

**ZONING BOARD OF APPEALS
MEETING MINUTES**

March 23, 2026 – 6:00 PM

Town Hall – 26 Court Street, Plymouth, Massachusetts

These minutes are not verbatim and represent the Administrative Assistant's interpretation of the proceedings in accordance with Open Meeting Law, Section III.

Attendance

Members Present: Michael Main, Michael Leary, Kevin O'Reilly, Ed Conroy

Member Absent: Peter Conner

Alternate Member Present: David Peck

Alternate Member Absent: Tom Wallace

Staff Present: Spencer Dancause, Town Planner; Jason Silva, Director of Inspectional Services; Ben Eaton, Zoning Inspector

Town Counsel: Carolyn Murray

Administrative Assistant: Denise DeCoste

Case 4200 – Alden's Reach – Thorndike Group

Band Drive, Map 73, Lots 8, 17, 7-81, 7-188, 7R-2, 16, 18

Thorndike Development is seeking what Applicant deems to be substantial modification of the Comprehensive Permit, originally issued April 5, 2006, as modified, under 760 CMR 56.05 (11), previously issued to Sawmill Development Corp. and transferred to the Applicant, to add twelve (12) units and a Veteran's preference for the affordable units in the overall development. Applicant must seek relief per Section 209-3 (C) to demolish and reconstruct a pre-existing nonconforming structure on a pre-existing nonconforming lot.

Seated: Mr. Main, Mr. Leary, Mr. Conroy, Mr. O'Reilly, and Mr. Peck

Mr. O'Reilly read the public hearing notice into the record.

Document Submittal:

1. Clocked Application, stamped March 3, 2026
2. Narrative of Project, dated December 4, 2025
3. Property Photos, received December 17, 2025
4. Site Layout Plan, revised February 4, 2026
5. Architectural Plans, received December 17, 2025
6. Time Waiver, filed March 9, 2026
7. Conservation Commission Memo, received March 16, 2026
8. Redacted Purchase & Sale Agreement, received March 18, 2026
9. Engineering Department Memo, received March 19, 2026
10. Planning & Development Staff Report, received March 19, 2026

Presenter:

Atty. Peter Freeman, Moriarty Bielan & Gamache, LLC.
Lloyd Geisinger and David Eastridge, Thorndike Group

The application was presented by members of the development team responsible for planning, engineering, and ongoing buildout of the Alden's Reach project.

Atty Freeman began by carefully explaining that the application before the Board consisted of two distinct components and emphasized multiple times that they should be considered independently. The first component was a request to add twelve (12) residential units to the existing Comprehensive Permit approval. The second component was the implementation of a veteran's preference program for affordable housing units within the development. The presenter stated clearly that the veteran preference program was not dependent on approval of the unit increase and could proceed regardless of the Board's decision on density.

Lloyd Geisinger then provided a detailed explanation of the veteran preference program, noting that it is authorized under relatively recent Massachusetts legislation that allows municipalities to designate up to ten percent (10%) of affordable housing units for income-qualified veterans. Within this development, the presenter stated that there are approximately forty-three (43) affordable units. Of those, four (4) units would be designated for veteran preference. The presenter explained that these units would be marketed exclusively to qualified veterans for a ninety (90) day period, after which, if no qualified applicants were identified, the units would be released to the general affordable housing pool. The presenter emphasized that eligibility is based on income qualification and veteran status and is not limited solely to disabled veterans. It was further emphasized that this component does not increase density or alter the physical layout of the development but rather adjusts how a portion of the affordable inventory is allocated.

David Eastridge then shifted to a detailed overview of the development itself. It was noted that the original Comprehensive Permit dates back approximately to 2006 and that the project has progressed in multiple phases over time, including changes in ownership and refinements to the layout. The current approval allows for two hundred thirty-two (232) residential units. The proposal before the Board would increase that number to two hundred forty-four (244) units.

