

**MINUTES
TOWN OF HARWICH
ZONING BOARD of APPEALS
6:30PM WEDNESDAY, OCTOBER 29, 2025
TOWN HALL – GRIFFIN ROOM**

RECEIVED
TOWN CLERK
HARWICH, MA

2025 MAR 10 A 9:50

MEMBERS PARTICIPATING: Brian Sullivan, Chair, Kenneth Dickson, Vice Chair, Alexander Donoghue, Clerk, John August and Marilyn Raatz

MEMBERS NOT PARTICIPATING: David Nunnally and Christopher Murphy

I. CALL TO ORDER; RECORDING NOTICE

Mr. Sullivan called the meeting of the Harwich Zoning Board of Appeals (ZBA) to order on Wednesday, October 29, 2025 at 6:30PM, noted the purpose of the meeting and read the Recording Notice.

Members of the ZBA introduced themselves.

Mr. Sullivan explained that Boards and Committees are comprised of volunteers and encouraged anyone interested in helping to fill out an application. He also offered to help anyone who is interested specifically in serving on the ZBA.

Mr. Sullivan moved to change the order of the agenda, to discuss as the first item, under New Business, the four Open Meeting Law violation complaints that were received as a result of the Pine Oaks hearings. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

II. PUBLIC HEARINGS

Case No. 2025-48, Thomas Orton, Trustee of Thomas E. Orton Revocable Trust, c/o Marian Rose, Esq., P.O. Box 67 Dennisport, MA 02639, owner of the property located at 245 Lower County Road, Assessors 'Map 5, Parcel D5, in the RH-1 Zoning District. The Applicant seeks a Special Permit from §325-54 A (7) "Alteration or extension of other structures", and §325-Attachment 2, Table 2, Area Regulations, to construct a deck addition on the primary dwelling, and to raze and replace the second dwelling to be rebuilt for use as an accessory building residential with bedrooms on a pre-existing non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-54 and MGL Chapter 40A Section 6.

Mr. Donoghue read Case No. 2025-48 as presented. He noted that the Harwich Historic Commission commented that they have no concerns with the application. The Harwich Board of Health commented that a full floor plan on the main dwelling will be required with a building permit for Health review. A licensed septic installer may apply for a septic system permit to install a new tank prior to the building permit sign off.

October 29, 2025

Mr. Sullivan read the Abutters' letters in support of the project from John E. and Fiona Rendon.

Marian Rose of Singer & Singer was present and representing the applicant. Dan Croto, Survey Engineer on the project was also present. She noted that Tom Orton, Trustee was participating remotely. Other family members were also present in the audience.

Atty. Rose noted a correction on the abutters address and explained the need for the two Special Permits being requested. Upon Mr. Dickson's request for clarification, Atty. Rose described the proposed plan for the existing second primary dwelling in detail. She also noted that the citation that was filed late last week could be withdrawn. Atty. Rose referred to the site plans which she described in detail. She described the relief requested for the primary dwelling as well as the second dwelling. Atty. Rose noted why the applicant feels they should be granted the special permits.

Board members asked questions which Atty. Rose and Mr. Orton answered.

Mr. Sullivan commented on the information included in a notice and forwarded to the abutters, if nothing is changing except what codes are being referred to, he is fine with it. He also noted that the cottage has a history of being rented, which changes his original viewpoint.

Mr. Dickson clarified that the applicant is withdrawing the request for it to be under the ADU.

Mr. Sullivan commented that it had been noted by the Building Commissioner to be under 325-54 A.

Atty. Rose stated that she will withdraw that.

Mr. Sullivan confirmed all documents presented by the applicant and noted recommended findings and conditions.

Atty. Rose corrected information on numbers 6, 7 and 9 and language correction on #15.

Mr. Sullivan moved to accept the documents and Findings of Facts and Conditions of Approval as amended. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Mr. Dickson moved to close the discussion. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted that assigned voting members are: Al Donoghue, Brian Sullivan, John August, Kenneth Dickson and Marilyn Raatz.

Mr. Dickson moved to close the public hearing. Seconded by Ms. Raatz.

Vote: 5:0 in favor. Motion carried.

