond Street Acquisitions, LLC, for property located at **505 Pond Street & 1537 Main Street** also shown on Weymouth Town Atlas sheet 61, block 639, lots 4 & 7, located in the B-1 District. The petitioner is seeking to:

Special Permit	120-25	(A), (B), and (C)
Special Permit	120-40	extension or change by special permit

The subject property is a 71,581 sf parcel of land with a 40,950 sf warehouse building that was previously Factory Paint & Decorating store and a 19,178 sf parcel with an unoccupied single-family dwelling. Petitioner proposes two buildings, 9,710 sf and 7,916 sf, totaling 17,626 sf. The uses will include restaurant and retail operations, a drive-through lane, a mobile-order pick-up window, and a modest outdoor seating area. The remainder would be parking, vehicle aisles, & landscaping.

Mr. Moriarty made a motion to continue **Case #3502** until 3/20/2024 which was seconded by Ms. Snow-Eikelberg. Unanimously voted.

New Business:

Case #3521 - The petitioner, Patrick J. Foley Esq., for property located at **64 Pond Street** also shown on Weymouth Town Atlas sheet 49, block 555, lot 4, located in the R-2 district. The petitioner is seeking to:

Variance dimension Table 1

The subject property is a 13,819.6 sf parcel of land with a two family home. The applicant seeks to demolish existing two-family and build three townhouses.

Mr. Moriarty made a motion to open the public hearing on **Case #3521** which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to waive the reading of the public notice which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Attorney Patrick Foley appeared before the Board along with Bonnie Tam, architect, Chi Mann, civil Engineer, and Christiana Oliveria, property owner.

Mr. Foley stated that there is a rundown two-family home on the property which the applicant is seeking to replace with three townhouse units with six parking spots. Each home will have three bedrooms and two and a half bathrooms. They will also have two parking spots. Each unit will have three floors and will be roughly around 2400 sf which includes the garage.

Ms. Tam stated that the first floor will have a two car garage with a foyer, living space, and a three quarter bath. The second floor will have living space and a kitchen with a half bath. The third floor will have three bedrooms and a bathroom. There will be three visitor parking spaces in addition to the garage space. The building will have a Mansard roof design. Each unit has a second floor open porch area.

Mr. Mann stated that the site is a long trapezoid-shaped lot, and the design of the building will be along the existing grade. On the left side of the property there is a multi-family building which is about four or five feet higher than this property with a retaining wall at the property line. The site drains from Pond Street towards the back. Each unit is designed so that it will step back which will follow the existing grade so there will be no change to the drainage pattern of the site. There will be a 22 foot common driveway.

In the drainage design, there will be a catch basin and an underground detention system that will be buried under the landscape area. There is overflow discharge out to the back corner which follows the existing drainage pattern, and the runoff is draining towards the left and back of the site. This design will reduce the runoff rate and volume dramatically such that on the two-year storm it will capture all the roof and pavement runoff. On the 100-year storm it will reduce almost 50% of the runoff draining off the site.

There is operational and maintenance (O&M) planned for long-term maintenance of the drainage system. There will be dust control measures included for protection of the environment during construction. The site will be serviced by town sewer that

connects from the back unit out to Pond Street. There will be a new water service installed.

Mr. Foley stated that these will be for sale, owner-occupied units.

Mr. Denizkurt stated that this is an application for a variance which is a fairly difficult bar to reach; it requires that there is something that pertains to the lot itself, whether its shape, slope, topography, and/or soil conditions, that creates a need for variance. He asked the applicant to speak to what is the hardship. He noted that he has not heard anything relating to that.

Mr. Foley stated that there is a hardship in the shape of the lot.

Ms. Tam stated that the topography creates a hardship due to the sloping from the front of the building to the rear of the building; there is about four feet difference in height. He added that it is tougher to design it to make the garage work.

Mr. Mann stated that their site is substantially lower than the next door neighbor, which is a multi-family building. There is a retaining wall all the way down to the back. He noted that the site is tucked down and they cannot raise it because on the right side is a two family house that they do not want to add drainage or any effect. He noted that they are working with the existing topography.

