



RECEIVED  
2023 NOV 27 PM 6:47  
TOWN OF WESTMINSTER

**TOWN OF WESTMINSTER  
ZONING BOARD OF APPEALS  
11 SOUTH STREET  
WESTMINSTER, MA 01473**

Meeting Minutes  
October 19, 2023

**Call to Order**

The meeting of the Zoning Board of Appeals was called to order at 6:00 p.m. at Westminster Town Hall, 11 South Street, Westminster, MA by acting Chairman Alan Twomley.

**Roll Call**

The following members were present: Matthew Kotoski, Alan Twomley, Elizabeth Irvine, John Bowen

*Applicant:* Deb & Norman Ouellette, Jeff Aveni (on behalf of Ouellette), Michael & Kaitlyn Brown, Gregory Bessette, John D. Carroll III & Troy Hebert (on behalf of Jeanne Carroll)

*Abutters:* Tim & Kim Swart, Derrick & Kirsten Andrews, Jeff White

Motion made by acting Chairman Alan Twomley to accept meeting minutes from September meeting, seconded by member Irvine, all approved motion passed.

**Case Number: #23-04 Deborah Ouellette 36 Shore Ave**

Deborah Ouellette submitted for a Finding to change from Ouellette Sand and Gravel to NC Ouellette Trucking, LLC located at 36 Shore Ave (Map 147, Lot 23) will not be substantially more detrimental to the neighborhood than the previously established nonconforming use (business), as required in Article V Nonconforming Buildings and Uses, Section 205-16, Continuation, alteration or enlargement, Sub-Section B, of the Westminster Zoning Bylaws. Property is in an R-1 Zoning District. The hearing is continued from the previous meeting September 21, 2023. Attorney Aveni spoke on behalf of the applicant. Aveni stated his initial issue is whether or not this board has jurisdiction. Member Irvine stated the applicant applied for

the appeal, Aveni replied that was under instruction of the Building Commissioner. Member Bowen reiterated the applicant filed the application with the board, she did not file to dispute the Building Commissioner. Discussion was had on the timeframe of an abutter's complaint and the board's jurisdiction. The board asked Mrs. Ouellette if she had, as the board recommended last meeting, relocated the truck in question from the abutters property. Mrs. Ouellette replied the truck has not changed location. Twomley mentioned the Building Commissioner informed the board there was a lapse in business certificates, the last one filed in 2009. Discussion was had over the relevance of this to the application for a finding. Questions were made in regards to the size of the truck, the length of time it has been parked in its current location and whether or not it was there at the time of a zoning change. Applicant responded it is the same type of vehicle as it always was, it has been there since 1996. An abutter responded that when he purchased his house 19 years ago (early 2000's) the truck was not parked there, it was instead parked at a farm down the road. The Zoning Board replied that in 2017 there was Zoning By-Law changes, then inquired if the truck was parked there prior to 2017. The abutter was not aware of when the truck began parking in its current location. Acting Chairman Twomley asked if anyone else would like to speak, no one did. Acting Chairman Twomley stated due to the information provided in a letter from Attorney Aveni to the board received the evening before this meeting, stating these concerns, it would be beneficial to reach out to Town Council and the Building Commissioner to determine jurisdiction before hearing the Ouellette's case. Twomley made a motion to recess the hearing and refer this to Town Council as well as the Build Commissioner. Member Bowen seconded, all in favor, motion passed. Aveni requested the record reflect the times lines are not changed and the hearing is continued to November 16<sup>th</sup> 2023 and requested to be heard at 7pm.

Chairman Matthew Kotoski took over as chair at 6:30pm for the second portion of the Zoning Board of Appeals meeting.