A detailed update on project performance was provided. Mr. Eastridge stated that Phase 2A has been completely sold out and that Phase 2B is largely under agreement. He noted that despite broader market conditions, the project has performed strongly and continues to demonstrate demand. It was stated that the development is exceeding expectations and that approximately fifty (50) additional homes are anticipated to be sold in 2026.

Mr. Eastridge then described how the additional twelve units would be incorporated into the site. It was explained that a small parcel of land had been acquired from an abutting property

owner. However, the presenter clarified that the additional units would not be located exclusively on that parcel but rather distributed across the development. The integration of the units would be achieved through relatively modest adjustments to the approved layout, including slightly reducing spacing between certain buildings and introducing four (4) new three-unit buildings. The presenter emphasized that these changes would not significantly alter the character of the development and would not change circulation patterns or overall site design in any meaningful way.

It was confirmed that the development would continue to meet the required twenty-five percent (25%) affordability threshold, with the only change being the allocation of four units to the veteran preference category.

Parking was also addressed, Mr. Eastridge stated that the development provides more than two parking spaces per unit, not including additional driveway and tandem parking arrangements.

Board Discussion

The Board engaged in detailed discussion with the applicant.

The Board first addressed roadway conditions and prior commitments. It was noted that drainage improvements along internal roadways had previously been completed as required. However, Board members acknowledged ongoing complaints from residents regarding the condition of the roads, particularly as they relate to construction traffic and long-term wear. The applicant acknowledged these concerns and indicated a willingness to go beyond simple patching and to consider more substantial roadway improvements, including coordinated resurfacing efforts.

The Board then turned to water infrastructure. Members raised concerns regarding reported low water pressure within the development and questioned whether the existing system had been designed to accommodate the current number of units, let alone the proposed increase. Mr. Eastridge responded that a water model had previously been prepared and committed to updating that analysis to reflect the addition of twelve units. The applicant further stated that any mitigation measures identified by the Department of Public Works or engineering staff would be implemented.

Additional discussion addressed grading and site design. Board members asked about tree removal, grading changes, and potential impacts to open space areas. Mr. Eastridge stated that final grading plans would be subject to review and approval by DPW and that no substantial deviations from the approved plan were anticipated.

The issue of legal access and easements was also discussed. Board members raised concerns that had been echoed in public comment regarding access rights over certain parcels. Mr. Eastridge stated that access rights had been previously established and were valid. Town Counsel advised that the Board could proceed with a decision but should condition any approval on verification of those rights.

Public Comment

Deborah Sparta, an abutter, addressed the Board and stated that she has lived at her property since 1990. She expressed concern that her home is now increasingly surrounded by development, with new construction proposed both across the street and behind her property. She described concerns regarding loss of privacy and the close proximity of structures. Ms. Sparta also raised concerns regarding drainage, stating that water appears to collect in certain areas, creating standing water conditions that may contribute to mosquito issues. She further described ongoing impacts from construction, including noise, dust, and disruption, and expressed frustration that she has not received follow-up communication from the developer. Ms. Sparta stated that she has retained legal counsel.

Multiple residents spoke regarding traffic and density. Concerns were raised about the increase from 232 to 244 units and the cumulative effect of development within the area. Residents described increased traffic volume, speeding, and safety concerns, particularly along Kathleen Drive and Andrew's Way. Some residents expressed the view that the development continues to expand incrementally without sufficient mitigation.

Residents also discussed road conditions, noting that the roads within the development are privately maintained and not yet accepted by the Town. It was stated that homeowners bear the cost of maintenance and that the roads have deteriorated due to construction traffic and increased use. Several residents requested that the developer be required to fund full roadway resurfacing and structural improvements.

Concerns were also raised regarding water pressure and system capacity. Residents reported experiencing low water pressure and expressed concern that the system was originally designed for significantly fewer homes.

Additional comments questioned the legality of access across certain parcels and requested that the Board require verification before granting approval.

John Kelly, speaking on behalf of the homeowner's association, noted that efforts are ongoing to have the roads accepted by the Town. He stated that complaints regarding water pressure have increased and expressed concern that additional units would exacerbate existing infrastructure issues.