Mr. Denizkurt stated that he does not think that four feet rises to the occasion of needing special consideration. He continued that because this is a tear down, that the variances that currently exist will all have to be re-established. In that regard, the lot is 13,839 sf and then once the building is torn down, the property has to conform to current zoning. Current zoning requires a 10,000 square foot lot for the first unit, and then 5000 sf for each additional unit for a total required amount of a 20,000 sf lot.

Mr. Denizkurt stated that the applicant is asking this board to grant a 30% variance of what is allowed by the zoning bylaw. He noted that this is substantial, and he considers that to be precedent setting. He added that he does not think the Board has granted a variance to that degree. He reiterated that this is a teardown.

Mr. Mann stated that this is an existing two-family and they want to tear down and build a much more desirable project. He continued that if they go back to two-family it is a hardship as it is not economically feasible.

Mr. Moriarty stated that financial hardship is not a hardship as they have as a matter of right to have two units.

Mr. Diem asked for clarification on the computation sheet. He noted that the existing dwellings are listed as 13,819 sf and the proposal is listed as same. He also questioned the rear side yard setback as existing is listed as 1.37 feet.

Mr. Schneider stated that the first number is the lot size not building size.

Mr. Diem asked for a comparison of the current building size and the proposed building size.

Ms. Snow-Eikelberg asked if the visitor parking spots will be assigned to each unit.

Mr. Foley stated that they will be assigned.

Ms. Snow-Eikelberg asked about the landscape plan for the rear of the site.

Mr. Mann stated that it is open with grass and probably some trees and shrubs.

Mr. Luongo stated that the Planning Department does not support this proposal. He stated that this is currently an existing non-conforming site. This project would increase the non-conformity. Under the current zoning, only a single family is allowed, but they have a two-family. Once the building is knocked down, that two family non-conforming is gone. He noted that the property is grandfathered; he continued that they are asking for three units where even two units are not allowed.

The size shape factor has no bearing on this. The lot is too small to accommodate three units. Regardless of the topography, or the shape of the lot, the lot does not have the minimum square footage, even for a newly reconstructed two family. Also, he pointed out that if there is a new water or sewer connection, Pond Street has been repaved within the last five years, and there was a moratorium on any openings in the street for five years.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was the following response.

Diane Lawler, 60 Pond Street, stated that she is an abutter who owns a townhouse in the six townhouse units next to this property. She stated that looking at the drawing, the line that is coming down at a slant right next to the wall is where their units are. She pointed out that her unit is in their backyard, and she does not even have a backyard. She continued that this is obviously crowding, and her unit would depreciate a great deal. She added that she does not see the practicality of this project.

Richard Stackpole, 26 Fern Road, stated that he owns the house behind this project. He stated that he is concerned about drainage. He stated that in his area, over the years, it can be like a wetland as it already fills up with water. He added that he gets so much water in his basement and at times, he cannot control it. He continued that with these buildings installed, it is going to make it a lot tougher than it already is to control the water. He stated that he has French drains and a battery backup unit which sometimes fails. He noted that he has flooded out several times and has lost

quite a few of his child's memorabilia. He concluded by stating that this project should not be allowed as it is not going to help.

Mr. Mann stated that they will have a catch basin at the end of the driveway that will capture all the roof and driveway runoff. The catch basin goes directly into an underground retention system. When there is heavy rain, the system will fill up and then after a period of time will slowly drain out and will infiltrate into the ground. The hydrological analysis shows that they will substantially reduce runoff which is an improvement of the existing conditions.

Mr. Denizkurt stated that he still has concerns about whether the applicant has met the requirements for a variance because the variance is 30% more than what is allowed. He noted that he did not think that he could look favorably on this moving forward. He added that the applicant would need four of the five members for approval.