Mr. Donoghue moved on Case No. 2025-48, Thomas Orton, Trustee of Thomas E. Orton Revocable Trust, c/o Marian Rose, Esq., P.O. Box 67 Dennisport, MA 02639, owner of the property located at 245 Lower County Road, Assessors 'Map 5, Parcel D5, in the RH-1 Zoning District. The Applicant has been granted Special Permit from §325-54 A 2 and A5. Alteration or extension of other structures", and §325-Attachment 2, Table 2, Area Regulations, to construct a deck addition on the primary dwelling, and to raze and replace the second dwelling to be rebuilt for use as an accessory building residential with bedrooms, living room and kitchen on a pre-existing non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-54 and MGL Chapter 40A Section 6. Granting will be consistent with the Gale related cases and there will be no intensification of one or more existing non-conformities, no new non-conformities, no substantial detriment to the entire neighborhood on a pre-existing, non-conforming lot. As proposed, the structure will not create any additional impacts with regard to traffic, noise odor or congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plans submitted with the application said grant and approval are subject to the following conditions:

1. During the life of the project, there will be no demolition, exterior construction or new landscaping between June 30 and Labor Day of any year.
2. For the life of the approve project, all construction vehicles will be parked on the applicant's property and to in any public street or road.
3. Any violations of the terms and conditions of the special permit may be enforced as a violation of the Harwich Zoning By-laws pursuant to MGL 40A section 7 and the Harwich Zoning By-laws as these may be amended from time to time.

Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-49, Janice Camp, c/o Aleks Mazzeo, 157 Pine Bluff, Brewster, MA 02631, owner of the property located at 15 Park Street, Assessors 'Map 50 Parcel N4, in the R-M Zoning District. The Applicant seeks a Special Permit from §325-54 A (4) & (5) "Nonconforming structures and Uses", §325-Attachment 2, Table 2, Area Regulations, and §325- Attachment 3, Table 3, Height and Bulk Regulations, to construct an addition on the left side of the house with a side entry mudroom and basement stairway, and a shower to the existing half bath on a pre-existing non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-54 and MGL Chapter 40A Section 6.

Mr., Donoghue read Case No. 2025-49 as presented. The Harwich Highway Department and Historical Commission submitted comments indicating they had no concerns.

Mr. Sullivan read a letter from abutter Kevin J. Judge of 13 Park Street, in favor of the project.

Tavis Babbitt of Babbitt Design was present and representing the applicant. The clients were asked to come forward as Aleks Mazzeo is listed as the agent on this case.

Janice Camp, property owner, acknowledged that Tavis Babbitt is the agent on this case.

Mr. Babbitt described the proposed project in detail. He explained the need for the Special Permit.

Mr. Sullivan noted that he had a conversation that day at the Building Department with Janice Camp and her husband and all that was discussed was the process at the meeting.

Mr. Sullivan confirmed all documents presented by the applicant and noted recommended findings and conditions.

Mr. Sullivan moved to accept, without any changes, the findings of facts as well as documents. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Mr. Dickson moved to close the discussion. Seconded by Ms. Raatz.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted that assigned voting members are: Al Donoghue, Brian Sullivan, John August, Kenneth Dickson and Marilyn Raatz.

Mr. Dickson moved to close the public hearing. Seconded by Ms. Raatz.

Vote: 5:0 in favor. Motion carried.

Mr. Donoghue moved on **Case No. 2025-49**, Janice Camp, c/o Tavis Babbitt, owner of the property located at 15 Park Street, Assessors 'Map 50 Parcel N4, in the R-M Zoning District. The Applicant has been granted a Special Permit from §325-54 A (4) & (5) "Nonconforming structures and Uses", §325-Attachment 2, Table 2, Area Regulations, and §325--54 A (4) & (5) Attachment 3, Table 3, Height and Bulk Regulations, to construct an addition on the left side of the house with a side entry mudroom and basement stairway, and a shower to the existing half bath on a pre-existing non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-54 and MGL Chapter 40A Section 6. Granting will be consistent with the Gale related cases and there will be no intensification of one or more existing non-conformities, no new non-conformities, no substantial detriment to the entire neighborhood on a pre-existing, non-conforming lot. As proposed, the structure will not create any additional impacts with regard to traffic, noise odor or congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plans submitted with the application said grant and approval are subject to the following conditions:

1. During the life of the project, there will be no demolition, exterior construction or new landscaping between June 30 and Labor Day of any year.

