

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
May 10, 2012
7:00 PM

Meeting called to order by Electra Alessio, Chairman, present: Ray Donald Vice Chairman, Daryl Branch, John Whittier, Jay Alberts, Peter Coffin. Mr. Donald made a motion to approve the April 12, 2012 minutes, Mr. Coffin seconded, all in favor, Jay Alberts abstained.

Lance, Crystal & Linda Ard, R-30, Lot 40-H

Mr. Lance Ard stated the property was in rural residential which was changed during the last vote. Mr. Ard stated they were adding a two car garage with a living area above it, for his mother. Mr. Ard provided plans for review. Mr. Donald asked about the square footage. Mr. Ard stated they would be adding 1054 square feet, the main house is 3296 square feet, which meets the criteria. Mr. Ard stated he owned the property and would continue to live there. Ms. Alessio reviewed each of the criteria, all of which were met. Mr. Coffin asked about the septic, Ms. Alessio stated she had spoken to the building inspector Robert Steward who stated everything was in place. A discussion followed regarding registering the accessory apartment at the registry of deeds. Ms. Alessio asked if anyone would like to speak in favor or opposition. Ms. Alessio read the criteria for the special exception, all of which passed. Mr. Donald made a motion to approve, Mr. Branch seconded, all in favor. Mr. Alessio explained the thirty day waiting period.

Bryan E. Clark, U-9, Lot 48

Mr. Bryan Clark stated the family has a business across the street where they keep a number of personal items in a garage. Mr. Clark stated they are currently in the process of renting the garage therefore they would like to build a garage to store those items on their property. Mr. Clark stated they could only put the garage in one spot because of the existing well and septic system. Mr. Clark stated most of the homes on the plains have barns or garages that are close to property lines. Mr. Clark stated he believes in thirties there was a footprint for a hand dug footprint for a garage. Ms. Alessio asked if anyone would like to speak in favor of the variance. Ms. Uliano of 133 Main Street spoke in favor of the garage. Mr. Alberts asked if they would have to go before the Historic District Commission, Mr. Clark stated he believed he would. Mr. Alberts stated there was a foundation on the property at one time. Mr. Clark stated he had pictures of the proposed garage. Ms. Alessio stated she was not sure

the proposed location was the only place for a garage on the property. Mr. Donald stated the proposed garage would be five feet from the property line and would be inappropriate encroachment on the neighbor. Mr. Clark stated a few years ago a new septic system was put in and the civil engineer put the proposed garage on the blue print. Ms. Alessio asked why the septic was placed where it was. Mr. Clark stated the town would not allow the septic to be closer to Scotland Road because of where the well was situated. Ms. Jackie Clark stated there is a well on the adjacent Pothier property approximately 30 feet from their well and the septic needed to be 75 feet from all of the wells. Ms. Clark stated the septic had to be directly behind the house because of the proximity of the wells. Ms. Alessio asked again why the well wasn't placed closer to the Uliano's property. Ms. Clark stated the driveway is on that side. A discussion followed regarding the placement of the septic setbacks and diminution of property. Drawings were provided and reviewed. Mr. Alberts suggested a continuance until it could be verified that the building inspector and or health officer insisted on the location of the septic. Mr. Donald made a motion to continue until a later date, Mr. Alberts seconded. A continuance was scheduled for May 17, 2012, @ 7:05.

Ms. Alessio adjourned the meeting @ 8:03

Respectfully submitted,

Tammy L. Bakie
Secretary
Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
May 17, 2012
7:00 PM

Meeting called to order by Electra Alessio, Chairman, present: Daryl Branch, John Whittier, Jay Alberts, Peter Coffin, Tammy Bakie.

Bryan E. Clark, U-9, Lot 48

Mr. Clark stated they had done some research since last week and spoken with the builder about making the garage skinnier. Mr. Clark stated they could gain two feet, the garage has to be a minimum of 24 feet wide or car door would hit the walls. Mr. Clark stated they had also spoken to Mr. Paul Nichols regarding the placement of the septic. Ms. Clark stated originally they were under the impression the septic had to be installed where it currently was located, but Mr. Nichols informed her it could have been placed in other locations but the pipe configuration would have needed to be changed and a pump chamber would have been necessary. Ms. Clark stated they were also in the acquirer and the septic would have to be at a higher elevation. Ms. Clark stated the current location was the most efficient and practical spot. Ms. Clark stated they had spent twelve thousand on an environmentally friendly system. Mr. Clark stated they have researched the possibility of moving the garage closer to the chamber and have realized they can gain three feet by doing so. The Clarks provided pictures of staked out yard and discussed photos and the lot map. Mr. Coffin considered who created the hardship. Mr. Alberts queried what the Clarks impression was of what they were told by the health inspector prior to installing the septic. Mr. Clark answered that the current position was the best placement. Ms. Alessio stated she had spoken to the health inspector who had told her it could have been moved to the right but that the homeowner did not want to see the mound. Mr. Whittier stated the proposed garage would now need a 10 foot variance from the lot line not from another home. Mr. Whittier stated the proposed garage would not obstruct neighbors. Mr. Alberts stated the health inspector was not present nor did he provide any written remarks therefore what Ms. Alessio conveyed could be considered hearsay. Ms. Alessio agreed. Mr. Whittier asked the Clarks if they had realized when they had installed the septic that they would need a variance for a garage. Mr. Clark stated they had not known the rules. Mr.

Clark stated they needed a septic and knew someday they would want a garage. Mr. Clark stated because of the current economy the business needed to rent out the garage they were currently using for their personal items forcing them to build the garage prior to other projects that were needed in the home. Mr. Whittier asked if they had consulted anyone regarding zoning. Mr. Clark answered no, but Mr. Nichols had put the garage on the plans so they would not need new plans when they were ready to build. Mr. Clark stated the plans were drawn to comply with the setbacks for the wells. Mr. Alberts stated if the garage were put on the other side of the house a new driveway would be needed. Ms. Alessio agreed stating the Clarks would need a variance for that. Mr. Alberts stated he believed the intent was to limit driveways. Ms. Alessio agreed stating the Clarks would need some kind of variance for both options. Mr. Whittier stated the Clarks had done their best to comply, by making the proposed garage smaller and moving closer to the chamber. Mr. Whittier conceded it was not perfect but it did not block neighbors. Mr. Whittier stated the diminution of property value would be felt by the present owners who may feel a financial hardship in the future. Mr. Coffin stated that the proposed garage would be in keeping with the character of the area. Mr. Coffin stated there was a big difference between 5ft from the property line and 10ft. Mr. Coffin stated the mound would be hidden by the proposed garage and the Clarks had worked to gain as much space as possible. Mr. Clark stated they were willing to work with any suggestions. Ms. Alessio stated the board could vote to grant a 10ft variance and the Clarks could maximize the use of their property. Ms. Alessio suggested the Clarks make an appointment with the Historic District Commission and explained the thirty day waiting period. Ms. Alessio read the five criteria for a variance. All five criteria passed unanimously, Mr. Alberts made a motion to grant a 10ft variance from Article 301.1 Section D, for the purpose of building a garage, Mr. Coffin seconded, all in favor.

Ms. Alessio adjourned the meeting @ 7:45

Respectfully submitted,

Tammy L. Bakie
Secretary
Zoning Board of Adjustment