



**TOWN OF WINTHROP
OFFICE OF THE BOARD OF APPEALS**

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Chairman Baird opened the meeting at 7:03pm July 8, 2021. Members present Chairman Baird, Irene Dwyer, Tom Chiudina, Jason Wright. It's a special meeting. We have two cases on for this evening. The first case to be called is going to be 004-2011AD 80 Ingleside Avenue, which is an appeal of a decision by the zoning administrator concerning a request for zoning enforcement at 80 Ingleside. Sitting on this is Tom Chiudina and Irene Dwyer and Chairman Baird.

Chairman Baird-Where we left off on this is that we had the applicant present, and we had some questions from the Board. I then wanted to continue this, and I wanted to have a conversation with Town Council about procedure. I have had a conversation with town council about it. And so with that, I wasn't sure whether there were particular questions for the applicant on this matter, and for members of the board.

Tom Chiudina -I don't have any further questions for the applicant, but I'm interested to hear what you've learned, I guess.

Chairman Baird- I took a pretty deep dive into this case file, you know, into the documents themselves that are underlying. This is where I come out on this one is, at least now this is me. When I look at this, I look at a couple of different things. And I think probably the biggest thing in talking with, in reading the cases and talking to town councilors underlying the right for someone to get appellate relief from a Board of Appeals, as an administrative matter from a request for enforcement action, is they have to be an

aggrieved party. Right? That means they must have some actual cognizable harm, that is specific indirect, that creates a diminution in value or property rights. And to me, I have, when I look at aggrievement, in this instance, where this structure was there prior to this buyer buying the property, and the applicant requesting enforcement bought the property, saw the garage, didn't say anything for five years. And now just before the 10-year deadline is saying there's a 10-year enforcement action right. Any court looking at this would say, first, not sure they're aggrieved. even if they reached agreement, the request to force somebody to tear down a structure is an extraordinary remedy. And it's one the courts look at equitably in tearing down a structure is a matter of last resort. And in some of the cases, if you dig into this, you'll see that, you know, where things are barely noticeable where the violation is barely noticeable. That's one where a court will say, looking at this on review will say, geez, I'm not sure this isn't a situation where we should force something to be torn down. That's not the right result. That's not the equitable justiciable result. Couple that with the fact that this party sat on their rights for so long. I just don't see agreement. I think that from the standpoint of what the underlying variance was, the variance was for height that allowed them to build a structure over 16 feet, within five feet of the side yard within 15 feet of the rear yard. I'm not sure based on what's in front of us, that there's really an encroachment for encroachment into the five-foot setback for the entirety of that side yard. There's just not I think it might be a one corner of the garage. If there is I think it's relatively, I don't think it's something that you would cause a tear down of the old structure over and also see at the rear of the structure, the rear the structure to the extent that's closer than 15 feet. I would say that that structure has been there under the color of permit for a decade, almost a decade. And that particular encroachment to the extent it does violate zoning does not agree this abutter at all. So I just sort of my view on this is I would actually uphold the denial by the building inspector here. And that's, that's at least how I feel about this one. On the equities again, you don't take forcing someone to tear something down for a strict adherence to a bylaw for a structure that's been there almost a decade when someone had noticed I was on notice. could have done something about this much sooner and didn't, doesn't sit well with me. It just doesn't it's not the right way to use zoning enforcement. So what I would say here is I don't see any real agreement. I don't think they're particularly aggrieved. I actually think that the building was built in accordance with the variance. And I would actually suggest that since we have that, since this case is open, right matter, oh, for 2011, I would actually suggest that the Board approve the plans as built to cure the technical defect in the variance, which I think we can do. So that's where I am.

Tom Chiudina- Even without a request from the applicant or from the property owner?

Chairman Baird. The plans are in front of us.

