

Zoning Board of Adjustment

October 4, 2016

Memorial Building

7:00 p.m.

These minutes are to be considered draft minutes only until approved by the board at their next meeting.

Members Present: Susan Chiarella, Justin Hastings, Peter Abair, Rick Corbet, and Bryan O' Day.

Others Present: Annette and William Granger, Whit Smith, Leigh Callaway

Approval of July 7th minutes- motion to accept by Justin, second by Bryan all in favor and unanimously approved

Approval of July 21st minutes- strike section use of sawmill predates zoning- Motion to accept by Bryan as amended, second by Peter all in favor and unanimously approved

Rules of Procedure:

The Board discussed striking section 4 Letter H under decisions (page 11 of 17) also changing section F under decisions (page 10 of 17) to read as follows: last sentence: the notice of decision shall include the reasons of denial and such notice will be sent to applicant by certified mail.

Section 8 under public hearing striking the word will and replace with the word may.

This is the second meeting regarding changes to the Rules of Procedure. Bryan makes a motion to continue discussion to the next meeting, second by Rick, all in favor and unanimously approved.

Granger Hearing for a Variance- *Susan opens the hearing. Asks if notices were sent out timely, and Susan Abair verified. Susan Chiarella explains to the applicants the responsibility of the ZBA. Susan reads the zoning ordinance section regarding conditional Use permits.*

There was some discussion regarding the Conditional Use Permit vs the Variance. The board did agree that the applicants were before the wrong board and should be going to the Planning board for a Conditional Use Permit.

The applicants are wanting to add on a 12 X 63 addition to their already existing structure. This will be partial living space and partial deck with a roof. They are asking for a 12 foot variance from the Wetland buffer of McDaniel's Marsh. (Wildlife corridor)

Even though the board felt the applicants need to go to the planning board for conditional use they agreed to act upon the Variance application, in the event the applicants are told something different before the planning board. Bryan makes a motion that the application for the Variance is complete and 2nd by Justin.

Facts supporting this request:

1. The variance will not be contrary to the public interest because: *The board did not believe the addition would impede on the wildlife corridor, no abutters were present.*
2. The spirit of the ordinance is observed because: *The board felt it improves the property and doesn't impact wildlife*
3. Substantial justice is done because: *The board felt it makes the property more valuable and a positive effect on the neighborhood*
4. The values of surrounding properties are not diminished because: *it is an improvement of the property*
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship owing to special conditions of the property that distinguish it from other properties in the area because:
 - A. No fair and substantial relationship exists between the general public purpose of the ordinance and the specific application of that provision to the property because: *current structure is already located totally within the buffer zone.*
 - B. The proposed use is a reasonable one because: *it is a reasonable request to want more living space and to improve property*

Motion by Bryan to Grant the Variance to increase existing structure to be no more than 12 feet into the buffer zone, and defer to planning the ability to grant Conditional Use permit if they so choose. Second by Bryan all in favor and unanimously approved. (Susan-yes, Peter-yes, Bryan- yes, Justin- yes, and Rick-yes)

Meeting adjourned@8:00

Minutes submitted by,

Susan Abair