Applicant Response

Mr. Eastridge responded to the concerns raised during public comments. He reiterated that access rights have been previously established and are believed to be valid. He acknowledged roadway concerns and proposed additional mitigation, including approximately 1,000 square yards (approximately 300 linear feet) of milling and overlay, with specific locations to be coordinated with the HOA. The applicant confirmed that an updated water study would be conducted and that any required improvements would be implemented.

Board Deliberation

The Board discussed the application in detail. Members acknowledged the long history of the project and noted that Comprehensive Permit developments are governed by state law, which limits local authority. The Board discussed the potential risk of appeal if the application were denied.

Board members expressed strong support for the veteran housing component, noting its public benefit. Discussion focused on ensuring that appropriate conditions would be imposed to address roadway, infrastructure, and access concerns.

Vote: Mr. Leary motioned to approve Case 4200 with the following conditions, Mr. Peck seconded the motion, unanimously approved, 5-0.

Conditions:

1. The granting of this Modification is dependent upon compliance with all the conditions set forth within prior Decisions, to the extent not modified by this Decision.
2. The Project shall be modified to increase the total number of units from 232 to 244 for all four phases with an increase in total bedroom count from 600 to 630 bedrooms.
3. Condition 12 of the original Comprehensive Permit (dated 2006) shall be modified as follows:
 - a. The Tri-Partite Agreement among Alden's Reach, LLC, Mechanics Cooperative Bank and the Town of Plymouth shall be amended to reflect this modification.
4. Prior to the issuance of Certificates of Occupancy for units in each remaining Phases 2, 3, 4, and 5 the Applicant shall submit documentation verifying that all requirements for the Affordable Units have been met.
5. Within thirty (30) days of this Modification Decision being filed with the Town Clerk, the Applicant shall provide updated documentation to the Planning and Development Department reflecting the modifications of Phase 4 for the Sawmill Condominium Association, the Sawmill Alden's Home Owners Association, the Alden's Reach Condominium Association, and any other documentation creating an entity or association charged with management of common areas, roadway and the wastewater treatment facility servicing this project and Sawmill Woods Estates.
6. All ongoing conditions of the Comprehensive Permit issued April 5, 2006 and all subsequent modifications shall remain in full force and effect.
7. The Applicant shall ensure that there is no overburdening of any easements or violate any existing easements in effect.
8. The Applicant shall provide an additional 300 linear feet of milling/repaving within Shallow Pond Estates, to be agreed upon between the Applicant and the appropriate representatives of Shallow Pond Estates, in addition to the existing road improvement obligations.
9. The Applicant shall work with the neighbors to get the roads accepted by the Town.
10. The Applicant shall provide adequate screening mitigation for the property located at 85 Andrew's Way in consultation with the owner of said property.

**Case 4205 – Michael & Carol Skorulski, Map 45C, Lot 42
107C Taylor Avenue, Map 45C, Lot 42**

Special Permit required per Section 203-9.C to alter and enlarge a pre-existing nonconforming structure to construct a third story living space addition

Seated: Mr. Main, Mr. Leary, Mr. Conroy, Mr. O'Reilly, and Mr. Peck

Mr. O'Reilly read the public hearing notice into the record.

Document Submittal:

1. ZBA Application, received February 2, 2026
2. Property Deed, dated March 15, 2006
3. Zoning Permit Denial, dated October 28, 2025
4. Application Narrative, dated January 22, 2026
5. Previous ZBA Special Permit Decision, dated May 28, 2019
6. Supplemental Property Photos, received January 22, 2026
7. Architectural Plans, dated October 3, 2025
8. Architectural Plan Sheet A-3, revised January 3, 2026
9. Architectural Plan Sheet A-3, revised February 10, 2026
10. Assistant Conservation Planner Memo, dated February 3, 2026
11. Fire Department Memo, dated February 3, 2026
12. Public Health Director Memo, dated February 4, 2026
13. Town Engineer Memo, dated February 9, 2026
14. Town Planning Staff Memo, dated March 23, 2026

Presenter:

Atty. William Edes, DTM Law, P.C.