Tom Chiudina-But there's not a request for relief

Chairman Baird-it was presented and approved by the Board prior to the issuance of building permit, which is okay, they didn't do that. The structure has been there. It was presented to us. I think that we don't need to do that. I actually think the building was built in conformity with the original building permit. As it relates to that side setback, the extent it encroaches. I think it's a de minimis encroachment, I really would not feel comfortable issuing an enforcement, overturning the building inspector, forcing enforcement, and saying this structure needs to come down over something that's not even noticeable. I'm sorry, I don't get there.

Tom Chiudina-So I'm in agreement with you on that but guess where I feel a little wary is to grant additional relief, variance relief on something that's not being requested?

Chairman Baird-We don't need to, we don't need to approve the plans now. I mean, the reality is, I don't think any of those are violations. I mean, you're talking about something that's been there for 10 years that was built.

Tom Chiudina- What I'm saying is, if we were to grant relief on that, well, in order for it to be fully executed, the property owner would have to file that with the registry of deeds, and he hasn't even requested that release.

Chairman Baird- Oh, we would just be approving a change in the plans. But we don't even need to get into that I don't think we should go there. That's not a change in the variance. That's just an approval of change in plans, which does not require any recording at the registry of deeds.

Tom Chiudina- But there was no variance for a setback issued. There was no variance for a setback issue.

Irene Dwyer- The only cases I'm familiar with, where something was ordered to be taken down. You know, an appeal for enforcement, which was situations in which the builder went or the homeowner went ahead and did the I'll take my chances situation where they that the appeal, you know, the planning board or the board of appeal, whichever it was in that town, gave a variance or permit and then there was an appeal file. And the homeowner went ahead anyway and built the addition or extra story, whatever it was, knowing that it might be overturned when the court heard it. And in one or two cases that's exactly what happened. I cannot for the life of me imagine a court asking to have this building torn down for nine inches especially where the nine-inch issue is still on his land is only these nine inches over the property line. I also feel that the what the location of the garage and the abutter property are both to the rear of the property is like it's even encroaching on the house from one house to another or blocking views or anything like that. And as you pointed out, I was thinking about this all day, but what are we being asked? To do if we upheld if we turned over the building department's decision. And what?

Chairman Baird- then we'd be requiring literal enforcement, which would be, at the very least, you know, a modification to the structure or, you know, removal of mean, I don't know how you remove nine inches of a structure. I don't think that's if that's even what the encroachment is, by the way, remember, we do not have a certified plot plan of the property that is supposedly in violation, we have a certified plot plan of an abutting property. We do not have someone who's gone onto this site and surveyed it since the garage was put there. I mean, yes, we have some anecdotal evidence that it might be closer than five feet. But no one's gone on this property and surveyed it. So that's a different problem. But I do see that. I do see the petitioner has their hand up. So I feel like given the nature of the conversation, we should probably let the petitioner speak. So I see Josh Castellano, his hand up if we want to move him over to you if you want to move them over.

Josh Castellano- I did not realize that the zoning bylaw protected property values. I do not see that written anywhere that somehow property values are protected by the zoning code. As you were making your arguments about this. I wanted to correct the point that actually be set by violation isn't just on a corner is throughout the side of the garage. Last meeting, you wanted to confer with your counsel about latches. I'm not quite sure what

that ended up with. How was that resolved? This isn't a de minimis encroachment, Ms Dwyer stated she was physically on the site, I believe she claimed on the 24th. It's a big structure. It's very close. It has no gutters, and the eaves, hang even closer than the foundation. So that's also an issue for me. Not only have I brought these issues, these are cognizable injuries, right? Overcrowding fire safety. These are cognizable violations and issues. I only just heard about these issues this spring. Were you in as the board in receipt of my memo on the 25th, which I explained that I've only just become aware of these issues and injury, that I didn't notice this injury, when I first bought the property? Right, I just got a certified survey that actually certifies that. And, by the way, if somebody were to trespass on a property to survey, a surveyor is legally allowed to do that, as part of his professional seal. There's one of the professionals in the Commonwealth that are allowed to trespass to do the job, though, I will say that my surveyor did not trespass on somebody else's property. So don't tear it down, but modify it.