Mr. Diem stated that he had similar concerns to Mr. Denizkurt. He also stated that the placement of the building on the site at 90 degrees in the opposite direction is going the depth of the entire project, which crowds the abutter. He noted that there is six feet from the front corner to the property line which is where the property's traffic has to go to get to the front doors of the three units. He added that this is not in keeping with the character of the neighborhood or the residential layout of a multi-family. He also pointed out the dimensional issues, He stated that did not think he would be able to vote in favor of this project.

Mr. Moriarty stated that he is familiar with the area and is very aware of what the Board has done in the past. He continued that he cannot get over the dimensional requirements. The existing condition is already a non-conforming lot at 13,839 sf, where 15,000 sf would be required. He stated that a hardship cannot be articulated, and a financial hardship is not a hardship in the eyes of this Board. He also stated that he does not agree that the shape and topography of the lot are hardships.

Ms. Snow-Eikelberg stated that she is familiar with the area, and the lots are all similarly shaped rectangular lots. She added that the elevation change from front to back slope is not a huge obstacle to overcome as it is four feet. She is concerned about the entry and exit to the site. She added that she also has concerns about the streetscape and visibility with the siting of the building. She concluded that she cannot support the application.

Ms. Chin stated that the current table and reflection of the current numbers as they stand would increase in every direction and create a precedent which would also add to that 30% increase.

Mr. Schneider stated that he thinks any change in the design that would satisfy the board would constitute a fairly significant change which would require the project to be re-advertised and re-circulated.

Mr. Foley stated that the applicant would like to withdraw without prejudice.

Mr. Moriarty made a motion to close the public hearing on **Case #3521** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to approve the applicant's request to withdraw without prejudice which was seconded by Ms. Snow-Eikelberg. Unanimously voted.

Case #3522 - The petitioner, Ralph Jaeger - 36 Pond Street Development LLC, for property located at **36 Pond Street** also shown on Weymouth Town Atlas sheet 49, block 555, lot 9, located in the R-2 & Watershed Protection districts. The petitioner is seeking to:

Special Permit	120-13.3	special permit uses
and/or		
Variance	dimension	Table 1

The subject property is a 22,100 sf parcel of land with a multi-family home. The applicant seeks to have the current use of the property as seven units approved. Presently the property is approved for six units.

Mr. Moriarty made a motion to open the public hearing on **Case #3522** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Courtney Dzerzhinsky with Main Street architects stated that she is here on behalf of the applicant, her clients who were not able to be present this evening.

Mr. Denizkurt stated that the Board had received a letter by email today from Attorney Denise Moynahan. Ms. Dzerzhinsky read the letter.

On behalf of the client, 36 Pond Street is a residential dwelling unit bill in 1885. It was purchased by the applicant on May 3, 2021. It was originally built as a four family residential dwelling. In 1978, a special permit was granted to extend the use of the property from a four family dwelling unit to a six family dwelling unit by utilizing the existing attic space as two additional units. At some point between 1978 and 2021, an additional studio apartment was added as shown on the plan submitted as unit seven. The improvements creating this unit occurred approximately 15 years ago. When the applicant purchased the property in 2021, unit seven was occupied by a single tenant. Unit seven is presently occupied by a single tenant who has lived in the unit since November of 2021. The property is located in an R-2 district and the tax classification code is apartment four to eight. The structure is 5528 sf, the lot area is 22,100 sf. To the best of our understanding the footprint of the property has never been altered

since the original construction in 1885. This application brought under Article four B section 120-13.3 special permit uses by Zoning Board of Appeals alteration or expansion not to exceed 10% of the existing gross floor area of a dwelling or structure existing at the time of the adoption of the article. The threshold for the granting of a special permit is that the proposed use shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. We are in a unique position in that the relief requested here is and has been the status quo of the neighborhood for many years. Therefore, we know that the relief requested will in fact not be more detrimental to the neighborhood. Alternatively, if the relief cannot be granted, there will be a detriment to the neighborhood in that the town will lose an existing housing unit and the current tenant will be displaced. The applicant is aware that granting the relief will require the enforcement of 780 CMR and that the entire structure will need to be retrofitted with the sprinkler system. The applicant is also aware that granting the relief will also require the installation of a laundry facility. The applicant accepts these requirements and is currently obtaining quotes for the completion of both projects. The applicant believes that there is adequate space for the laundry facility on the first floor behind unit two. Currently, all six units are occupied. Each of the seven units is occupied by a single tenant. Units three through seven are all market rate tenants under lease, Units one and two are both subsidized units also under lease.

