

## **BOARD OF APPEALS HEARING MINUTES**

**NAME AND ADDRESS OF APPLICANT:** James & Kristen Van Dyke  
(represented by Marion McEttrick, Esq.)

**Case #** 2860

**Date:** March 3, 2025

**Agenda:** Upon the Application of James & Kristen Van Dyke (through their attorney Marion McEttrick) at 22 Thompson Lane dated January 6, 2025 seeking a Variance and Special Permit to build a two-story addition to the right side of the existing structure

**TIME MEETING STARTED:** 7:00 PM

### **BOA MEMBERS:**

Kathleen O'Donnell, Esq., Chair

Jeffrey Mullan, Esq., Board Member

Christopher Hart, Esq., Board Member

**PANEL:** Attorney Marion McEttrick, Esq. (representing homeowners James & Kristen Van Dyke), Architect George Tougias

**ATTENDEES:** Kristen Van Dyke (homeowner), Nancy Newcomb Frakes (Executor of deceased homeowner at 6 Lantern Lane's estate)

**SUMMARY:** The Chair, Kathleen O'Donnell, called the hearing to order, read the details of the Legal Ad, the denial letter, and went over the details of the application files. ZBA Member Jeffrey Mullan then asked to congratulate the new ZBA Chair Kathleen O'Donnell and to welcome new ZBA Member Christopher Hart. The Chair then returned to case at hand and introduced the homeowners' attorney Marion McEttrick to present their case. Attorney McEttrick stated that due to recent events, the homeowners have asked permission to withdraw their application without prejudice. She noted that an abutting neighbor at 6 Lantern Lane had recently passed away and that the Executor of the estate—Nancy Newcomb Frates-- did not support the application. Attorney McEttrick then asked how she should proceed. The Chair then said that as parties had taken the time to appear before the Board, she wanted to give them an opportunity to be heard. The

architect—George Tougias spoke about the design challenges and Nancy Newcomb Frates stated the reasons for her opposition. Attorney McEttrick first briefly discussed the lot configuration and the history of the abutting streets noting that Thompson Lane was laid out in 1923, and Lantern Lane was laid out about one year later. She pointed out that the two lots have odd dimensions and the elevation of the yards slope downward towards the back of the property. She said these factors support the need for a Variance. In addition, she reported that the Van Dyke family had grown with three children, and they want to create an entrance with a mudroom with additional space on the second floor. The Architect then noted that the design was for minimal impact and was in fact a small addition. Nancy Newcomb Frates Trustee and Personal Representative of the Estate of the abutter, stated that her objection was simply because she had accepted a good offer for the sale of 6 Lantern Lane, but this project would cause the buyers to withdraw their offer.

The Chair asked if anyone wanted to move to vote on the request to withdraw the application without prejudice. Jeffrey Mullan moved to vote and Christopher Hart seconded.

**The Vote:**

Jeffrey Mullan, Esq.—yea

Christopher Hart, Esq.—yea

Kathleen O'Donnell, Esq.—yea

Unanimous decision to allow applicants to withdraw without prejudice.

**END TIME: 7:16 PM**