Atty. Edes presented a proposal to construct a third-story addition to an existing pre-existing nonconforming residential structure. He explained that due to the constraints of the lot and the existing footprint of the dwelling, expansion horizontally was not feasible, and therefore the only viable option to increase living space was to expand vertically.

Atty. Edes described the proposed third floor as additional living space intended to improve the functionality of the home for modern use. It was stated that the structure would remain within the maximum height permitted under zoning, although it would approach that limit. The applicant emphasized that the addition would be designed to be consistent with the existing structure and would not extend further into setback areas.

Board Discussion

The Board's discussion focused heavily on public safety concerns, particularly those raised by the Fire Department.

The Fire Department comments were read into the record and described the Taylor Avenue area as a densely developed neighborhood with limited access for emergency apparatus. The

comments noted that the proximity of structures to one another creates conditions where fire could spread rapidly from one building to another. The Fire Department specifically recommended the installation of a residential sprinkler system as a means of mitigating that risk.

Board members asked the applicant directly whether they would be willing to install a sprinkler system. The applicant responded that they had not planned to include a sprinkler system and expressed concern about the cost and feasibility of such an installation.

Board members expressed concern with that response, noting that in similar cases involving vertical expansion in densely built neighborhoods, sprinkler systems have been required or voluntarily included by applicants. One member stated that the Board relies on professional input from public safety departments and gives significant weight to those recommendations.

Additional discussion focused on the overall massing and proportions of the proposed structure. Board members noted that while the building may technically comply with height limitations, the addition would create a tall and narrow structure that may be out of scale with the surrounding neighborhood.

The Board also raised concerns regarding the lack of a certified height verification prepared by a land surveyor, noting that reliance on architectural drawings alone was not sufficient to confirm compliance. There was also discussion regarding the location of an existing generator and whether any proposed relocation had been formalized in writing. Board members expressed discomfort with relying on informal or verbal agreements.

Public Comment

No members of the public spoke on this case.

Board Deliberation

During deliberation, Board members expressed consensus that the proposal, as presented, did not adequately address the safety concerns identified by the Fire Department. Members stated that even if a sprinkler system were added, the overall design and configuration of the structure would still require reconsideration.

The Board discussed whether to continue the hearing to allow the applicant to revise the proposal or to deny the application. It was determined that a denial without prejudice would allow the applicant to return with a revised design without being subject to the two-year waiting period typically associated with a denial.

Vote:

Mr. Peck motioned Deny without Prejudice Case 4205, for the following reasons, Mr. Leary seconded the motion, unanimous vote, 5-0.

Decision - reasons for denial:

1. The addition would require installation of a fire sprinkler system to reduce conflagration risk which the applicant was not prepared to install.
2. The Board had concerns about whether propane tanks were properly secured as required by Condition #3 of Special Permit Case #3947.
3. The use of the third-story addition was not clear, as the plans originally showed a third bedroom which was subsequently changed to an office after the Health Department made comments about the dwelling's septic size limitation.

Case 4206 – B4 Real Estates, LLC – Edward Blackwell

50 Cherry Street, Map 5, Lot 53C

Special permit required per section 203-9.C to raze and rebuild a pre-existing non-conforming single-family dwelling on a non-conforming parcel which contains two separate dwellings on a lot

Seated: Mr. Main, Mr. Leary, Mr. Conroy, Mr. O'Reilly, and Mr. Peck

Mr. O'Reilly read the public hearing notice into the record.

