

**MINUTES  
MANCHESTER-BY-THE-SEA  
ZONING BOARD OF APPEALS**

**Virtual On-line Meeting March 25, 2020**

**Members Present:** Sarah Mellish (Chairperson), James Diedrich, John Binieris, Kathryn Howe, James Mitchell, and Brian Sollosy

**Members Not Present:** All members were present.

Ms. Sarah Mellish, the Chairperson, called the Meeting of the Manchester-by-the-Sea Zoning Board of Appeals ("ZBA") to Order at 7:01 p.m. Ms. Mellish introduced the ZBA members to those in attendance. Ms. Mellish stated that this meeting will be digitally recorded by Adele Ardolino, the ZBA Administrative Assistant. It is noted that the typed minutes represent the permanent record of the Board. The format of the hearing was explained to those in attendance by Ms. Mellish.

**CONTINUED APPLICATIONS**

Ms. Mellish introduced the application of **William G. Shipman** for a Special Permit under Sections 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct a 3-bay garage with a 5 foot setback from side yard for accessibility purposes, at **15 Overledge Road**, Assessor's Map No. 50, Lot No. 56, in District C, filed with the Town Clerk on January 13, 2020. Ms. Mellish opened the hearing on this application.

Ms. Mellish explained that she has communicated with Mr. Shipman and he has asked the ZBA to continue his application to the April 22, 2020 ZBA meeting. Mr. Shipman has agreed to continue the deadline for filing the Decision to June 30, 2020.

Mr. Shipman has provided us with e-mail communications and a typed signature on the Continuation of Hearing and Deadline form.

There were no comments or questions from the ZBA members or the public regarding this application.

Ms. Mellish made a motion to continue the application of **William G. Shipman** for a Variance under Section 7.4.6 and a Special Permit under Sections 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct a 3-bay garage with a 5 foot setback from side yard for accessibility purposes, at **15 Overledge Road**, Assessor's Map No. 50, Lot No. 56, in District C, filed with the Town Clerk on January 13, 2020, to the April 22, 2020 ZBA meeting.

Ms. Howe seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, Ms. Howe, Mr. Mitchell, and Mr. Sollosy voted unanimously in favor of continuing this application to the April 22, 2020 ZBA meeting.

Ms. Mellish signed the Continuation of Hearing and Deadline form on behalf of the ZBA.

**Documents Produced:** E-mail communications stating that Mr. Shipman would like to continue his application. No other additional documents were produced since the February 26, 2020 ZBA meeting.

## NEW APPLICATIONS

Ms. Mellish introduced the application of **Seventeen Proctor LLC** for a Special Permit under Sections 4.1.10, 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct a tennis court and modification of a non-conforming lot, at **24 Proctor Street**, Assessor's Map No. 16, Lot No. 26, in District E, filed with the Town Clerk on February 18, 2020. Ms. Mellish opened the public hearing on this application.

Ms. Mellish stated that Attorney Mark Glovsky, who represents Seventeen Proctor LLC, has requested that we continue this application to the April 22, 2020 ZBA meeting, and agreed to continue the deadline for filing the Decision until June 30, 2020

There were no comments or questions from the ZBA members or the public regarding this application.

Ms. Mellish made a motion to continue the application of **Seventeen Proctor LLC** for a Special Permit under Sections 4.1.10, 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct a tennis court and modification of a non-conforming lot, at **24 Proctor Street**, Assessor's Map No. 16, Lot No. 26, in District E, filed with the Town Clerk on February 18, 2020, which will continue the public hearing from March 25, 2020 to April 22, 2020, and extend the ZBA's deadline for filing its Decision to June 30, 2020.

Ms. Mellish stated that Mr. Glovsky has signed the Continuation of Hearing and Deadline form, and signed this form on behalf of the ZBA.

Mr. Diedrich seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, Ms. Howe, Mr. Mitchell, and Mr. Sollosy voted unanimously in favor of continuing this application to the April 22, 2020 ZBA meeting.