Chairman Baird- I will respond to a couple of those things first, um, as far as protecting property value, that is not what I said. What I said was that there needs to be a balancing of the equities, in that there had been from the standpoint of over time, you know, there has been an expenditure in the construction of this in reliance on the construction of this structure and existence of this structure. When this property was acquired in 2016, the abutting property, your property. They could have or should have known if they had investigated it, that there was potential encroachment or potential violation. And so the fact that you just discovered it, okay, you just discovered it, but it didn't move. It's been in the same place. So, to me that isn't about laches and maybe I did say Lachey last time, but I was thinking more in general about the balancing of the equities latchis as an equitable defense. And so, I think really when you look at this and when you look at territory Requiring someone to modify a structure that has been existing that does not create any real demonstrable injury to anybody's property rights. That in that instance, there's no agreement. And that instance if this, if this was something that was so egregious when it was constructed, then I would suggest to you that maybe your predecessor and title should have raised it. So, you know, to me, it is I think that if we were to force this building to be changed, I think that we would be tipping the equities in unfair, in incorrect manner, given the level of agreement each party would suffer.

Tom Chiudina- the point you just made about changing the building, Wouldn't if we were to accept this request and overturn the denial, wouldn't the next, you know that the

property owner be made aware of the violation? But wouldn't he have a right to come back in front of us to request the additional variance?

Chairman Baird So a lot of times what happens in these cases, is when they go up to , at a court, a court will look at this and say, we're not going to make somebody tear this down, you know, they don't have the ability to go back and get further relief, they can do X, they can do y, or we're just going to leave it the way it is. Right? They could always apply for further variances, if we thought that that was necessary. But I mean, the additional variants will just end up getting appealed on a variance standard.

Tom Chiudina- By who the abutter?

Chairman Baird- Yes.

Tom Chiudina- I mean, I suppose he could appeal it. But he could appeal this decision to where if I expect we will consider if we were to consider it. It doesn't, it's also some, like, give protection to the property owner, if we grant the relief that is needed. I mean, yes, he could still appeal it. But it also gives us a little bit of, I guess, oversight to say, Okay, well, you didn't do it correctly. So, what can we do to make this somewhat correct. And I don't mean tearing it down. But maybe it's something as simple as well, your gutters are running on his property or is lower than yours, or you have no gutters? Maybe he's looking for a fence.

Irene Dwyer- As a practical matter, I would just for the sake of argument, would moving that garage nine inches back towards the house. And just is that going to change anything about runoff or gutters? I mean, that's an enforcement.

Tom Chiudina. No, that's not nobody saying move the garage. That's, I would say that that would be overboard. But the applicant just stated was that there were no gutters on the property on the garage. So ok we'll grant you the relief on conditions that you add gutters,

and the runoff is directed to your property, as opposed to the neighbor's. Maybe a fence or screening or something, something else in the way of landscaping, but no, I'm not proposing that we enforce it in such a way that he has to tear it down and move it.

Irene Dwyer- No, I don't either. that's not the end. And we're not even being asked to do that. All we're being asked in this case is to overrule the building inspector's decision that this complaint was not brought in a timely fashion.

Chairman Baird- This why the building inspector denied enforcement. But so there is an appeal from the request the denial of the enforcement request, which was based on this six year period of limitations. I think that there's a good argument here that the six-year period of limitations does apply. And if it doesn't apply, then I would say, even if it doesn't apply the abutter is not cognitively and demonstrably harmed the way that they are a person aggrieved that is entitled to an enforcement action, the result of which, because if we say that enforcement action stands, you know that the building inspector was wrong, and they're entitled to enforcement, that means you have to remove the violating part of the structures. Like there's no we can't, we can't militate a different result than that. Because that's not within our power, we can either vote yes or no on the request for enforcement in the appeal, that is what we can do. That means that this gets appealed. Or the abutters, or the owner decides, hey, I'm going to come back or I'm going to try to figure out a way to mitigate this. And I'm going to come back with a variance request. And you know that variance request is, you know, there's substantial hardship based on the structure, blah, blah, blah, and they make that case. Okay, great. But for me, I'm not in a position based on where we are. And I think that, you know, based on, I'm not even sure that the garage is parallel to that lot line. I think it might shift away from that lot line a little bit,

Tom Chiudina- I was reading the plan. Yeah, his plan shows that 4.3 and 4.4.

