

Zoning Board of Adjustment  
July 2, 2019  
7:30pm

Members present: Chris Stafford, Walter Baird, John Russo, Roger Whitehouse, Roger Denison

Others present: Dana Greenlay

Minutes:

Chris made and Roger W. seconded a **motion to approve the June 18, 2019 minutes as amended**. The motion **passed** unanimously.

Case 2019:2

Dana Greenlay said he spoke with the Conservation Commission (CC) at their last meeting. A letter from the CC dated June 27, 2019 was reviewed, stating they believe the garage is an improvement over the existing conditions. Chris said he watched the meeting. Part of the reason for getting an opinion from the CC is to hear their concern about any wetlands disturbance, and part of the criteria this Board reviews is public interest. John said it seemed the issue is runoff from the vehicles. Mr. Greenlay said he plans to use French drains and gutters to direct runoff.

Chris said there was a discussion about location, and that the majority of the building will be on what is currently impervious surface. The excavation company suggested removing the blacktop and putting in concrete.

Mr. Greenlay indicated on the plan where the portable garage is currently. Walter said the CC didn't indicate what documents they reviewed. Mr. Greenlay said they talked about roof pitch not being directed toward the wetlands. The gutters will lead the water to French drains. A dry well or crushed stone on the back of the garage will be a little more flexible but they will probably install a French drain. The biggest concern is the water being caught as it comes off the roof.

The criteria were reviewed, noting the public hearing has not been closed. The spirit of the ordinance is preserved because the wetlands will be better protected with the vehicles under cover and an improved drainage system installed. The plan seems to be an improvement to the lot. It is unclear if any loss to the individual would be outweighed by any gain to the public.

Chris said that determining if property values will be diminished is subjective, but there has not been any evidence provided that indicates the values would change one way or another.

A hardship is the most difficult to determine. This Board has discussed what a smaller building would do, or there were no mudroom between the garage and house, or if placed elsewhere on the property would eliminate the need for a variance. The Board reviewed these suggestions, each bringing a different consideration to light: the roofline won't match, a window will be blocked, there would still be some encroachment if the mudroom is eliminated, a smaller garage would not accommodate all the vehicles. A well and the septic system restrict placement elsewhere on the property while staying outside any buffers.

The Board discussed extending the driveway and placing the garage behind the house. It was determined this would not be a good placement. Roger W. asked about the well radius. Mr. Greenlay pointed out the well and the pipeline from the well to the house. Roger D. said it is probably not good to have a driveway over the waterline to the house.

Chris said it is not up to this Board to decide anything other than what the Ordinance outlines and it seems Mr. Greenlay is proposing something reasonable. The hardship appears to be the building envelope, getting around the well, and extending the driveway while not decreasing curb appeal. Walter pointed out that if the garage were placed behind the house, the driveway would still be in the wetland buffer.

Roger D. said this property is unique due to the wetland cutting into the typical usable area of the lot. Chris said that due to the wetland bounds and the existing well location, it seems the Board agrees there are unique conditions for this lot which meets the criteria for hardship.

Chris made and Roger W. seconded a **motion to close the public hearing**. The motion **passed** unanimously.

The Board voted on each criterion separately. The vote was unanimous for each.

The Board discussed any restrictions and conditions for granting approval. It was agreed that French drains and gutters should be installed, and the building inspector will need to inspect the property for conformance. Chris made and Roger W. seconded a **motion to approve the variance with the aforementioned restrictions and conditions**. The motion **passed** unanimously.

Walter asked what can be done if these conditions are violated. This Board may not assign any consequences; those will have to be assessed at the time it may happen.

The Board reviewed the revisions to the Rules of Procedure and signed the final document.

At 9:15pm, Roger W. made and John seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,  
Janet S. Denison