



Commonwealth of Massachusetts  
Town of Acushnet  
Zoning Board of Appeals

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**MEETING MINUTES – March 26, 2024**

Present were:

Mr. Robert Brown  
Mr. Kevin Smith  
Mr. Thomas Whitehead  
Mr. Charles Leonard  
Mr. Randall DeTerra  
Mr. Jeff White

Absent:

Mr. Paul Hipolito

- I. **Mr. Leonard makes a motion to open the meeting, seconded by Mr. Smith. All members are in favor. The meeting called to order by member Robert Brown.**
- II. **Minutes to be approved:** February 20, 2024  
Mr. Smith makes a motion to approve the minutes of November 21, 2023, as presented. Mr. Leonard seconds the motion. All members of the Board are in favor, the motion passes unanimously.
- III. **Meeting Mail:**
- IV. **Appointments:**
- V. **Old Business:**
  1. **Case #2024.02.20B-** A case of Justin Lawrence, of 23 Birch Street, who is petitioning the Board for a variance to construct a single-family dwelling on Lambert Street (assessor's plat 18, lot 4G). This request is being made under the provisions of Section 3.3.1E.

Mr. Brown asks a representative to come forward. Mr. David Davignon presents modified plans and explains the need for a variance due to a lack of sufficient upland area. The plans also include a 20-foot-wide gravel road.

Mr. Brown asks if any abutters are present. Mr. James Marsh comes forward representing Howard and Susan Allen of 50 Lambert Street to express concerns with the proposed plans.

A continuance is requested. Mr. Leonard makes a motion to continue this case until the next meeting on April 16, 2024. Mr. Whitehead seconds the motion. All members of the Board are in favor, and the case will be continued at the next meeting.

**VI. Business:**

- a. **Case #2024.03.26A-** A case of Cathy and David Makuch, of 203 Leonard Street, who are appealing the Board due to a decision made by the Building Commissioner concerning 197 Leonard Street and a business certificate issued to Chase DeTerra in August 2023. This grievance is being made under the provisions of M.G.L. Chapter 40A section 8, 14, & 15.

Mr. Brown asks a representative to come forward. James Marsh is representing the Makuch's. Mr. DeTerra recuses himself due to his personal relationship to Chase DeTerra. Mr. Walsh asks that Mr. Leonard and Mr. Whitehead also recuse themselves. The chairman allows the members to decide for themselves. Neither member recuses themselves.

Mr. Walsh explains his clients concerns with the activity and construction equipment located at 197 Leonard Street, and their grievance with the building commissioner's decision.

Mr. Chase DeTerra, owner of the business, explains that his equipment is mostly leased and the excavator in question is owned by his father.

Mr. Andrew Bobola, Building Commissioner, explains that there is currently an open building permit, so they are allowed to have construction equipment on the premises.

Mrs. Cathy Makuch, petitioner, comes forward to express her personal grievances with the business as she feels Mr. DeTerra is running his business out of the 197 Leonard Street location.

Mr. DeTerra asks if there have been any other complaints. Mr. Bobola denies. Mr. Brown adds that he has been to the location and does not find it to be beyond its legal limits despite the photographs presented by Mr. Marsh.

Mr. Leonard makes a motion to support the judgement of the Building Commissioner. Mr. Whitehead seconds the motion. The motion passes unanimously and the aggrievance is rejected.

**VII. New Business:**

**VIII. Schedule Next Zoning Board of Appeals Meeting: April 16, 2024**

Mr. Leonard lastly makes a motion to adjourn. This motion is seconded by Mr. Whitehead. All members of the Board are in favor. The meeting is adjourned.

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Acushnet Zoning Board of Appeals Meeting – Tuesday, March 26, 2024

Respectfully submitted:  
Kara Koska

Minutes Approved:

*Jeff Smith*  
*Randy Dyer*  
*Kara Koska*  
*Robert T...*

Date: 4/16/24

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