Ms. Mellish introduced the application of **David W. Cressey** for a Special Permit under Sections 4.1.10 (f), 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct a 20 foot by 40 foot kidney-shaped swimming pool and hot tub, as well as a 16 foot by 26 foot pool house, at **16 Forster Road**, Assessor's Map No. 28, Lot 59 in District A, filed with the Town Clerk on February 23, 2020. Ms. Mellish opened the public hearing on this application.

Ms. Mellish asked Mr. Binieris if he will be voting on this application, even though he is an abutter, and Mr. Binieris replied that he will be voting on this application.

Mr. David Cressey and his wife Kristen joined the virtual on-line ZBA hearing, and Mr. Cressey explained the proposed project as follows: We would like to install a kidney-shaped pool, a four (4) foot fence around the pool that will be connected by a gate that is forty (40) feet from the house, entering from the west side of the house, as well as a 16 foot by 26 foot pool house. There will be shrubs and a privacy fence or hedge on the Bennett Street side of the property.

Ms. Mellish asked if Mr. Cressey had spoken to any of his neighbors, and he replied some, but not the ones who can see the pool. Mr. Cressey stated that he plans on getting a petition signed by the neighbors and will mail/e-mail that to the ZBA. Mrs. Cressey expressed concern regarding getting signatures from the neighbors during the quarantine, and Ms. Mellish replied that it is not required that you get your abutters to approve the proposed project, but that her only concern was that at the site visit, the proposed pool would be exposed to 21R Bennett Street. Mrs. Cressey replied that she knows the Scharfe family.

Ms. Mellish asked if there is anyone from the public who would like to speak on this application, and there was not.

Ms. Mellish asked if the ZBA members had any questions or comments. Mr. Diedrich explained as follows: I was at the site visit, along with the other ZBA members. Looking at the drawings, I do not have any objection to this proposed project. As we discussed earlier, the Commonwealth of Massachusetts has the over-riding regulation on pools. It looks like all the requirements have been met. Whether or not the abutters have been contacted by the applicant is not really necessary, because this is a public hearing and the abutters have been noticed about this hearing, so I feel that the ZBA members can move ahead and I have no objections to this proposed project.

Ms. Mellish explained that her only concern was based on the drawing that showed 10-foot pool lights, and was wondering if the applicant would consider low-level lighting instead. Mr. and Mrs. Cressey agreed to the low-level lighting and adding lights within the pool itself and a light on the side of the pool house.

There were no further questions or comments from the ZBA members and nobody present from the public.

Ms. Mellish closed the public hearing and made a motion to approve the application of **David W. Cressey** for a Special Permit under Sections 4.1.10 (f), 6.1.2, and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct a 20 foot by 40 foot kidney-shaped swimming pool and hot tub, as well as a 16 foot by 26 foot pool house, at **16 Forster Road**, Assessor's Map No. 28, Lot 59 in District A, filed with the Town Clerk on February 23, 2020. Based on the condition that the proposed project will be constructed in accordance with the plans C1, C2, 1, Photos 1, and Photos 2. That the lighting will be low-level lighting, a privacy hedge planted on the Bennett Street side of the property to shield the neighbors' views.

Mr. Diedrich seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, Ms. Howe, and Mr. Mitchell voted unanimously in favor of approving this application. Mr. Sollosy is an alternate and not required to vote at this meeting.

Mr. Binieris will write the Decision, and Mr. Diedrich will review it.

Ms. Mellish explained that the ZBA members have ninety (90) days to file an applicant(s)' Decision with the Town Clerk's Office, but will hopefully file it prior to the 90 days. Once the Decision is filed with the Town Clerk, there is a twenty (20) day appeal period. Once the Decision is filed, the ZBA clerk will e-mail you the Decision and mail a copy by US Mail. If this application is not appealed by the 21st day, then the applicant(s) may proceed with their project. However, due to the COVID-19 pandemic, the Commonwealth of Massachusetts has extended the appeal process at least until April 21, 2020.