Document Submittal:

1. Application for Special Permit received February 5, 2026.
2. Filing Fee in the amount of \$374.58 received January 29, 2026.
3. Deed recorded at the Plymouth County Registry of Deeds Book 52657, Page 44.
4. Department of Inspectional Services Zoning denial dated January 5, 2026.
5. Narrative of Project letter dated January 16, 2026.
6. Photographs of subject property submitted February 2, 2025.
7. Existing conditions Plot Plan prepared by Flaherty & Stefani, Inc. dated February 5, 2022.
8. Architectural drawings prepared by Noseworthy: Residential Design last revised December 2, 2025.
9. Historic District Commission Demolition Delay Bylaw determination dated October 9, 2025.
10. E-mail letter from direct abutter dated January 6, 2026.
11. Proposed plot plan prepared by Flaherty & Stefani, Inc. dated March 4, 2026.
12. Conservation Commission memorandum dated February 9, 2026.
13. Dept. of Public Works Town Engineer memorandum dated February 11, 2026.
14. Town Planning Staff Memo, dated March 23, 2026

Presenter:

Edward Blackwell - Owner

The application was presented by Edward Blackwell, who addressed the Board directly. Mr. Blackwell explained that he and his family had owned the property for approximately five and one-half years and that the property has been used as an investment property.

Mr. Blackwell described the existing structure as outdated and in need of significant improvement. He stated that the intent of the project was to demolish the existing dwelling and reconstruct a new structure that would better meet modern standards while improving the overall condition of the property.

He explained that the lot is nonconforming and contains two dwellings, which presents certain constraints. During construction, some excavation and foundation work would need to occur in close proximity to the property line. However, Mr. Blackwell emphasized that any such encroachment would be temporary and limited to construction activities, and that the completed structure would not encroach beyond the property boundaries.

Board Discussion

The Board discussed the proposal with a focus on the proximity of construction activities to the lot line. Members acknowledged that the site is constrained and that temporary encroachment during construction is sometimes unavoidable in such situations.

The Board asked whether there would be any permanent encroachment or long-term impacts on neighboring properties. Mr. Blackwell confirmed that the final structure would remain fully within the property boundaries and that the goal of the project was to improve both the structure and the site.

Board members noted that the proposed reconstruction would represent an overall improvement to the property and would not increase the existing nonconformity.

Public Comment

No members of the public spoke on this case.

Board Deliberation

The Board discussed the proposal and agreed that it constituted a replacement of an existing structure rather than an intensification of use. Members noted that the project would improve the safety and condition of the property and would not be more detrimental to the neighborhood than the existing conditions.

Vote: Mr. Leary motioned to approve Case 4206, Mr. Peck seconded the motion, with the following conditions, unanimously approved, 5-0.

Conditions:

1. A Municipal Lien Certificate shall be provided to the Department of Inspectional Services as evidence of payment of any back taxes, fees, or penalties owed to the Town, if any.
2. All revisions required by this approval shall be incorporated onto the record set of plans ("Final Revised Plan Set"). All outstanding conditions shall be listed on the title page of the "Final Revised Plan Set" (hereafter "FRPS").
3. The Project shall be constructed, maintained, and operated in accordance with the engineering plans, reports and other documents submitted and itemized in this decision,

and all as depicted and narrated on the FRPS. Any changes designated to be major by the Director of Inspectional Services shall require the Applicant to file an application to modify this Decision for which notice and a public hearing by the Board shall be required

4. The Petitioner shall address D.P.W. Engineering Division comments to the satisfaction of the Director of Inspectional Services.
5. A roof drainage system, as shown on the site plan dated March 4, 2026, shall be installed onto the new dwelling to the satisfaction of the Director of Inspectional Services.
6. The Petitioner should notify the direct abutting homeowner at 52 Cherry Street prior to starting excavation work and shall take all necessary steps to maintain erosion controls and runoff on-site.

Case 4208 – Murtagh Fintan

115 White Horse Road, Map 45A, Lot 19

Applicant must seek relief per Section 209-3 (C) to demolish and reconstruct a pre-existing nonconforming structure on a pre-existing nonconforming lot

Seated: Mr. Main, Mr. Leary, Mr. Conroy, Mr. O'Reilly, and Mr. Peck

Mr. O'Reilly read the public hearing notice into the record.