2. Any violations of the terms and conditions of the special permit may be enforced as a violation of the Harwich Zoning By-laws pursuant to MGL 40A section 7 and the Harwich Zoning By-laws as these may be amended from time to time.

Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-50, Michael F. Gilligan, Jr., and Anne K. Helgen, c/o William Crowell Esq. & Michael Donovan Esq., 466 Main Street., P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 74 Uncle Venies Road, Assessors' Map 25, Parcel U7, in the RM Zoning District. The Applicant seeks a Special Permit or in the alternative a Variance from §325-54 A(1)(b) & (2) "Non-conforming Structures and Uses", and §325 – Attachment 2, Table 2, Area Regulations, to add dormers to the second floor of the existing house, within the same footprint on a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-52 & 54 and MGL Chapter 40A Section 6 & 10.

Mr. Donoghue read Case No. 2025-50 as presented. The Harwich Health Department commented that the complete floor plan of the entire dwelling must be submitted with the building permit for the Health Department review. The Harwich Conservation department commented that any alteration to the foundation within the AE flood zone will require application to the Conservation Commission. The Harwich Highway Department submitted comments indicating no concerns and no other comments from town departments or abutters were received.

Michael Donovan of Crowell and Donovan law was present and representing the applicant. He described the proposed plan in detail. He noted that in his opinion, the Building Commissioner has the authority to grant this type of request. He also noted why he feels the special permit should be granted.

Mr. Sullivan responded to the suggestion regarding the Building Commissioner with an explanation.

Mr. Dickson noted that he agreed with Mr. Sullivan regarding the Building Commissioner. He also stated that he will address the Chair and town counsel that going forward, they need to go by what the statutes allow and not require people to come before the ZBA.

Mr. Sullivan noted that he had requested an opinion from counsel on a similar matter and has not yet received a response. Once he receives a response, they can move forward.

Mr. Sullivan confirmed all documents presented by the applicant and noted recommended findings and conditions.

Atty. Donovan pointed out the word variance in the wording.

Mr. Sullivan moved to accept, with the changes as indicated, the findings of facts as well as documents. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Mr. Dickson moved to close the discussion. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted that assigned voting members are: Al Donoghue, Brian Sullivan, John August, Kenneth Dickson and Marilyn Raatz.

Mr. Dickson moved to close the public hearing. Seconded by Ms. Raatz.

Vote: 5:0 in favor. Motion carried.

Mr. Donoghue moved on Case No. 2025-50 Michael F. Gilligan, Jr., and Anne K. Helgen, c/o William Crowell Esq. & Michael Donovan Esq., owner of the property located at 74 Uncle Venies Road, Assessors' Map 25, Parcel U7, in the RM Zoning District. The Applicant has been granted a Special Permit from §325-54 A(1)(b) & (2) "Non-conforming Structures and Uses", and §325 – Attachment 2, Table 2, Area Regulations, to add dormers to the second floor of the existing house, within the same footprint on a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-52 & 54 and MGL Chapter 40A. Granting will be consistent with the Gale related cases and there will be no intensification of one or more existing non-conformities, no new non-conformities, no substantial detriment to the entire neighborhood on a pre-existing, non-conforming lot. As proposed, the structure will not create any additional impacts with regard to traffic, noise odor or congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plans submitted with the application said grant and approval are subject to the following conditions:

1. During the life of the project, there will be no demolition, exterior construction or new landscaping between June 30 and Labor Day of any year. During the life of the approved project, all construction vehicles will be parked on the applicant's property and not on any public street or road.
 2. Any violations of the terms and conditions of the special permit may be enforced as a violation of the Harwich Zoning By-laws pursuant to MGL 40A section 7 and the Harwich Zoning By-laws as these may be amended from time to time.
- Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-51, Mary-Beth and Michael Donovan, c/o William Crowell Esq. & Michael Donovan Esq., 466 Main Street., P.O. Box 185, Harwich Port, MA 02646, owner of the property located at **5 Trinity Cove, Assessors' Map 1, Parcel E3-9**, in the RL Zoning District. The Applicant seeks a Special Permit or in the alternative a Variance from §325-54 A(2) "Non-conforming Structures and Uses", and §325 – Attachment 2, Table 2, Area Regulations, and §325 – Attachment 3, Table 3, Height and Bulk Regulations, Maximum Site Coverage exceeds

30%, for renovation of, and an addition above the first floor western section of the house within the existing footprint of a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-52 & 54 and MGL Chapter 40A Section 6 & 10.