Chairman Baird- Right. So in any event, I don't think it's really something that is frankly, I just don't see the agreement. That's the issue I have. And I just don't see that the finding fair agreed for something that is, you know, in my mind truly mean, over 678 inches, whatever it is, on a structure. It's been there a decade and was there and hasn't moved

since the time they bought the house is an outsized result. I just don't think that's the right. I just don't think that is the equitable way to proceed here. And that's why I'm stuck on this. I don't like the fact that maybe if the garage wasn't built in accordance with the plans, that's a different issue. But, you know, it's been there, it's there. They got a building permit, it got occupancy, it's, it's a, it's a garage, it's a structure that's been there for a decade. So, I mean, the other thing I would say is had this been a situation where they did build exactly in accordance with the building permit. And even if they hadn't, I would say that someone who watches the structure go up and doesn't appeal, the structure being built in violation of the zoning in a timely fashion. At some point, sitting on your rights does not mean that you're going to get in, in fact, courts have said that, when you sit on your rights, guess what happens? Your right to roll, right. That's what happens. If you sit on your rights, and you want an equitable relief, like enforcement action, you got to act equitably. You got to act kindly. You got to like, sort of, you can't not press your rights in that instance, if you want to press them at all. And so I don't know, like, to me, it's not a situation where someone hit the ball, the buildings there.

Irene Dwyer- I have a question for you. Darren, do we have any clear law on the six versus 10 statute of limitations?

Chairman Baird-I think that it's a little murky in this instance, because I think certainly as it relates to the height of the structure, and the ability to be within up to five feet from the side yard line, one up to 15 feet from the rear lot line. There is no question that that's within the six-year limitation. Right. And that is we had a variance it allowed that that variance was exercised, that variance is still good. And then we have a situation where, you know, some of it was built beyond that, whether there was a whether it was a plan, issue, whatever it was, that's what happened, right? So there's an argument that I think could be made that when you get outside of The box are outside of the confines of what was shown in that original permit set. This is probably more applicable, I think, to the rear than it is to the side. But they built something that had a permit. So part of is done or the color of the permit, arguably, the extension beyond what was in the permit. We're not going under the color of permit. So some of this is section six, and some of it may be section 10. You know, so that's the weird hybrid we have here, I think. So it's not a bright line six or 10. I think that you know that's part of the issue here. So that's why I mean, look, if this were a six year, I'd say, you know. So I just I just go back to the agreement issue for me, I'm not comfortable voting to overturn the building inspector.

Chairman Baird- if it's the applicant That's fine who raised their hands. Anybody else who has their hand raised in a way to public comment is closed. So there's no public comment on this.

Josh Castellano- I was waiting patiently to be called. Like last week, two weeks ago. Excuse me. So you mentioned that may have been sitting on my rights. But Ms. Dwyer, you asked for the law. I actually cite that law in my appeal to you. Mr. Baird may be right,. It may be murky, but there is no middle ground between them. The six year limitation explicitly states that a permit must be followed. And Mr. Baird had just mentioned that it wasn't right. It was, you know, whatever slight or not, the law doesn't say de minimis violations. It says it needs to be followed by the permit. And so I don't believe that the six year limit actually applies. And that the 10 year does, that's actually my appeal. My appeal is that the building inspector, or the enforcer zoning code has said that a six year limit barring me from appealing from asking for enforcement. But during your deliberations, you've made it clear that that six year period doesn't apply. It's a 10 year period. And you keep repeating that this building has been in existence for 10 years. And it hasn't you keep also saying that it's almost 10 years. Right. And it's very clear, that is within the confines of the rights for me to bring it up. I didn't sit on this since I bought the property. Like I said, I just realized that the violations happened. I didn't see it go up. I was never notified of a permit. Nobody ever gave me constructive notice. I just found this out, when I asked for a record for the property. That's what I was notified. There's no notice in a deed that was transferred to me, or anything like that. I just become became constructively notified of it. But again, you're appealing, not what it is building is looks like an experiment. You're appealing the decision that was made by the zoning enforcer. That's what I'm asking you to do.