**Case Number: #23-06 Kaitlyn and Michael Brown 183 Worcester Rd**

Kaitlyn and Michael Brown submitted for a Finding to build an addition to the existing house at 183 Worcester Road (Map 162, Parcel 6), will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as required in Article V Nonconforming Buildings and Uses, Section 205-16 Continuation, Alteration or Enlargement, Sub-Section B, of the Westminster Zoning Bylaws. Property is in an R-1 Zoning District. Member Bowen stated he reviewed the petition and felt there was an issue with the deed being listed as non-conforming. Member Bowen spoke to building commissioner on this as well. The property was received by the Browns from the Gagnes, it had come out of a larger parcel of 8 or 9 acres owned by the Gagnes. The deed that the Gagnes gave the Browns was the same one the Gagnes received when they bought the property. However, when the Gagnes initially purchased the lot, Member Bowen believed that it merged into a larger lot and would have lost its pre-existing nonconforming status. Member Bowen then commented the applicant would need to apply for a variance to create an undersized lot. Member Bowen stated the Zoning Board of

Appeals can continue the hearing or the applicant can withdraw and apply for a variance. Member Twomley made a motion to recess the hearing, Member Irvine seconded, all in favor, motion passed. The board will be reaching out to the Building Commissioner to go through the deed and the applicant was also advised to reach out to the Building Commissioner themselves to see if they should be applying for a finding or a variance. The hearing will be continued at the next Zoning Board of Appeals meeting in November.

**Case Number: #23-05 Jeanne A. Carroll 10 Lakefield Rd**

Jeanne A. Carroll submitted for a Finding to erect a 22' x 22' addition for a garage and living space to be attached to the existing house located at 10 Lakefield Road (Map 164, Parcel 18) will not be substantially more detrimental to the neighborhood as required in Section 205-16, Sub-Section B of the Westminster Zoning Bylaws. Property is located in an R-1 Zoning District. Builder, Troy Hebert, and Jeanne's son, John D. Carroll III, represented the applicant, Jeanne A. Carroll. Troy Hebert stated the dimensions for the additional are actually 24' x 24' not 22' x 22'. The structure is preexisting nonconforming. The plan was passed around to the board to show the placement of the 24' x 24' garage on the land. Chairman Kotoski asked how close it is to the property line and asked if there are any abutters present. Yes abutters were present but no comments were made. Twomley questions if the 24' x 24' garage changes the setback requirements. Member Twomley stated the change in size would be a decision made by the building commissioner. At 22' x 22' no comments were made of violations of setback. The board is only voting on the entire structure being not more detrimental and the applicant needs to check with the Building Commissioner to make sure the 24' x 24' is within the setback requirements. Member Twomley made a motion to approve the finding as submitted with a 22' x 22' garage, Irvine seconded, all in favor, motion passed. Vote 3 for, 0 against.

**Case Number: #23-07 Gregory Bessette 1 Lake Drive West**

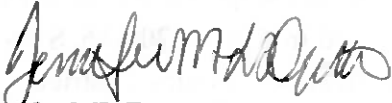
Gregory Bessette submitted for a Finding to replace an old deck and stairs, construct a new deck on the back of house and sides, and to build retaining walls to the existing house at 1 Lake Drive West (Map 126, Parcel 61), will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as required in Article V Nonconforming Buildings and Uses, Section 205-16 Continuation, Alteration or Enlargement, Sub-Section B, of the Westminster Zoning Bylaws. Property is in an R-1 Zoning District. Gregory presented to the board the retaining wall building plans. The previous owner built two retaining walls but never completed the third retaining wall that the applicant plans to build. Member Irvine questioned the dimension change from the old deck to the new deck size. Applicant stated it will be the same as the current deck, six feet but it will now connect to the other deck. Applicant stated he owns the abutting land as well. Board of Health and Conservation Commission will be seeing this next. Twomley motioned to approve the request for a Finding as it would not be more detrimental, Member Irvine seconded, all in favor, motion passed. Vote 3 for, 0 against.

Motion made by Chairman Matthew Kotoski to accept meeting minutes from August meeting, seconded by member Twomley, all approved, motion passed.

Motion to adjourn by Member Twomley 7:17 pm.

Next meeting scheduled for November 16th 2023.

Respectfully submitted,



Jennifer ML Duquette  
*Zoning Board Secretary*



Matthew Kotoski  
*Zoning Board President*

