



RECEIVED
2024 MAR 13 PM 4:10
TOWN OF WESTMINSTER

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

Meeting Minutes
November 16, 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 previous acting Chairman Alan Twomley. Second portion Chairman Matthew Kotoski.

Roll Call

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

Applicant: Katie and Michael Brown, Deborah Ouellete and Jeff Aveni, Mike Kotoski

Abutters: Cris and Dave Gagne, Megan Curtis, Peter Jokinen, Jeffery White

Residents: Karen Moore

Voted to accept meeting minutes from October meeting, motion made by chairman Kotoski, seconded by member Twomley, all approved motion passed.

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. The

hearing is continued from the previous October meeting. The letter from the Building Commissioner and copy of the deed change was shared and discussed. Member Twomley made a motion to approve the request for a Finding as it is not substantially more detrimental to the neighborhood and is existing nonconforming use, member Irvine seconded, all in favor, motion passed. Vote 3 for 0 against.

Case Number: #23-08 Phelps 27 Heritage Lane

Russell and Cathy Phelps submitted for a Finding to expand the existing deck by 8 feet on the rear of the house at 27 Heritage Lane (Map 91, Lot 61), shall not be substantially more detrimental to the neighborhood than the existing deck 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. Builder, BRO Kotoski, represented the applicants. Chairman Kotoski questioned if this is replacing a decaying deck, builder responded that no it is not, it is just an addition to a current deck. Member Twomley asked to see the plans, builder showed plans of existing deck and 8 foot addition to it. Corner would be 35' from property line. Member Twomley made a motion to approve the request for Finding as it would not be more detrimental to the neighborhood than the existing deck, Member Irvine seconded, all in favor motion passed. Vote 3 for 0 against.

Twomley motions to adjourn, Member Irvine seconded, all in favor.

Called recessed hearing to order by acting Chairman Twomley at 7:03pm.

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 October and September meetings. Initial hearing was recessed, the Board asked for the weight of truck in question and proof from owners that the business license had been continued without cessation for tenure of truck being on property. The second hearing was recessed to consult Town Counsel after Jeff Aveni, who now represented applicants, questioned the jurisdiction of the Zoning Board. All board members have received copies of town counsel's letter and we do have jurisdiction to hear this case. Aveni made beginning statement that the business license does not come into play with the application for a Finding. Member Bowen questioned where the truck currently is and the applicant responded it has been moved 100% onto the Ouellette's property, abutters confirmed. Member Irvine stated she does not feel comfortable approving as she does not believe use was ever lawful. Member Bowen replied the Board cannot overturn something

for pre-existing non-conforming use, at the time of original zoned business. Member Irvine stated the tractor was never listed in detail of weight or size it only listed a vehicle. Acting Chairman Twomley stated Town Counsels response is although these questions arise, the application for a Finding is solely on changing the business name. Any problems discovered in the course of this are valid but not within our jurisdiction of the Board. Member Bowen makes a motion to approve the request for a Finding to change from Ouellette Sand and Gravel to an LLC as it would not be substantially more detrimental to the neighborhood than the previously established non-conforming use. Member Twomley seconded the motion, no further discussion. 2 for 1 against, motion passed.

December meeting cancelled due to no applications.

Motion to adjourn by Member Twomley seconded by Member Irvine, all in favor. Meeting adjourned at 7:21 pm.

Respectfully submitted,

Jennifer ML Duquette
Zoning Board Secretary

Matthew Kotoski
Chairman



Alan Twomley
Acting Chairman