Chairman Baird, that's why I said even if the 10-year limitation period applies, which it may well, and this thing's been here for nine years and eight months, or nine years and six months or nine years and five months really don't care. To me it's an issue of agreement and whether someone discovers something because they found out about it when they could have looked out their window and gone. Hmm, that looks a little close and gone down to the building inspector five years ago. That's enough constructive notice for me. So, I mean, you don't get to look at a structure, and then go, Oh, you know, five years

later, there's an issue with it. I feel like that is where the equities would come into this from the standpoint of whether or not we require enforcement of the zoning ordinance. And what comes with that or not, because you get to balance the equities net determine that determination. And that's where I come down with. I don't think there's specific agreement here. And with regard to the balancing of the equities, I don't think it's equitable, to enforce the zoning bylaw for a structure that's been there, as long as it's been there, when the extent of the noncompliance is barely noticeable. So and I think that there's enough authority out there to support us on that, or to support me on that proposition. So that that's where I am on this. And I guess that's all I'm going to say. I think we should, if we're in a position to make a decision on this, then we should do that. Because I do want to make sure that, you know, we within we're still within the 100 days from a statutory timeframe perspective, but I want to make sure we do it so that we can issue the decision. And then the extent there is a desire either way, whatever way the board comes out that there's if there's a desire to appeal that, you know, people can get onto that.

Tom Chiudina- So I'll make a motion.

Irene Dwyer- I just wanted to make one other point, regarding notice, I mean, obviously, we get an appeal or we decided against the applicant, and it gets appeal, this is bound to be part of any brief we end up writing, there is the actual notice of the original variants and the measurement for that, because that's in the title, the would have been recorded in the register of deeds would be part of the title of the older property when the adjacent property was purchased. And we don't get a new statute or new notice period with each succeeding owner, you end up with the notice that you're or agreement or whatever that your prior owner, don't mean that you have to take it, but you have to that covers the statute of limitations running, you'll get a new statute every time the place changes hands. And as also, I don't think we even have the hard information we would need to do to override the building inspector, since neither of the deeds or plans that we've seen are certified plans that demonstrate on paper, that this thing is nine inches over the line. So a lot of unsolved, a lot of issues out there. But they all add up to ignore your rights, they'll go away.

Chairman Baird= I think that we have a plot plan, that while it was done on the applicants property, you know, look, someone stamp that survey plan, and that that registered land surveyor stamp to me is, you know, look, I don't think someone's going to stamp the plan if it's not a real plan. So from that perspective, I think that there probably is an encroachment within that five yard setback, whether it's four, whether it's 6 .5 .4 I think there's a positional tolerance there that you know, may shade it to be less than nine inches, who knows. But, again, even with that being the case, to me, I just don't get to a point where I think there is any real injury or agreement that this party would then have A-standing or B- on the equities be able to really be in a position where we shouldn't be forced to enforce the zoning bylaw or where we should enforce the zoning bylaw against that existing structure. Because the equities of that would be so overwhelmingly against the existing structure, that it would be, it wouldn't be justiciable or equitable. That's where I come up. So we have a motion?

Tom= Yes, I'll make a motion. In regards to case 004-2011 AD , 80 Ingleside Ave, I make a motion that the board deny the request to overturn the building inspectors denial letter of zoning enforcement to the applicant.

