



Newton Zoning Board of Adjustment

Public Meeting Minutes

March 6th, 2024



The Newton Zoning Board of Adjustment public meeting was called to order at 7:00PM.

Present were Mr. Kozec, Mr. Silvia, Mr. Hamel, Mr. Gibbs and Alternate Ms. Riordan
Also James Doggett – ZBA AA Via Zoom was Alternate Ms. White

Chairman Kozec led the Pledge of Allegiance.

Chairman Kozec seated Ms. Riordan for the excused Ms. McCarthy

1. Public Hearing

James Ryan of 2 Laura Lane is requesting a Public Hearing for relief from Article XXVII, section 8, b, Building within the 50 feet of any poorly or very poorly drained soil, for a garage. The lot is referenced as Tax Map 5, Block 5, Lot (1-2).

Mr. Kozec invited Mr. Ryan to present the basics of his application.

Jim Ryan (Applicant, 2 Laura Lane) presented his application.

The Board discussed the results of the site walk on February 16th.

Mr. Kozec opened the Public hearing at 7:13 PM.

Mr. Kozec asked if any Board members had questions. There were none

Mr. Kozec asked if there was any public comment. There were none.

Mr. Kozec closed the public hearing.

The Board discussed potential conditions for approval.

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Mr. Kozec asked A.A. Doggett to read the criteria and poll the Board.

Criteria #1. Granting the variance would not be contrary to the public interest.

Mr. Gibbs - yes, Ms. Riordan – yes, Mr. Hamel – yes, Mr. Silvia – yes, Mr. Kozec – yes.

Criteria #2. If the variance were granted the Spirit of the ordinance would be observed.

Mr. Gibbs - yes, Ms. Riordan – yes, Mr. Hamel – yes, Mr. Silvia – yes, Mr. Kozec – yes.

Criteria #3 Granting the variance would do substantial Justice. Mr. Gibbs - yes, Ms.

Riordan – yes, Mr. Hamel – yes, Mr. Silvia – yes, Mr. Kozec – yes.

Criteria #4. If the variant were granted the values of surrounding properties would not be diminished. Mr. Gibbs - yes, Ms. Riordan – yes, Mr. Hamel – yes, Mr. Silvia – yes, Mr.

Kozec – yes.

Criteria #5-i. Owing to the special conditions of the property that distinguish it from other properties in the area denial of the variance would result in unnecessary hardship. Mr.

Gibbs - yes, Ms. Riordan – yes, Mr. Hamel – yes, Mr. Silvia – yes, Mr. Kozec – yes.

Criteria #5-ii. The proposed use is a reasonable one. Mr. Gibbs - yes, Ms. Riordan – yes, Mr. Hamel – yes, Mr. Silvia – yes, Mr. Kozec – yes.

A.A. Doggett stated, Mr. Chair all criteria have been met.

Mr. Hamel **MOVED** to grant the relief from **Article XXVII, section 8, b, Wetlands Setback, allowing an incursion of 22.94 feet into the setback for a garage.**

The Newton Zoning Board of Adjustment found in fact the application was in the purview of the Newton Zoning Board of Adjustment, met the criteria for a variance and that justice would be served by granting as much, therefore, the Zoning Board of Adjustment, granted the relief sought, conditional upon:

1. Erosion control measures be used between the building site and the wetlands.
2. No floor drains be installed in the new garage.

A.A. Doggett polled the Board: Mr. Gibbs – yes, Ms. Riordan -yes, Mr. Hamel, Mr. Silvia - yes, Mr. Kozec – yes.

The **VOTE** was **UNANIMOUS**.

1. Board Business

- a. Acceptance of minutes of the 2/6/24 meeting

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Mr. Hamel requested that A.A. Doggett review the minutes and edit them for clarity.

2. Adjourn.

Chairman Kozec adjourned the meeting at: 7:45PM.

Respectfully submitted.

James L. Doggett
ZBA Administrative Assistant

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