Mr. Cressey asked when he could start the project, and Ms. Mellish advised him to wait until the end of the 20-day appeal period. If you feel that you need to get your project underway prior to the appeal period or its extended deadline, and if you feel that your abutters/neighbors do not have any issues with your project, then you can proceed at your own risk.

**Documents Produced:** Plans C1 and C2, Site Plan; Plan 1, Elevations; Photos 1 and 2. Each plan 11" x 17", one page each, prepared by David F. Jaquith, A/A Architects, stamped by David F. Jaquith, Registered Architect, dated 12 February 2020.

Ms. Mellish introduced the application of **Jeffrey Karpowich** for a Special Permit under Sections 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to remove existing one-bedroom cottage and replace it with a two-story one-bedroom cottage. The ground floor will consist of a garage and entryway with stairs to the second floor. The one-bedroom apartment will be located above the garage, at **4 Sandpiper Lane**, Assessor's Map No. 1, Lot No. 68, in District D, filed with the Town Clerk on February 20, 2020. Ms. Mellish opened the public hearing on this application.

Mr. Jeffrey Karpowich introduced himself as the owner of the cottage at 4 Sandpiper Lane and explained the proposed project as follows: I am proposing to remove the falling down 12 foot by 33 foot structure (396 square feet), and replace it with a 22 foot by 31.5 foot garage with an apartment above it (814 square feet), which includes a second level deck. The actual footprint on the ground is 726 square feet. The proposed paving will be subject to approval by the abutters/neighbors. Mr. Karpowich clarified that this is an application for 4 Sandpiper Lane only, and not any of the other properties I own on Sandpiper Lane. Any issues should be limited to 4 Sandpiper Lane.

Ms. Mellish stated that based on the application submitted, there was an impervious surface by structures and impervious surface of 1609 square feet and asked if that would change if the paving was removed, and Mr. Karpowich replied absolutely, and added the architect drew the plan to include 795 feet of paved area, but paving is not something I want to pay for.

Mr. Mitchell asked Mr. Karpowich to address the concern of Mr. David Bell, 8 Sandpiper Lane regarding the proposed project obstructing the right of way. Mr. Karpowich replied that the proposed building is not in the right of way, so it is not obstructing it. Mr. Mitchell added that Mr. Bell's concern was about cars parked in front of the 1, 3, 5, 7, 9 Sandpiper Lane, and if

there were numerous vehicles at each address, the potential for blocking the right of way is high. Mr. Bell also submitted some photos to the ZBA members, showing multiple cars parked. Mr. Karpowich explained that those buildings are rented, and I am happy to discuss ways to improve it, so that renters are obeying the rules that are set out for each cottage and where their cars are supposed to be parked. Everyone has a designated parking space, which is specified in their leases—one (1) car parked in their one (1) spot. Any other cars should be parked on Raymond Street or in front of the park, and I am willing to work on the management of this. This application is only for one (1) building at 4 Sandpiper Lane, and I have provided for a garage for this building for this particular reason.

Mr. Mitchell explained that he wants to make certain that the parking spaces designated for the cottages are not parked in the right of way. Ms. Mellish stated that the parking for the other cottages are not subject to the application before us. Mr. Mitchell replied that he just wanted to address the concerns of an abutter/neighbor at the site visit and be sure that those concerns were properly vetted by the ZBA members. Mr. Karpowich explained as follows: I agree with the parking concerns but added that he can see his properties on Sandpiper Lane from his own house and he has always been accessible to anything that has happened around there. This concern just came up four (4) days before this ZBA meeting. I am happy to take care of the tenant parking situation, because it is written into their leases.

Mr. Diedrich explained that agrees with what Mr. Mitchell has said. If Mr. Karpowich is the owner of all of the seven (7) buildings/cottages, he has an obligation to see that the parking is limited to whatever is stated in the leases and should not be impeding the right of way. I personally would like to see a little more definition, so that we can be assured that there will not be more cars in the area than what is stated in the leases. Ms. Mellish explained that the challenge is that the other leased properties have nothing to do with this application, and this application is creating a garage that doesn't exist there today. Mr. Diedrich stated that is true, but the properties are all owned by a common owner. Mr. Mellish replied that it doesn't matter, because those other pieces of Mr. Karpowich's properties are not before the ZBA and they are separate lots.

