

Zoning Board of Adjustment
August 11, 2020
7:30pm

Members present: Chris Stafford, Michelle Cooper, Roger Whitehouse

Present remotely: Walter Baird, John Russo

Others present: Janet Denison-remotely, Gail Turilli, Gavin Cooper

Case 2020-4:

This is a continuation of the meeting held July 7, 2020 regarding the request for a variance from Daniel Anzalone. Plans with more details had been requested, specifically something delineating the wetlands. A roll call was taken, noting that there were no others present with those participating remotely. The public hearing was opened.

An email from Mr. Anzalone was read. He does not have plans with more details and is unsure when the Board will meet next, but requested to meet during their first meeting in September. Chris stated the Board meets as needed, therefore no date has been set.

It was noted that Mr. Anzalone is in touch with a company to get plans drawn, but it is unknown when the plans will be completed. Chris explained they first met regarding this in June and it was continued in July. It was thought the plans would be completed by now. He said this Board needs to decide if the application review period is extended or the application is voted on as it stands tonight. It is unclear if the applicant needs to meet with the Planning Board.

Michelle said Mr. Anzalone should reapply to this Board because he has not gone through the proper channels. He should get the documents together as needed and request a meeting afterward. She said it isn't fair to the abutters to go month to month waiting for the application to be complete.

Roger agreed, saying he should go to the Planning Board to request a review and approval of the culvert, then if he needs to see this Board for a variance, he can submit a new application.

Chris stated this would require closing the public hearing, reviewing the criteria, and voting. The applicant would have 30 days to appeal that decision. Another option would be to reapply for the same variance but with a different plan. This would require paying an additional fee. Roger made a motion to waive the application fee if he reapplies. There was no second on this motion.

There was a short discussion about how to proceed. Roger stated that if he doesn't see the Planning Board to be approved, there's no variance to give him. The culvert must be approved by the Planning Board. Chris agreed that the culvert probably shouldn't have been installed without a wetland permit, but it is known that he wants a garage inside the wetland setback.

Roger stated the existing driveway on Emerald Drive is going over the culvert, therefore it is recommended that the driveway should be reviewed closely.

Chris stated the application could be granted with conditions, such as the culvert cannot be crossed until it's approved. This Board could vote to deny the application because there is no plan to review and it

would appear he doesn't meet the criteria for granting a variance. This Board could offer to continue to a date in September. Michelle again stated the application is incomplete and should be denied based on that. It should not be delayed out of courtesy to the abutters. An applicant should have everything in place before applying. John agreed with this assessment.

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

The criteria for granting a variance was reviewed. The discussion included several points regarding each criterion. There is no plan delineating the wetlands so it cannot be ascertained whether the spirit of the ordinance is observed. There is not enough information to determine if substantial justice will be done by granting the variance. Without a plan, it is unknown whether surrounding property values will change or if there is a hardship to consider.

Each member voted "no" unanimously in each criterion. The request to grant a variance was denied.

A notice of decision will be sent the applicant. The reasons for denial will be outlined in the letter.

Meeting minutes will be reviewed at the next meeting.

Walter pointed out this application may illustrate a glitch in the town zoning. If someone wants a driveway, they are required to meet with the road agent when perhaps there should be a review by the Planning Board also. If wetlands are involved, the Conservation Commission should possibly be consulted also. Michelle pointed out that the town cannot do more than what the state mandates.

If the Planning Board feels there is something to be added to the zoning ordinance, this will have to be on next year's ballot and voted on by the town in March. Roger said he will work with the Planning Board on this issue.

At 8:10pm, Roger made and Michelle seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,
Janet S. Denison