

Zoning Board of Adjustment  
Sept. 10, 2019  
7:00pm

Members present: Chris Stafford, Michelle Cooper, Walter Baird, John Russo

Others present: Gualter Carvalho, 61 Colby Road

Continuance of 2019-6:

Minutes of August 27<sup>th</sup> were reviewed and revised. Walter made and John seconded a **motion to approve the August 27, 2019 minutes as amended**. The motion **passed** unanimously.

Mr. Carvalho explained he met with the Conservation Commission which sent an email to the ZBA. Chris read the email, dated September 6, 2019. The recommendation was to remove the two existing sheds and provide a catchment system for runoff, such as gutters. Mr. Carvalho said he was going to remove the sheds anyway and he can add the run-off treatment as recommended.

He showed pictures to indicate the pitch of the roof and he explained the distance of the proposed garage from the road and fence. The fence will be about 7' from the side of the garage and there is another 3' to the edge of wetland. The fence is not on the property line. Chris clarified that this is a request to be 10' from the edge of wetland.

The Board reviewed the plans to clarify what was being proposed. Mr. Carvalho said he can put gutters on both sides of the garage or just on the wetland side. The run-off can be directed into a barrel sunk into the ground, with gravel, allowing for slow seepage into the ground. It was agreed that the drainage discharge plans should be reviewed by the Conservation Commission and Mr. Carvalho said he can attend their next meeting.

The setback from the abutting property line is also 10' and the road setback appears to be 36' although the plan states this is 26'. Chris said he doesn't need a variance for the setback from the road, just one from the abutter's property and the wetland.

The variance criteria were reviewed. All the members agreed this proposal meets the spirit of the ordinance and that it will do substantial justice. No evidence was given one way or another regarding surrounding property values. Michelle said that with her background in real estate, she believes this will increase values. All agreed the proposal will not diminish property values.

There was a short discussion about the hardship. This is a small lot and the location of the house limits placement of a garage. All agreed that granting the variance would not conflict with the ordinance and is not contrary to the public interest.

It was agreed that restrictions to this application would be that gutters are on both sides of the garage and that a drainage system would be installed after the plans are reviewed and recommended by the Conservation Commission. John made and Walter seconded a **motion to grant the variance with the two restrictions as discussed**. The motion **passed** unanimously.

Chris said a written decision will be available in five business days. This can be shared with the Conservation Commission and building inspector.

Walter asked about reviewing two different applications at the same time, if they are for the same property. This was a question raised at the last zoning/planning conference he attended. The example gave was an appeal from an administrative decision that could turn into a variance. They are two different hearings and two separate applications. If someone were to submit two different applications for the same property at the same time, they could be scheduled for the same meeting. Walter said he was wondering about someone who applied for a variance, for example, when they should have applied for a special exception. It can be noted on the applications that different requests require different forms.

At 8:10pm Walter made and Michele seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet Denison