Mr. David Bell, 8 Sandpiper Lane, stated that he had sent the ZBA members letters from the abutters and a former Fire Chief, and Ms. Mellish read these letters into the record. Mr. Bell referred to the photos he had sent the ZBA members regarding parking issues. Mr. Bell had several concerns including: Right of ways, sewer covers, adequate access of emergency vehicles due to parked cars, snow narrowing the street and snow removal, ZBA By-Laws, Sections 6.1.0 and 7.5.2, as well as the requirements for a Special Permit, dead end roads and fire access, the proposed cottage and not staying within the footprint and any expansion of the roof at 4 Sandpiper Lane will increase the impervious area in this Flood Zone, water in some of the basements on Sandpiper Lane and Raymond Street, and the septic tank installed at 4 Sandpiper Lane.

Mr. Mellish told Mr. Bell that he is providing a lot of information to us that has nothing to do with this application, and it is not clear what you are asking of the ZBA, but it seems like you want to block the entire project. Mr. Bell replied that he and the neighbors would like Mr. Karpowich's properties to remain exactly as they are. Ms. Mellish explained that all the houses/cottages were grandfathered, non-conforming properties—Sandpiper Lane is a non-

conforming lane. Mr. Bell replied that he doesn't want the non-conformities to be increased by this proposed project. Ms. Mellish explained to Mr. Bell that he is addressing issues that are pre-existing and there is no plan to build this building outside of the coverage requirements allowed on the lot or any type of a front setback, so I do not see how you can expect fire vehicles to be turning around on private property. Ms. Mellish stated that this is currently a one-bedroom home that is being replaced with a one-bedroom home with a garage to keep a vehicle off the street.

Ms. Mellish asked if there was any other member of the public who would like to speak, and there was not.

Mr. Karpowich explained as follows: The Flood Zone on Mr. Bell's plan is not the Flood Zone, but the 100-foot wetlands line. The Flood Zone encompasses every building on Sandpiper Lane, except for 9 Sandpiper Lane. Even though I will be constructing a new building will double the space for the right-of-way. These cottages have been there since 1925, and Sandpiper Lane is a private road, not a Town of Manchester-by-the-Sea road. If there is a parking problem, I am happy to address the parking problem, but my application is only for 4 Sandpiper Lane.

Mr. Bell suggested that Mr. Karpowich take down the building at 4 Sandpiper Lane and replace it with a parking lot and added that the neighbors agree. Ms. Mellish replied that the neighbors need to submit their opinions to the ZBA.

Mr. Diedrich explained that because of the information we have been given, does the right-of-way go down to Mr. Bell's property, and Mr. Bell replied yes, it does right to his driveway. Ms. Mellish replied that there is also a piece of property from one of the cottages across the street, between 4 and 8 Sandpiper Lane.

Ms. Mellish stated that she is struggling with the cars/parking issue argument, because the number of vehicles is impacted by the number of bedrooms, and there is no increase in the number of bedrooms for the proposed 4 Sandpiper Lane project, so we can't presume there is going to be more vehicles than there are today. The ZBA cannot impose any current zoning requirements on grandfathered lots. The purpose of the ZBA Special Permit is to allow people with non-conforming lots to make changes to their structures. Mr. Karpowich's other cottages are not before the ZBA tonight. 4 Sandpiper Lane is the only application before the ZBA this evening—taking a one-bedroom unit, adding a second story, and adding a garage. Changes to any of Mr. Karpowich's other cottages would require a separate ZBA Special Permit application.

Ms. Mellish stated that the parking issues are not ZBA enforcement issues. Mr. Binieris explained that the residents of Sandpiper Lane need to follow the parking rules. Mr. Karpowich explained that he agrees with the parking problem issues and has notified and reminded his tenants about the parking requirements, and I will continue to do that. Mr. Diedrich asked if the parking issue existed prior to Mr. Karpowich's ownership, and Mr. Bell replied yes, the parking issue has existed for the twenty-five (25) years Mr. Bell has lived there.