Chairman Baird- I think so just as a point of information, I think if we're going to do that, then I think we have to do it in make note that while we even make notes specifically and make a finding specifically in our decision, that even if the 10 year limitation period applied, they're not entitled to enforcement, because from an equitable stamp, because there's no specific reason and from an equitable standpoint, no literal enforcement of the zoning bylaw would be result in result in a real inequity , in a way, that is not something that is sort of within the realm of what we can approve as a board as a board under 40A you know, in our in our in our powers as far as the ability to force someone to tear something down, I think we need to make a finding in our decision, whatever decision we issue that even if the 10 year limitation period does apply that there's no specific agreement from a standing perspective. And even if there is there's no cognizable harm. And that, you know, for all the reasons we stated in our back and forth in our deliberation, we should read that a lot of that as specific bindings into the decision. So that it's clear why we decided it, because if it does get appealed, you know, the applicant, you know, should have, you know, a clear guideline as to why we came to our decision for appellant purposes. That's, I think we need to do that. So I think, you know, from that standpoint, I would suggest that we make findings consistent with our deliberation in our decision, and

then you know, but then also deny the request for enforcement and uphold the decision of the building inspector not to enforce. If that makes sense. Tom and Irene?

Irene Dwyer- would you like to withdraw your original motion Tom?

Chairman Baird- I think I'll get the motion to amend the Original Motion if that's okay. Yeah, my amendment would be that we include in the decision, you know, that we include in any in our decision findings consistent with points made during deliberation, as it relates to you know, among other things, agreement, the equities and you know, the nature of the encroachment itself, and violation itself. I think that would be my additional, my appendage to the motion. So, with that amendment, do we have a second of the amendment?

Irene Dwyer second the motion.

Chairman Baird So all those in favor of the amendment to the motion by roll call.

Chairman Baird, yes. Irene? Yes. Yes. Okay. So as amended. Do I have a second on the motion Irene? motion. Okay. Also amended by roll call. Chairman Baird. Yes. Irene. Yes. Yes. Okay. So we have upheld the building inspector in denied the request for enforcement. We will issue a decision and once that decision is issued, the applicant if it so desires will have a 20-day appeal period in which to appeal that to superior Land Court. So we will issue that as soon as possible.

So with that, I will move us to the next case on the docket, which 2 Washington Terrace, matter 020-2021. Sitting on this is Irene Dwyer as chairperson, Tom Chiudina and Jason Wright. As I mentioned in the hearing, I am an abutter. So I will not be sitting on this matter or participating. So I am going to mute my microphone and turn my camera off for this portion of the hearing.

Irene Dwyer- This case is continued from our previous hearing, in order to receive information from the building department or confirmation from the building department that the request to alter the plans to Washington Avenue with regard to a bay window in the running from the first to the second floor, and this house would not increase the height of the building. I believe we have received such a letter. And we were also asked for a new set of plans or an amended set of plans showing where the problem arose in the house, necessitating it increasing the bay window or the bay part of the structure from the first floor to the second floor in order to accommodate the internal stairway have we do we have those? I know that there was an email from Mr. Medina saying the plan seemed to be the same ones that were provided originally and not the ones that are going to be changed somewhat. Or even just the page or pages that would cover the bay and the stairway. Do we have those? Are they part of the record?

Tom Chiudina, So what we have I mean is an exterior elevation that shows the change. I've actually gone out to the site and walk the site. I believe, I don't know if you stated it correctly, I don't think the bay window affected the height, the additional bay window on the second floor was a change in plan. And that's why the building inspector required him to come back in front of us because he was changing the plan. We have since received a letter from the building department that states that they went out physically measured the overall structure, because I believe Mr. Duplin, a neighbor who objected from the project originally questioned whether or not it was built, according to the plan. The building inspector has been out there has submitted a letter saying that they met him and his assistant physically measured the structure and it does meet the height requirements that are shown on the plans and that it has not been increased. Mr. Duplin I again, just as in respect to him and his comments, he also brought up the issue of the wetlands. So that doesn't really come under our authority. But I will tell you when I was there, I did see the hay bales and the silt fence. I'm not certainly no expert on wetlands and their guidelines, but they are out there, and they are certainly obligated to make sure that they enforce those and make sure that the applicant is maintaining that so you know, so again, it's not really our authority to comment on that, but certainly any anyone can go to the conservation and request enforcement of that. I looked at the bay Because I look at this and I feel like this is insignificant change to the design intent and what was approved. It's a two and a half story structure, this bay window actually on a side where there's been no public comment or from I should say, from neighbors on that side. If it matches the bay below, it looks unnatural bay window that you would see applied here, I just I don't see

this as a significant change. So I don't think we need to waste a lot of time on it. I feel like we could move forward with this.

