

Zoning Board of Adjustment  
June 30, 2020

Members present: Chris Stafford, Michelle Cooper, Walter Baird

Members participating remotely: John Russo, Roger Whitehouse

Others present: Brenda Merrill, Gail Turilli, David Farry, Dave Stewart

Others present remotely: Janet Denison

Chris explained the meeting is being held in the town hall with available remote participation per the governor's order. Those participating remotely may deliberate and vote on the case. Michelle was designated a voting member for tonight's cases.

Case # 2020-6:

This is an accessory dwelling unit (ADU) special exception hearing for Brenda Merrill for the property at 70 GH Carter Drive.

A letter from the Board of Selectmen (BOS) dated June 4, 2007 was reviewed. It stated the BOS visited the property in conjunction with a suspected ADU. This would not have been in compliance with zoning. There is a note on the tax card as well. Mrs. Merrill stated the basement is finished with a bedroom and a bathroom. The letter stated it was decided to remove the note from the tax card that referred to an ADU at this address.

Mrs. Merrill stated the previous owner never obtained permits for several things at the property. She purchased the property in 2015.

It was noted that John is an abutter to the property. John recused himself from deliberating and voting on this hearing. The short-board was explained to Mrs. Merrill who agreed to continue with the hearing tonight.

There were no abutters present except for John who stated if he made any comment, it would be as a resident. The hearing was reopened with four members voting.

Mrs. Merrill presented photographs of the property. The square footage was measured to be approximately 502 square feet. The tax card notes that the finished basement area is 816 square feet. It was stated that this is the measurement of the outside of the home and includes areas such as the stairway, closets, utility room, and any other shared spaced in the basement that is not part of the ADU.

There will be no changes made to the property. Mrs. Merrill explained the space is currently being used by her disabled son.

The special exception criteria for an ADU was reviewed. The septic tank appears to be adequate for the number of bedrooms currently in the house.

The living space of the ADU was calculated to be below the maximum allowed square feet. Mrs. Merrill was told she may want to speak with the assessor about the measurement of the home just to ensure its accuracy.

There is a two-car garage and the driveway is sufficiently wide for two cars to be parked next to each other. Mrs. Merrill said her son doesn't drive anyway. It was noted that the special exception for the ADU will continue with the home if it is transferred.

The public hearing was closed. The Board members expressed no concerns and it was determined that each criterion was met. Roger made and Walter seconded a **motion to approve the special exception for the ADU for 70 GH Carter Drive**. The motion **passed** unanimously.

Case #2020-5:

A site walk at 105 Caleb Drive was held on June 24<sup>th</sup>. Reviewing the minutes, it was noted the Conservation Commission reviewed the plans for the pool and had no new concerns. It was agreed that no changes are needed based on the feedback from the Conservation Commission and the Board agreed the location of the pool is acceptable. A drain is needed so the backwash is directed away from the wetlands. Walter asked if the building inspector will need to be aware of the required drain. He should receive a copy of the Notice of Decision before issuing a building permit. Chris had also recommended that a new set of plans be presented to the Board. Walter made and Roger seconded a **motion to accept the June 24, 2020 site walk minutes as amended**. The motion **passed** unanimously.

Case #2020-7:

This is a variance application from David Farry of 175 Pine Street for the construction of a 28X30 garage and master bedroom encroaching into the abutter setback. John will be a voting member for this case. The public hearing was opened.

An updated drawing was reviewed. The front of the garage is set 6' in front of the rest of the house. The property line is not perpendicular to the house, so one corner of the proposed addition is 5' from the property line, the other corner is 9' from the property line. Dave Stewart is the abutter across the street and stated he is in favor of the project.

The property lines were determined from information obtained at the town hall. There is a wooded area behind the house. The existing deck, shed, and driveway were pointed out on the plans. It appears the shed is encroaching in the setback. It is unknown if a permit was obtained for this or if a special exception was granted for the placement of the shed, but that is not germain to this application.

Photos were presented with marks indicating the location of the proposed addition. The driveway will be paved. The abutter on the side of the encroachment is not present.

There was a discussion about the size of the addition and the access around the property if it is built to that size. The criteria for granting a variance was reviewed in conjunction with the proposal. It was pointed out that 5' is not a lot of space to get around the house if the rear of the house needs to be accessed.

Different configurations of the proposal were discussed. It was agreed that if the proposed addition were 26x30, there would probably be enough room for a truck to access the rear of the house. There is access from Bernard's Way but the woods are thicker in that area.

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96 The applicant was asked to draw new plans and propose a different size addition, possibly moving it or  
97 putting it on a cantilever in relation to the house. Michelle suggested contacting the mortgage company  
98 for a copy of a certified plot plan. This will more accurately indicate the property lines.

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100 Roger made and Walter seconded a **motion to continue the hearing in July**. The motion **passed**  
101 **unanimously**.

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103 The upcoming schedule was reviewed.

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105 At 9:09pm, Roger made and Michelle seconded a **motion to adjourn**. The motion **passed** unanimously.

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107 Respectfully submitted,

108 Janet Denison