Mr. Bell continued the discussion about the parking issues. Mr. Binieris stated that addition of the garage at 4 Sandpiper Lane will add some relief to the parking situation. It will not solve the situation overall on Sandpiper Lane. Mr. Karpowich's proposed project before us

tonight will not be more detrimental to the neighborhood than the existing structure. Whoever rents 4 Sandpiper Lane should be required to use the garage to park their vehicle and not use it for storage and park their vehicle in the street, and this should be stipulated in the lease. Mr. Mitchell pointed out that the existing building at 4 Sandpiper Lane is a dilapidated structure, which by itself represents a safety and fire hazard. The applicant's proposed project will be an improvement for property value and aesthetic value of the property, and I do not see any reason to block this application.

Mr. Bell stated that he wants the proposed structure to stay in the existing footprint and not be doubled/tripled in size. Mr. Karpowich explained that the existing structure is twelve (12) feet wide and thirty-three (33) feet long now and will be twenty-two (22) feet wide and thirty-one and a half (31.5) feet long, so the proposed structure will be one and a half (1.5) feet shorter and ten (10) feet wider. Mr. Bell stated that it is doubling in size. Ms. Mellish pointed out that Mr. Karpowich could go up 1,074 square feet of a footprint and meet the coverage requirements of the lot.

Mr. Diedrich replied yes, he could go up to 1,074 feet, but remember the "more detrimental to the neighborhood," which is part of that Special Permitting process.

Mr. Binieris suggested delineating the right-of-way with some hardscaping, so that everyone will be aware of where the right-of-way is located vs. parking on private property. Mr. Karpowich agreed. Mr. Bell stated that this is also a safety issue and the photos he presented do not lie. Mr. Karpowich pointed out that some of those pictures were pictures of his vehicle and a truck that were parked there for an emergency call for a broken water heater, and cars were still able to get by, and Mr. Bell didn't come out that day to speak to me while I was standing in the driveway.

Ms. Mellish stated that we have talked enough about the parking, and she would like feedback from the ZBA members with respect to the application before us, which is to remove the existing one-bedroom cottage and replace it with a two-story one-bedroom cottage with a ground floor garage. The resulting structure coverage will be within the zoning requirements. The resulting lot coverage by structure and impervious surface will be within the zoning requirements. Ms. Mellish asked the ZBA members what they want to do.

Ms. Howe stated that her opinion is that there are clearly parking problems in this area. I do not think they relate to the proposed 4 Sandpiper Lane project in question. The proposed dwelling, if it is appropriately built and used as it is proposed—one vehicle that will be parked inside the garage—will alleviate some of the congestion on the street. In looking at this application, it seems that it will make things better.

Mr. Diedrich stated as follows: There isn't any question that the applicant has the right to do what he wishes to do, but I do have a question about whether it is going to be more detrimental to the entire area. The applicant owns all the other structures, except for Mr. Bell's property, so he does have some responsibility, even though those structures are not germane to the hearing tonight, they are in fact germane because they are there and all controlled by the applicant, who will have control over this expanded building. It appears that there has been very lax parking there for years, and to put a new building in is only going to increase the parking.

The ZBA has no enforcement authority regarding parking or public safety, and that has been brought home to us on a number of occasions when things have happened where individuals end up with more cars on a lot than they should have. Sometimes it is less expensive to pay the fines than it is to comply with the regulations. I am really not satisfied that this plan is a good plan. I am convinced that replacing that building would be a big improvement, but I think more work could be done to make it a more doable project. Eventually any of those structures could be sold off, and the ZBA is going to be facing this issue again. Time is not of the essence, and more work could be done.

Mr. Mitchell stated that he doesn't know what the zoning restrictions are for zero (0) lot lines on this or any parcel in Manchester-by-the-Sea. Just a thought—if the entire proposed building at 4 Sandpiper Lane was pushed back to the lot line, it looks like there would be approximately 6.5 feet of additional space in front of or adjacent to the right-of-way.

