

Zoning Board of Adjustment
May 1, 2018
7:30pm

Voting Members: Chris Stafford, Curt Springer, John Russo, Roger Whitehouse, Walter Baird

Others Present: Andrew DePerri

Roger was designated a voting member. The Selectmen have not signed the reappointment for Curt yet, whose term expired at the end of April. However, statute allows for someone to continue with the committee until someone has been appointed to take their place.

DiPerri Variance

The zoning ordinance article number was clarified to article 6.B. The description in the notice was correct. Chris explained the process for this meeting.

Mr. DiPerri explained that he and his wife purchased their home years ago but their family is growing. They like the community and don't want to move, therefore they'd like to put an additional on the house consisting of a two car garage with a living area upstairs and a breezeway between it and the main house. There will not be additional bedrooms added. They've discussed other ways to add living area but this is the most feasible for them at this time. The footprint will be 24x30.

Their proposed addition appears to encroach into the 15' setback by 5'. The neighbor was consulted and it is unclear where the property line is although they believe the neighbor put the fence a few feet into their own property.

The breezeway is about 8' wide. Without it there would be no encroachment. However, the proposed space between the garage and kitchen would allow a better flow through the house, with a stairway to the new living area and a place to put coats and shoes before entering the house. There is more area on the other side of the house, but this is where the bedrooms are. Putting a garage or living area there would require a redesign of the interior. The home is currently 864 square feet.

Curt asked how important it is to have a garage and if this would reduce the encroachment. Mr. DiPerri explained that part of the reason for having a garage is the small driveway which barely fits two cars. The lot is a half acre and the frontage is unknown. The well is in the front and the septic is in the back. The building inspector has not reviewed the plans yet.

The criteria for granting a variance was reviewed and Chris read the application. Chris Cavalerro, an abutter across the street, said he is in support of the variance. He said he's known the family for years and feels the addition will add to his property value. He said the garage is a great idea and feels there is enough frontage to support a visually appealing lot.

Mr. DiPerri said he has spoken with the neighbor who would be nearest the addition and he is also supportive of the project. The neighbor had planned to attend the meeting but was not able to. There were no other comments or questions at this time. It was agreed that a site walk was not necessary.

The Board reviewed the criteria. It was agreed that adding a garage does not change the character of the neighborhood. It does not appear there would be any safety issues with the encroachment. It does not appear the proposal is contrary to the public interest.

The Board discussed if the spirit of the ordinance is observed with the proposal. Chris said that this might coincide with the idea that the keeping the setbacks clear is to allow access for emergency vehicles. Walter asked about fire suppression. The Board can suggest adding a type of fire suppression, but it is only required if a structure has three or more units. Mr. DiPerri said on that side of the house there is a dead pine and the powerlines connect to the house but there is sufficient space for a vehicle to drive around in an emergency. The Board agreed that the spirit of the ordinance is met.

The Board discussed whether or not substantial justice would be done. Curt said he didn't see any benefit to the general population by not letting them build this addition. It was agreed that granting the variance would do substantial justice.

It was agreed that without specific data it is difficult to measure how property values would change. One abutter witnessed that he thought his property value would increase. The building design seems consistent with the rest of the neighborhood.

The Board discussed whether a hardship exists here. The special condition with this lot is that it is nonconforming and is only .5 acre. Curt mentioned other applications and Chris said that other decisions have no bearing on this. He explained that the lot was created at a time when the requirements were different, but now it is nonconforming; this is what differentiates it from other properties. The 15' feet setback is in place for two-acre lots, and a parcel of this size should find it easy to conform to setbacks.

The Board discussed if there would be a conflict in zoning if this were granted. The intent is to have some separation between the houses. John asked if the breezeway were eliminated, would the design still work. Mr DiPerri said they feel they need this space to be organize. The breezeway allows them a space to put jackets and shoes and have a slider to the back deck.

The applicant was asked how certain he was that this was only 10' from the line. He said his builder measured it. There is no known survey and it has been agreed with the neighbor that the fence is the boundary line.

Curt suggested that a plot plan should be obtained. Walter asked if other configurations had been considered. Mr. Diperri said they have looked at other designs and this fit the best. Chris suggested that a condition be worded such that the encroachment can only be a certain number of feet due to the hard knowledge of lot line distances. It was agreed that the request is a reasonable use of the property.

It was agreed that this does not unduly violate the objectives of the zoning ordinance. Chris said a survey is not necessary, but plans should be reviewed by the building inspector to ensure the encroachment does not exceed 5'. Curt asked if professionally drawn plans should be required. It was agreed that was not necessary. Roger said the building inspector will be able to see when the foundation is set how far it encroaches.

Walter asked if there is any encroachment on the well or septic. Mr. Diperri said there is not. The front will be in line with the existing house and the rear will be about 6' beyond the back of the house. The septic plans were reviewed.

Roger made and John seconded a **motion to grant the variance subject to the plan being provided to the building inspector who can certify that the encroachment is not more than 5' into the setback.** The motion **passed** unanimously.

Chris said the notice of decision will be sent within five days and that he needs to meet with the building inspector. The appeal process was explained.

Curt made and John seconded a **motion to accept the October 17, 2017 minutes as written.** The motion **passed** unanimously.

Annual Meeting

Roger suggested postponing until it is known who will be on the board. Curt said he didn't expect to be in attendance but asked on PlanLink about the status and it was pointed out that it would remain status quo until someone is appointed in his stead. He said the selectmen asked him to attend their next meeting. John made and Roger seconded a motion to appoint Curt a member of the ZBA. Walter opposed, stating we should wait until we know if others are interested in serving on this board. The motion was withdrawn. Roger said if Tara is not going to continue, he'd like to fill the vacant full-time position. John made and Walter seconded a **motion to recommend Curt and Roger as regular members of the ZBA.** Curt and Roger abstained. The motion **passed**.

Walter and Roger had attended the workshop on zoning and planning. There is a house bill that will allow previous special exceptions and variances to be appealed going back to 2013.

Chris said he heard from Peter regarding Matt Serge's suggestion for the rules of procedure. Peter's response is lengthy and will be forwarded to the Board.

At 9:04, Curt made and John seconded a **motion to adjourn.** The motion **passed** unanimously.