Mr. Donoghue read Case No. 2025-51 as presented. The Harwich Health Department commented that the septic system was installed in 1994 and was designed for four bedrooms. It had passed title five inspections in July of 2020. The exercise room must have a five-foot case opening to eliminate the definition of a bedroom and home office. The Harwich Conservation Department commented that the alteration of the foundation within the AE flood zone will require application to the Conservation Commission. The Highway Department and Historic Commission submitted comments indicating they had no concerns. No other comments from town departments or abutters were received.

Michael Donovan was present as the attorney and the applicant. He described the proposed project in detail and explained why the special permit should be granted.

Mr. August noted that the drawings do not show the existing elevations.

Mr. Sullivan confirmed all documents presented by the applicant and noted recommended findings and conditions.

Mr. Sullivan moved to accept the documents, the findings of facts as well as documents. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Dickson moved to close the discussion. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted that assigned voting members are: Al Donoghue, Brian Sullivan, John August, Kenneth Dickson and Marilyn Raatz.

Mr. Dickson moved to close the public hearing. Seconded by Ms. Raatz.

Vote: 5:0 in favor. Motion carried.

Mr. Donoghue moved on Case No. 2025-51 Mary-Beth and Michael Donovan, c/o William Crowell Esq. & Michael Donovan Esq., 466 Main Street., P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 5 Trinity Cove, Assessors 'Map 1, Parcel E3-9, in the RL Zoning District. The Applicant has been granted a Special Permit from §325- 54 A(2) "Non-conforming Structures and Uses", and §325 – Attachment 2, Table 2, Area Regulations, and §325 – Attachment 3, Table 3, Height and Bulk Regulations, Maximum Site Coverage exceeds 30%, for renovation of, and an addition above the first floor western section of the house within the existing footprint of a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-52 & 54 and MGL Chapter 40A Section 6 & 10. Granting will be

consistent with the Gale related cases and there will be no intensification of one or more existing non-conformities, no new non-conformities, no substantial detriment to the entire neighborhood on a pre-existing, non conforming lot. As proposed, the structure will not create any additional impacts with regard to traffic, noise odor or congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plans submitted with the application said grant and approval are subject to the following conditions:

1. During the life of the project, there will be no demolition, exterior construction or new landscaping between June 30 and Labor Day of any year.
 2. Any violations of the terms and conditions of the special permit may be enforced as a violation of the Harwich Zoning By-laws pursuant to MGL 40A section 7 and the Harwich Zoning By-laws as these may be amended from time to time.
- Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-52, Mark K. Watson, Trustee of 16 School House Road Realty Trust, c/o William Crowell Esq. & Michael Donovan Esq., 466 Main Street., P.O. Box 185, Harwich Port, MA 02646, owner of the property located at **16 School House Road, Assessors' Map 14, Parcel F4-B**, in the RM Zoning District. The Applicant seeks a Special Permit or in the alternative a Variance from §325-54 A(2)(c) "Non-conforming Structures and Uses", and §325-54 (A)(7)(b) "Non-conforming Structures and Uses", §325 – Attachment 2, Table 2, Area Regulations, and §325 – Attachment 3, Table 3, Height and Bulk Regulations, Maximum Site Coverage exceeds 35%, to renovate the existing house, to raze and replace the existing garage with a finished second floor of living space, raze rear one-story addition and replace with a smaller structure with a deck on top, and remove exterior decking and stairs on south side of main structure on a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-52 & 54 and MGL Chapter 40A Section 6 & 10.

Mr. Donoghue read Case No. 2025-52 as presented. The Harwich Health Department commented the building at 16 School House Road has existing variance conditions, one which states no increase in the square footage of habitable space. Therefore, the project will need approval from the Board of Health at one of the monthly meetings. The Historic Commission has commented that the house was built in 1880 pre-assessing records. The project needs to go to the Historic Commission because the house is over 100 years old. The Highway Department submitted comments indicating no new concerns. No other comments from town departments or abutters were received.