Ms. Mellish replied that the challenge is the zoning front setback requirement is 5 feet—this is going to be 12 feet 3 inches. The rear setback zoning is 10 feet, but the existing non-conforming is 6.8 feet and it is going to remain at 6.8 feet. The side setback is 10 feet. The north is only 5 inches off the lot line and it is remaining in that position. The south lot line is going to be 20 feet 4 inches instead of 20 feet 8 inches, where 10 feet is required. My challenge is that this proposed project is meeting all the setback requirements, because it is already encroaching in a setback and we can't force him to move that in. They will be meeting all the coverage by structures requirement and all the coverage by structures and impervious surface requirements. The right-of-way is irrelevant with respect to what can be done on this property. They could move the house forward another 7 feet 3 inches. I do not see how we can impose something more restrictive than all of the setbacks required in the Code.

Mr. Diedrich stated that there doesn't seem to be a clear definition when you talk about 12 feet off the property line, but that 12 feet is significantly within the right-of-way, and Ms. Mellish replied no, it isn't. Mr. Diedrich stated that the right-of-way straddles the property line, according to the drawing I am looking at. I do not know the definition that deals with the right-of-way and how far you must be off a right-of-way. If the right-of-way is in fact a street, de facto or otherwise, the building will be far too close to the street. I do not think that this plan is well thought out—it could be improved and made better. The applicant pointed out that he could put a fence on his property line, but that would almost if not totally block the right-of-way. Ms. Mellish replied that the applicant can do that as of right. Ms. Howe didn't see on the plans how the proposed building will be blocking the right-of-way. Ms. Mellish asked Mr. Karpowich if the right-of-way is in the setback, and he replied yes and added that the right-of-way goes along the front of Sandpiper Lane and straddles the property line, but the proposed building will be 12 feet 3 inches from the property line, but the right-of-way is the dotted line that looks to be about 2/3 of 4 Sandpiper Lane and 1/3 on 7, 5, 3, and 1 Sandpiper Lane. There will be about 3 feet on the front corner of that covered porch to the right-of-way, but none of the building is in the right-of-way.

Mr. Binieris suggested moving the building back by about 6 feet, then the applicant will need a Variance, but in return you will have gained more frontage and therefore more parking remediation, per Mr. Mitchell's prior suggestion. Mr. Mitchell stated that this would be less detrimental and would provide more turnaround opportunity for emergency and fire

vehicles/equipment. Ms. Mellish stated that you can't use private property for turnaround of fire or emergency vehicles/equipment. Mr. Diedrich stated that if the proposed building was moved back, it would give more space in front of the building. I do not think it is well defined, and I think you know how I am likely to vote on this application.

Ms. Mellish asked Mr. Karpowich if he would like to reconsider the plans you have provided. Do you want to continue your application, or do you want the ZBA members to take a vote? Mr. Karpowich replied that he met with Mr. Hannigan, another neighbor, today for over an hour, and doesn't think that Mr. Hannigan would appreciate the proposed building to be on his property line. Mr. Karpowich added that Mr. Hannigan asked him to put a nice fence up at his property line, and Mr. Karpowich agreed to do this. Ms. Mellish asked if he could make the proposed building a little narrower, and Mr. Karpowich replied that if you make it narrower, then a car will not fit in. My parents lived in Manchester-by-the-Sea for 50 years, just moved to Florida, so the plan is to make this a summer rental for my parents. Mr. Karpowich asked for the ZBA members to vote, rather than continue this application.

Ms. Mellish made a motion to approve the application of **Jeffrey Karpowich** for a Special Permit under Sections 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to remove existing one-bedroom cottage and replace it with a two-story one-bedroom cottage. The ground floor will consist of a garage and entryway with stairs to the second floor. The one-bedroom apartment will be located above the garage, at **4 Sandpiper Lane**, Assessor's Map No. 1, Lot No. 68, in District D, filed with the Town Clerk on February 20, 2020. On the finding that the change, extension, alteration to an existing non-conforming structure is not substantially more detrimental or injurious to the neighborhood than the existing non-conforming structure. With the condition that any vehicles related to this property will be parked in the garage.