Ms. Dzerzhinsky stated that she was hired by the client to come in and measure all the apartments and assess what they had. She added that they have confirmed that all of the units have proper egress. Each bedroom has proper egress windows. The fire system is all up to code and the fire department was there and checked on everything and it passed. The only thing was that it does not have a sprinkler which is required to get the seventh unit approved. She concluded that their client understands that they need to put in a sprinkler system, and they are in the process of doing so.

Mr. Denizkurt asked if they are adding any square footage to the building.

Ms. Dzerzhinsky stated that they are looking to get the seventh unit permitted as it is already in existence. They are not adding on to the building.

Mr. Denizkurt stated that the property schematic layout has no dimensions on it. He noted that this is a problem because it is not clear what exists as it is just somebody's sketch.

Ms. Dzerzhinsky stated that they recently did the parking under the directive of Jeff Richards, the Building Commissioner.

Ms. Snow-Eikelberg asked if this would be a special permit as if the seventh unit was being added now.

Mr. Luongo stated that the seventh unit is in existence and the Board would be permitting what is already there.

Ms. Snow-Eikelberg asked if total structure as is right now, is 5528 sf inclusive of the seventh unit.

Ms. Dzerzhinsky stated that is correct. However, she did not have the dimensions of the seventh unit to confirm that 10% threshold?

Mr. Moriarty noted that this seventh unit was added and was not part of the original structure. He questioned if it sits on a foundation.

Mr. Schneider stated that the seventh unit was originally the laundry room and they converted it into a seventh unit. This is why they are now focusing on not only legitimizing the unit but requiring the laundry facility.

Mr. Denizkurt asked if the conversion was done by the current owner.

Ms. Dzerzhinsky stated that it was not converted by the current owner.

Mr. Luongo stated that the Building Commissioner has stated that he would allow stacking of one vehicle. He noted that the applicant will need to come back with a parking plan that shows 14 parking spaces because two parking spaces per unit is required. This plan will need to show proper drainage. Also, a written affidavit will be required stating that they would put in a sprinkler system. The plan would also need to show the location of the laundry room.

Mr. Schneider stated that it is a little deceptive looking at the property, but that whole polygon on the screen is the applicant's property. He added that if you look at an aerial view, it does look like there is flat area to expand parking back enough to get the appropriate number of parking spaces.

Mr. Luongo stated that the applicant got a special permit to convert to six units before 2000. When this new property owner bought it in 2021, the seventh unit was already there although it is an illegal unit.

Mr. Denizkurt asked if it was up to code.

Ms. Dzerzhinsky stated that all of the units, including the seventh unit are up to code in regard to egress.

Mr. Luongo asked who verified that it is up to code.

Ms. Dzerzhinsky stated that as the architects, they went and verified it.

Mr. Diem stated that there is no window in the unit.

Ms. Dzerzhinsky stated that she will have to check on that.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was the following response.

Shawn Hardy, 209 Pond Street, stated he finds it curious that seven units on 20,000 sf versus the previous application that was proposed three units on 13,000 sf, is somehow more appropriate for the neighborhood. He stated that he understands there is a difference between a variance and a special permit. He added that it is interesting that one is more appropriate than the other.

Mr. Luongo stated that this is a pre-existing building. They are not adding to the building, and it is in the same envelope. In the R-2 district within the existing building, they could expand up to 10% of the square footage of the building up to a maximum of 10 units. This is why it is important to have the dimensions of the seventh unit; the seventh unit probably cannot be any more than about 500.

The previous client is grandfathered in as a non-conforming two-unit structure. He is allowed to keep it, or he could renovate it, or request a 10% increase of that. He continued that the previous applicant was asking for a tear down and a variance because he does not have the lot size. This applicant is working within the existing structure, the previous client is knocking down a building, thereby losing their pre-existing nonconformity.