Michael Donovan was present and representing the applicant. Tim C. Bach, Architect was also present. Atty. Donovan gave a brief history of the property and described the proposed project in detail. He also noted why the special permit should be granted.

Board members had questions and made comments that Atty. Donovan responded to.

Mr. Sullivan confirmed all documents presented by the applicant and noted recommended findings and conditions.

Atty. Donovan noted a few corrections.

Mr. Sullivan moved to accept the documents as amended, the findings of facts as well as documents. Seconded by Mr. Dickson

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted that assigned voting members are: Al Donoghue, Brian Sullivan, John August, Kenneth Dickson and Marilyn Raatz.

Mr. Dickson moved to close the discussion. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Donoghue moved on Case No. 2025-52 Mark K. Watson, Trustee of 16 School House Road Realty Trust, c/o William Crowell Esq. & Michael Donovan Esq., 466 Main Street., P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 16 School House Road, Assessors 'Map 14, Parcel F4-B, in the RM Zoning District. The Applicant has been granted a Special Permit from §325-54 A(2)(c) "Non-conforming Structures and Uses", and §325-54 (A)(7)(b) "Non-conforming Structures and Uses", §325 – Attachment 2, Table 2, Area Regulations, and §325 – Attachment 3, Table 3, Height and Bulk Regulations, Maximum Site Coverage exceeds 35%, to renovate the existing house, to raze and replace the existing garage with a finished second floor of living space, raze rear one-story addition and replace with a smaller structure with a deck on top, and remove exterior decking and stairs on south side of main structure on a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws §325-52 & 54 and MGL Chapter 40A Section 6 & 10. Granting will be consistent with the Gale related cases and there will be no intensification of one or more existing non-conformities, no new non-conformities, no substantial detriment to the entire neighborhood on a pre-existing, non-conforming lot. As proposed, the structure will not create any additional impacts with regard to traffic, noise odor or congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plans submitted with the application said grant and approval are subject to the following conditions:

1. During the life of the project, there will be no demolition, exterior construction or new landscaping between June 30 and Labor Day of any year. During the life of the approved project, all construction vehicles will be parked on the applicant's property and not on any public street or road.
 2. Any violations of the terms and conditions of the special permit may be enforced as a violation of the Harwich Zoning By-laws pursuant to MGL 40A section 7 and the Harwich Zoning By-laws as these may be amended from time to time.
- Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan called a five-minute recess.

III. APPROVAL OF MINUTES

A. September 17, 2025, Meeting Minutes- (Pine Oaks IV Meeting)

Mr. Dickson moved to approve the September 17, 2025, Meeting Minutes as submitted.
Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

B. September 24, 2025, Meeting Minutes- (Regular Meeting)

Mr. Dickson moved to approve the September 24, 2025 Meeting Minutes as submitted.
Seconded by Ms. Raatz.

Vote: 5:0 in favor Motion carried.

C. October 14, 2025, Meeting Minutes- (Pine Oaks IV Meeting)

In reference to the October 14, 2025 Minutes, Mr. Dickson noted on page 3, wording be corrected to: Attorney Freeman responded that the applicant is not asking for waivers and the ZBA does not have the authority to grant any waivers (add here) "of State or Federal Regulations". He also noted on page 4, 4th paragraph, the word fall should be corrected to all. Mr. Dickson noted in the next paragraph, where Attorney Freeman noted regarding the wastewater treatment plant, that after the words "informed Mr. Sullivan" Attorney Kwesell's comment should be added. Town counsel stated that it almost certainly will not fall under "small" guidelines and thus will not be discussed. Also, on the same page at "Art Boden of Harwich" the words "and housing advocate" should be stricken. Mr. Dickson referred to page 5, second paragraph, the correct spelling of names to Tom Birch and also Paula Myles. Also, within the sentence Attorney Freeman replied that it had been submitted, he explained the formula used to determine the amount of rent not to exceed 30% of individual income. Mr. Donoghue noted that his name was spelled incorrectly at the top of the first page.