Document Submittal:

1. Petition Application to Zoning Board of Appeals received February 11, 2026.
2. Deed recorded at the Plymouth County Registry of Deeds Book 47317, Page 13.
3. Department of Inspectional Services Zoning denial dated January 27, 2026.
4. Narrative of Project letter dated January 23, 2026.
5. Plot Plan by Grady Consulting, LLC last revised September 23, 2019.
6. Architectural plans by Custom Home Designs dated May 4, 2019.
7. Photographs of subject property received January 23, 2026.
8. Revised Plot Plan by Grady Consulting LLC revised March 12, 2026.
9. Comment response letter by Grady Consulting LLC revised March 12, 2026.
10. Conservation Commission memorandum dated February 18, 2026.
11. Dept. of Public Works Town Engineer memorandum dated March 3, 2026.
12. Public Health Division response letter dated March 11, 2026.
13. Fire Department response letter dated March 23, 2026.
14. Town Planning Department Memo, dated March 25, 2026

Presenter:

Kevin Grady, Grady Consulting, LLC

The application was presented by Kevin Grady on behalf of the applicant. Mr. Grady explained that the existing dwelling on the property was constructed circa 1935 and is currently in a state of significant deterioration.

He noted that a prior special permit had been granted in 2018 to demolish and reconstruct the structure; however, that approval had lapsed due to financial constraints, and the applicant is now seeking to proceed with the project.

Mr. Brady described the proposed reconstruction as maintaining a similar footprint to the existing structure while making modest improvements to setbacks. He provided specific examples, noting that the side yard setback would increase slightly, as would the front and rear setbacks. He explained that while the lot is extremely constrained, the design represents an improvement over the existing nonconforming conditions.

He also described improvements to site infrastructure, including installation of a new three-bedroom septic system and enhanced drainage measures through the use of infiltration systems. Gravel parking was proposed to accommodate vehicles on-site.

Board Discussion

The Board focused on the extremely tight nature of the lot and the proximity of the structure to abutting properties. Members emphasized the importance of careful construction management given the limited space available for staging and work.

Discussion also included erosion control measures. The applicant stated that additional controls had been incorporated into the plan, including silt fencing and other measures to protect adjacent properties during construction.

Board members noted that while the site constraints are significant, the proposed improvements to setbacks and infrastructure represent a positive change compared to the existing conditions.

Public Comment

Abutters addressed the Board and expressed concern regarding the proximity of the proposed construction to neighboring properties. It was noted that the limited size of the lot leaves little room for construction staging, which could result in disruption to adjacent properties.

Concerns were also raised regarding potential drainage impacts during and after construction, as well as the general difficulty of completing demolition and reconstruction work in such a confined space.

Board Deliberation

The Board discussed the proposal and agreed that the reconstruction of the dwelling would improve the existing condition of the property. Members emphasized the need to include conditions addressing construction management and protection of abutters.

Vote

Mr. Leary motioned to approve Case 4208, Mr. Peck seconded the motion with the following conditions, unanimously approved, 5-0.

Conditions:

1. A Municipal Lien Certificate shall be provided to the Department of Inspectional Services as evidence of payment of any back taxes, fees, or penalties owed to the Town, if any.
2. The Petitioner must submit a demolition delay application to the Historic District Commission prior to demolishing a structure over 75 years old.
3. The Petitioner shall install appropriate erosion control barriers along the roadside edge of the property line. All affected catch basins shall be equipped with silt sacks and be periodically maintained for the duration of the project.
4. The Petitioner shall not stage trucks or equipment on the existing sidewalk. As noted in the plans, any damage to the existing sidewalk will need to be repaired by the applicant and all work shall conform to Town Standards.
5. The property address number shall be clearly displayed on the residence for emergency response personnel.
6. The Petitioner shall address all Fire Department and D.P.W. Engineering Division comments to the satisfaction of the Director of Inspectional Services.
7. The Petitioner has agreed to stake the lot lines to clearly define the subject property's boundaries.
8. Any damage to an adjacent property during construction shall be repaired back to its previous state.