Mr. Moriarty noted that on a Google Earth view of the property it looks like the addition was not there in 2005 and it does pop up somewhere between 2005 and 2007.

Mr. Luongo stated that they will check the building jacket in the building department.

Ms. Snow-Eikelberg stated that she would not feel comfortable voting this evening without knowing the dimensions.

Mr. Denizkurt stated that the Board does not think that they have enough information to be able to decide on this application. He noted that the next meeting date is March 20, 2024. He asked if that is enough time to get the necessary information.

The following information is needed for the next meeting:

- dimensions for all the units
- Make sure that there's a window in the bedroom in the seventh unit
- Plan to show the proposed location of the new laundry facility
- Parking plan with drainage on the site
- Site plan dimensions
- Entire building to be sprinkled

Ms. Dzerzhinsky stated that the building is hardwired for smoke detectors but not sprinklers.

Mr. Denizkurt made a motion to continue the public hearing on **Case #3522** until March 20, 2024, which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Case #3523 - The petitioner, Ryder Development Corp, for property located at **30 Park Avenue** also shown on Weymouth Town Atlas sheet 41, block 491, lot 15, located in the R-1 district. The petitioner is seeking to:

Special Permit 120-40 extension or change by special permit

The subject property is a 21,000 sf parcel of land with a two-family dwelling with detached garage. The applicant seeks to remove the garage and add a road to the back parcel.

Mr. Moriarty made a motion to open the public hearing on **Case #3523** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Ken Ryder, Ryder Development, appeared before the Board. He stated that 30 Park Avenue is a two-family which is approximately 100 years old. It is a preexisting non-conforming lot and structure. He stated that they are proposing a new roadway to service a residential subdivision. He stated that there is a significant piece of ledge at the entrance that would have to be removed. They will not add to the existing two-family. This plan will make it a lot safer because the existing driveway is kind of tight and they will provide four off-street parking spots for the existing two-family.

Mr. Ryder stated that they have been in front of the Planning Board twice for the subdivision.

Mr. Denizkurt asked about the width of the proposed street which has been identified as Kramer.

Mr. Ryder stated that under the subdivision control law, they have to show a 40 foot wide layout. The pavement is usually 22 feet with a sidewalk and Cape Cod berm which is about 28 feet. On the left side, when entering, there is about eight or 10 feet there which would be landscaped.

Mr. Denizkurt asked for the dimensions between the property line and the neighbor to the left if you are looking at Kramer.

Mr. Ryder stated that the roadway is about eight feet to the property line. He added that there are two existing single-story garages that are there which will be torn down to make way for the new access roadway.

Mr. Denizkurt noted that the plan provides for four spaces for the two-family, which is the minimum required. Each space is approximately nine by 18 with 22 feet to be able to back up.

Mr. Ryder stated that is correct, but he could add to that if necessary. He noted he believes that this is sufficient as one of the units in the two-family is a one-bedroom,

Mr. Diem asked if the property that is delineated on lot three on Main Street will remain.

Mr. Ryder stated that this is 738 Main Street. He gave some background on the history of the project.

Mr. Luongo gave some additional information on the project. He noted that 738 Main Street is zoned R-2. All of his property being sub-divided is R-2 except the two-family home which is an R-1. The existing two-family home is non-conforming relative to use, and to the size of the lot. He continued that this is all part of a subdivision plan that is before the Planning Board. Before Mr. Ryder can move forward with that, he needs relief for 30 Park Avenue because he needs to show the Planning Board that he has access into the subdivision.

Mr. Luongo stated that Mr. Ryder has agreed to build single family homes in the R-2 zone rather than multi-family homes; he could have sub-divided the property into 20,000 square foot lots with three units per lot. He also agreed to keep 738 Main Street as a single family house and to restore it. The non-conformity remains because Mr. Ryder is making the R-1 lots smaller with 10,000 sf. He is keeping the existing two-family, but that lot will be getting smaller; it was originally 21,000 sf and has been reduced to 12,00 sf.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was the following response.