Mr. Sullivan moved to approve the October 14, 2025, Meeting Minutes as amended. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

D. October 15, 2025, Meeting Minutes- (Pine Oaks IV Meeting)

Mr. Dickson noted on page 4, in the sentence Mr. Dickson asked Attorney Freeman, the words "would be" should go after the comma. Also on page five, the name Birch.

Mr. Dickson moved to accept the October 15, 2025 Meeting Minutes as amended. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

IV. NEW BUSINESS

A. Discussion and Possible Vote to Approve the 2026 Hearing Schedule

Mr. Sullivan opened the discussion for the 2026 calendar. He suggested eliminating the December 30th meeting.

Mr. Dickson moved to accept the calendar with the change. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

B. Acknowledgement, review and discussion regarding Open Meeting Law Complaint from Paula Myles, dated October 17, 2025

C. Acknowledgement, review and discussion regarding Open Meeting Law Complaint from Jennifer Garland, dated October 22, 2025

D. Acknowledgement, review and discussion regarding Open Meeting Law Complaint from Mary Jones, dated October 24, 2025

E. Acknowledgement, review and discussion regarding Open Meeting Law Complaint from Daniel Baker, dated October 24, 2025

Mr. Sullivan noted that Michelle Randazzo, attorney with KP Law was participating remotely.

Atty. Randazzo commented that her intent was to walk the ZBA through the four Open Meeting Law complaints. She gave a brief process overview, explained her part in that process and the ZBA's obligation to write a response.

Atty. Randazzo described the situation with the meeting room they have used for the POV IV meetings and noted that all the materials are available to the public. After a brief overview, she noted that in her opinion, there has not been a violation of the Open Meeting Law. She did emphasize that the technical difficulties were addressed as they occurred.

Mr. Sullivan asked ZBA members, and all agreed with the draft response as written. He also noted efforts for future meetings to provide more information to attendees prior to any more hearings.

Mr. Sullivan moved to accept the draft responses, dated October 27, 2025, to the Open Meeting Law violation complaints, as written. And, to authorize KP Law to file the responses where required. Seconded by Ms. Raatz.

Vote: 5:0 in favor. Motion carried.

Mr. Donoghue suggested that as Chairman of the Board, Mr. Sullivan require all participants in the audience to move forward.

Mr. Sullivan adjusted the agenda noting that the Select Board has approved new regulations in which everyone serving on a committee or board is going to be assigned an email address for

town communications. Mr. Sullivan noted that the Select Board plans to have all the email addresses on the website for the public to access. He expressed concerns about information that may not be dispersed to all ZBA members and noted that his preference would be one email address for the ZBA. He also expressed concerns about residents contacting a Board member regarding a specific subject and possibly leading to Open Meeting Law violations and explained his reasons in detail.

Mr. August also expressed concerns and noted that he had a discussion with the Town Clerk who suggested having a standard reply for ZBA members to send to all emails.

Board members agreed that they do not want their email addresses on the website, each stating their reasons.

Mr. Sullivan moved that the memo he wrote be sent to the Select Board as a memo agreed upon by the Zoning Board of Appeals. Seconded by Mr. Dickson.

Discussion followed regarding the memo and possible changes to the language.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted the agreed upon changes to the memo.

Mr. Dickson moved to rescind and replace the previously voted upon memo with the attached memo. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

V. OLD BUSINESS

Mr. August noted that this agenda does not note the December 1st meeting that they agreed on.

Mr. Sullivan stated that the next ZBA meeting will be on November 17, 2025 regarding the Pine Oaks IV Comprehensive Permit. He noted that the November 17th meeting may be the final public hearing for the POV IV application. The Board may be going into deliberations after the close of the public hearing. He also noted that the December 1st meeting will be in the Griffin Room, commencing at approximately 9:00am and will adjourn before or by 3:00pm. That meeting will be open to the public but no testimony or information will be taken from the applicant or the public.

VI. CORRESPONDENCE/BRIEFINGS

VII. ADJOURN

Mr. Donoghue moved to close the hearing.

Vote: 5:0 in favor. Motion carried.

Meeting adjourned at 9:11PM.

Respectfully submitted,

Judi Moldstad
Board Secretary

Vote: 5:0 in favor. Motion carried.

Respectfully