Jason Wright, did we want to just read the letter from the commissioner, just from public record? The letter is dated July 7 2021. site visit was conducted at 2 Washington Terrace by me Albert Legee Along with Mr. Papa the building inspector on June 29, 2021, the height of the building has not changed part of the architectural plans. We measured it out any questions, please feel free to give me a call.

Irene Dwyer-And just for the record, in the last week of June 2021, I went to the site and walked around. I didn't measure anything. But I did go around the entire property and saw what the bays would be so I the entire board has looked at this pretty closely. I'm questioning what are procedural? Since we weren't officially asked to do anything here.

Jason Wright And just to clarify, the modification is shown on the plans dated April 22,

Tom Chiudina-I think it's a simple modification to the original plans that are insignificant to the overall design intent and approval, the intent of the approval. I would move that we, as a board accept the requested change for the additional bay window on the second floor of the front elevation shown on the April 22 2021. submitted plans. I don't know if anyone wants to add anything.

Irene- Second. I need a second. Second. By Jason Wright, Thank you, Madam Chair.

Irene Dwyer All right, then. We have a vote of the board on that motion, which is to approve the change to the plans to extend the bay window on the second floor. Finding that the building inspector has carefully measured out the issue and determine there are no violations occurring .

Roll Call taken Irene Yes, Tom Yes Jason Yes

Irene Dwyer - I don't believe we need to get into the 20 days thing here. Because the applicant is still working on the original permit. This doesn't really change what he's building significantly enough to require an additional appeal period.

Jason Wright. We're not being asked to grant a variance.

Chairman Baird- Thank you, Irene. Yeah. And there is just to be clear, there's no, it was it was a request for an approval of a plan change, there's no new variances that were requested or I think needed. So there was no to do anything further there or to have further appeal period. So that's right. Okay, so actually, I see a hand up. It looks like this is the I think that's petitioner on. We just heard it wasn't sure if they had a question. But that so there's not, it's just the plans should be now brought to the building department to the extent they haven't been. And stamped in those will become the official building plans for the project. Alright, so anything further for the board tonight, any new business that anybody wants to discuss, we still do have, we do have a new member that will be joining us at our meeting at the end of the month, they think for the first time, so that'll be good. We still have one opening on the board. So if you know any good candidates or if there's any good candidates, maybe there's some already in the mix Denise and we don't know it, but if we are still looking for it, we have a vacancy, you know, to the extent you know somebody, the great if they, it'd be great if they put through their hat in the ring, because we it's always good to have a full complement of members.

I think we should look over the course of the next few months to adopt a set of rules. Rules or just about how our hearings work. and set time standards for hearings, how long speakers must speak, those sorts of things. So that they're codified somewhere. I think that would be a good practice. For us. It's something that we should have, I think, actually, our Zoning Bylaw suggests that we are required to have them. So I think one of the things I'm going to do is I'm going to look for a couple of samples and pass them around the board for people to think about. And then maybe what we could do is just, at one of our meetings have a working session, you know, when we don't have a giant agenda, which is almost never, but where we can sort of work through a draft of rules, and then eventually adopt them.

Tom Chiudina it probably would help to even for not just us, but the public to state exactly what our role is. You know, I think a lot of people think we have power that we don't have.

Chairman Baird asked for a motion to adjourn the meeting at 8:05pm.

Jason Wright made a motion to adjourn at 8:05pm, Second by Irene, all those in favor- Yes, Tom Yes, Irene. Yes, Jason. Yes. Meeting adjourned.