Maroun Matta, 40 Lockewoods Drive, stated that he objects to this project at 30 Park Ave. He added that he does not see any benefit to the town. He read an email that he had sent to the Town.

I am writing to express my strong opposition to case number 3523 submitted by Mr. Ryder, Ryder Development Corporation, for the property located at 30 Park Ave. I respectfully request that the Board deny this request to modify the lot due to the significant negative impact it would have on the surrounding neighborhood and myself specifically. As a resident and homeowner in the town of Weymouth, my property is located in close proximity to the subject lot, and I would be directly impacted by any changes proposed in this case. The current building on the lot is already considered non-conforming and any further modification would significantly threaten the character and integrity of the entire neighborhood including my own property. The proposed modification disregards the established minimum lot size. Splitting the lot in

this manner will result in cramped, overdeveloped properties that compromise the value of the nearby lots and houses. This deviation from the zoning regulation sets a dangerous precedent. Furthermore, the traffic on Park Street is very congested and there was a pedestrian fatality at one time. The proposed alteration and reduction of the residential land near that heavily congested section offers no benefit to anyone in Weymouth. He concluded that he is concerned about giving access to that development through Park Avenue.

Mike Wood, 18 Park Avenue, stated that he is the abutter on the left hand side of that driveway. He stated that he bought the four family a couple of years ago. He stated that he is not opposed to the driveway going up there. He noted that although he does not live in the neighborhood, he does not agree that this project will hurt the value of the neighborhood by putting what looks like million dollar homes on the lots.

Mr. Denizkurt asked if this is a cul de sac and if the parking plan provides for the required 18 spaces/two per home.

Mr. Ryder stated that is correct.

Mr. Denizkurt asked if there is additional land to the rear of this property or anywhere else that could be tacked on to this and made into additional housing.

Mr. Schneider stated that there is private property next to this property as well as the Torrey Bird Sanctuary and the Water Department property.

Mr. Luongo stated that in the back of lot five and four, there is property owned by a gentleman who owns some multifamily housing on Main Street. He would not be able to access that as it is pretty hilly and filled with ledge. He did not see a possibility of him building back there. He also noted that to the north is town of Weymouth land that backs up into the bird sanctuary.

Mr. Luongo stated that Mr. Ryder, at the planning board meeting, agreed to give the Town access from Park Avenue on the sidewalk of the new Kramer Road through the cul de sac and into the bird sanctuary. This will provide another public access point. There will also be parking for several cars to access the bird sanctuary.

Maroun Matta asked about why 30 Park Avenue would be allowed to have a decrease in square footage for the lot.

Mr. Denizkurt stated that the subdivision is zoned R-2, which allows for 10,000 square foot lots.

Mr. Luongo stated that 30 Park Avenue is already a non-conforming use on the zoning regulations and can change a non-conforming use to another non-conforming use. As long as this Board finds that it is not more detrimental to the community.

Mr. Diem asked for clarification if the land being sub-divided is all part of 738 Main Street and that 30 Park Ave was purchased to get better access.

Mr. Ryder stated that this is correct.

Mr. Diem asked Mr. Ryder if he owns the property to the left of 738 Main Street.

Mr. Ryder stated that he did build those, but they have since been sold as condos.

Mr. Schneider stated that the two-family house is accessed off of the main road but in the end it will be accessed off of Kramer Road.

Mr. Ryder stated that this is correct.

Mr. Moriarty made a motion to close the public hearing on **Case #3523** which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3523**.

SPECIAL PERMIT

1. The specific site is an appropriate location for such use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is no potential for nuisance or serious hazards to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities, and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served by the proposal.

The motion was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Other Business

1. Minutes: January 31, 2024

Mr. Moriarty made a motion to approve the minutes from January 31, 2024, and was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

2. Upcoming Meetings: March 20, 2024

3. **ADJOURNMENT**

Mr. Moriarty made a motion to adjourn at 8:20 p.m. which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Approved by:  _____ **3.27.24.**
Mr. Diem, Clerk Date