Ms. Howe seconded the motion. Vote: Ms. Mellish, Mr. Binieris, Ms. Howe, Mr. Mitchell voted unanimously in favor of approving this application. Mr. Diedrich was opposed to approving this application. Mr. Sollosy is an alternate and not required to vote at this meeting. The motion carried 4 to 1.

Ms. Mellish explained that the ZBA members have ninety (90) days to file an applicant(s)' Decision with the Town Clerk's Office, but will hopefully file it prior to the 90 days. Once the Decision is filed with the Town Clerk, there is a twenty (20) day appeal period. Once the Decision is filed, the ZBA clerk will e-mail you the Decision and mail a copy by US Mail. If this application is not appealed by the 21st day, then the applicant(s) may proceed with their project. However, due to the COVID-19 pandemic, the Commonwealth of Massachusetts has extended the appeal process at least until April 21, 2020.

Mr. Mitchell will write the Decision, and Ms. Howe will review it.

**Documents Produced:** GIS Site Map of Sandpiper Lane Neighborhood, (8.5" x 11") dated February 17, 2020; Plan A1.0 Site Plan (8.5" x 11"); Plan of Existing and Proposed Building with Elevations (11" x 17"); Plan A2.0 Exterior Views and Floor Plans (3D), and Plan

A3.0 Building Elevations, both (11" x 17"), dated February 18, 2020. Each one (1) page, in color, and prepared by Jeff Karpowich, Karpowich Building Contractors.

### **ADMINISTRATIVE MATTERS**

**ZBA Meeting Minutes:** Ms. Mellish asked the ZBA members if they have reviewed the February 26, 2020 meeting minutes, and the ZBA members replied that they had. Ms. Mellish asked if there were any suggestions for edits, and there was one change replacing Ms. Murray with Ms. Mellish regarding the motion for adjournment.

Ms. Mellish made a motion to approve the February 26, 2020 meeting minutes.

Ms. Sollosy seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Mitchell, and Mr. Sollosy voted unanimously in favor of approving the February 26, 2020 ZBA minutes.

Mr. Binieris and Ms. Howe were not present at the February 26, 2020 meeting and therefore did not vote.

Ms. Mellish stated that we have one application pending for April, and I want to know whether or not we want to keep the site visits on Saturday mornings, or switch to Monday evenings at 6:00 p.m. The ZBA members agreed to change the site visits to Monday evenings at 6:00 p.m.

Mr. Binieris raised the issue of the quarantine may still be in effect for the April site visit, and Ms. Mellish replied that the March site visits were very quick. We didn't ask the applicants to explain the project. We looked at where the project was going on the lot and looked at the surrounding areas, and stayed 6 feet apart. Ms. Mellish said that the next site visit will be at 2 Brice Lane, and it will be up to the ZBA members if they want to attend at the scheduled time of Monday, April 20, 2020 at 6:00 p.m., or attend separately.

Ms. Mellish asked the ZBA members if they had any questions or anything further to discuss, and they did not.

**Adjournment:** Ms. Mellish made a motion to adjourn the meeting. Mr. Binieris seconded the motion. Vote: Ms. Mellish, Mr. Diedrich, Mr. Binieris, Ms. Howe, Mr. Mitchell, and Mr. Sollosy voted unanimously in favor of adjourning the meeting. The meeting was adjourned at 8:46 p.m.

The next ZBA meeting will be held on Wednesday, April 22, 2020, and the site visit will be held on Monday, April 20, 2020, beginning at 6:00 p.m.

Respectfully submitted,  
Adele Ardolino, Administrative Assistant  
Manchester-by-the-Sea Zoning Board of Appeals

These Minutes were approved by the members of the Zoning Board of Appeals on April 22, 2020.

N.B. These minutes are not verbatim. They are the clerk's interpretation of what took place at the meeting.