Case 4207 – Sharon Doonan**57 West Long Pond Road, Map 69, Lot 44E**

Section 203-9.C for a pre-existing nonconforming structure to construct a second-floor addition over the existing first floor located within the left side line setback; and per Section 206-2.G.2 to perform major construction in the Flood Plain Overlay District

Seated: Mr. Main, Mr. Leary, Mr. Conroy, Mr. O'Reilly, and Mr. Peck

Seated: Mr. Main, Mr. Leary, Mr. Conroy, Mr. O'Reilly, and Mr. Peck

Mr. O'Reilly read the public hearing notice into the record.

Document Submittal:

1. ZBA Application, received February 6, 2026
2. Property Deed, dated December 2, 2021
3. Zoning Permit Denial, dated January 27, 2026
4. Assessor's Card, received February 2, 2026
5. Application Narrative, dated February 2, 2026
6. Supplemental Property Photos, received February 6, 2026
7. Site Plan, dated January 20, 2026
8. Architectural Plans, dated August 28, 2025
9. Assistant Conservation Planner Memo, dated February 9, 2026
10. Fire Department Memo, dated February 12, 2026
11. Town Engineer Memo, dated February 11, 2026

12. Town Planning Department Memo, dated March 23, 2026

Presenter:

Mark Flaherty, Flaherty & Stefani, Land Surveyors

Mr. Flaherty presented a proposal to construct a second-floor addition to an existing structure and to perform work within the Flood Plain Overlay District. He explained that the property is a large lot, approximately 63,000 square feet, with a driveway extending from the roadway down toward the pond.

Mr. Flaherty described the proposed improvements, which include a second-floor addition, installation of a new septic system and well, and upgrades to drainage systems. It was explained that existing cesspools would be removed and replaced with a modern system.

Mr. Flaherty also described grading changes and drainage improvements, including directing roof runoff to a drywell system.

Board Discussion

The Board's discussion focused on several key issues.

First, the height of a proposed retaining wall was discussed. While initially described as approximately four feet in height, it was acknowledged that certain portions of the wall could approach six feet, which could trigger additional permitting requirements.

Second, the Board discussed compliance with the Flood Plain Overlay District requirements, including elevation and safety considerations.

Third, erosion control measures were reviewed. The applicant stated that additional controls had been added in response to Conservation Commission feedback.

Finally, the Board discussed access issues, noting that the driveway is narrow and that full compliance with fire access standards may not be achievable given the existing site constraints.

Public Comment

An abutter spoke and expressed concern regarding the extent of tree removal required for the project. Concerns were also raised regarding the size and visual impact of the retaining wall, particularly given the rural character of the area. The abutter expressed concern that the project could alter the character of the neighborhood.

Board Deliberation

The Board discussed the concerns raised and determined that the issues could be addressed through conditions rather than requiring a continuation of the hearing. Members emphasized the need for documentation related to grading and any agreements with abutters.

Vote

Mr. Leary motioned to approve Case 4207, Mr. Peck seconded the motion, with the following conditions, unanimously approved, 5-0.

Conditions:

1. A Municipal Lien Certificate shall be provided to the Department of Inspectional Services as evidence of payment of any back taxes, fees, or penalties owed to the Town, if any.
2. Any revisions required by this approval shall be incorporated into the record set of plans ("Final Revised Plan Set"). All outstanding conditions shall be listed on the title page of the "Final Revised Plan Set" (hereafter "FRPS").
3. The Project shall be constructed, maintained, and operated in accordance with the engineering plans, reports and other documents submitted and itemized in this decision, and all as depicted and narrated on the FRPS. Any changes designated to be major by the Director of Inspectional Services shall require the Applicant to file an application to modify this Decision for which notice and a public hearing by the Board shall be required.
4. Prior to issuance of a building permit, the Applicant shall provide written approval from the Health Department regarding the appropriateness of the septic location, consult with the Inspectional Services Department regarding the retaining wall proximity to the abutting lot line, and satisfy requirements/comments of the Conservation Commission, Engineering Division, and Fire Department.
5. The Petitioner shall provide the results of their FEMA Letter of Map Amendment (LOMA) filing to the Director of Inspectional Services prior to the start of construction.
6. All Structure setback and lot line encroachments shall be eliminated to the satisfaction of the Director of Inspectional Services.
7. Prior to the start of construction, a temporary work easement for performing grading work on any abutting parcels must be signed with the appropriate owner(s).

Case 4204 – Michael & Kelly Dunphy

4 Brown Bear Circle, Map 48, Lot 18-1

Applicant must seek a Special Permit per conditions of Dimensional Table Footnote 2, to build a 22' x 40' pool house with 12' X 22' gazebo for entertaining and storage with a side setback of 15 feet and combined 30-foot side setback

Seated: Mr. Main, Mr. Leary, Mr. Conroy, Mr. O'Reilly, and Mr. Peck

Mr. O'Reilly read the public hearing notice into the record.

Document Submittal

1. Petition Application to Zoning Board of Appeals received January 21, 2026.
2. Department of Inspectional Services Zoning denial dated January 28, 2026.
3. Deed recorded at the Plymouth County Registry of Deeds Book 40269, Page 87.
4. Narrative of Project letter dated January 1, 2026.
5. Proposed Plot Plan prepared by Canal Land Surveying and Permitting, Inc. dated December 10, 2025.

6. Pool House design drawings by 1620 Builders, Inc. dated December 2, 2025.
7. Photographs of subject property submitted January 28, 2026.
8. Conservation Commission memorandum dated February 3, 2026.
9. Dept. of Public Works Town Engineer memorandum dated February 9, 2026.
10. Fire Department memorandum dated February 12, 2026.
11. Public Health Division memorandum dated February 4, 2026.

Presenter:

Jonathan McKinney, 1620 Builders, Inc.

The application was presented by Jonathan McKinney of 1620 Builders. Mr. McKinney explained that he was representing the project as the contractor and described the proposal to construct a pool house and gazebo accessory to a residential property.

He explained that the proposed structure would be approximately one and one-half stories in height and would be used for typical accessory purposes, including storage and entertaining.

Mr. McKinney acknowledged that relief was required for a side setback deficiency of approximately 4.8 feet. He stated that the remainder of the lot provided adequate frontage and rear yard space.

Board Discussion

The Board discussed the proposal and raised questions regarding the sequencing of construction, specifically whether the pool and pool house would be constructed at the same time.

The Board also discussed the location of the septic reserve area. Mr. McKinney stated that the reserve area had been relocated and approved in its new location.

Drainage was also discussed, with Board members noting the need for appropriate measures given the slope of the lot.

Public Comment

A letter was submitted by Atty. Christopher Davidson, representing Kathleen Caddell, an abutter to the project, raised concerns regarding the applicability of zoning provisions, specifically Footnote 2. The letter questioned whether the principal structure met the dimensional requirements necessary to allow relief for the accessory structure.

This prompted discussion among Board members and staff regarding whether the issue involved side setback or rear setback interpretation and whether the application had been properly framed.

Board Deliberation

The Board expressed concern regarding the interpretation of the zoning bylaw and whether the requested relief could be granted under the circumstances. Members indicated that the application may need to be revised or clarified before proceeding.

Vote

Mr. Leary motioned to allow the applicant of Case 4204 to Withdraw without Prejudice, Mr. Peck seconded the motion, unanimously approved, 5-0.

Meeting Minutes Approval

December 15, 2025 - Mr. O'Reilly motioned to approve, Mr. Peck seconded the motion, unanimously approved 5-0.

March 2, 2026 - Mr. Conroy motioned to approve, Mr. Peck seconded the motion, unanimously approved 5-0.

Adjournment

The meeting adjourned upon completion of all business at 9:41 PM.

Respectfully Submitted:

Denise DeCoste