

Zoning Board of Adjustment

May 2, 2017

Memorial Building

7:00 pm

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

Members present: Susan Chiarella, Bryan O' Day, Peter Abair, and Rick Corbett

Others Present: Whit Smith, Tamara Butcher, Samuel Vidal

Misc. Business- Susan read email from Christine Fillmore town counsel regarding the dog kennel issue. They want to withdraw the case. Susan has stated she is not aware of any new complaints made since hearing.

There was also a letter from Susan Hankin-Birke regarding the Christine Austin hearing stating there was an error and they do intend to put a staircase in.

Approval of April Minutes- Bryan makes a motion to approve April minutes, second by Peter, all in favor and unanimously approved.

Sam Vidal Hearing- Susan reads the notice and explains to the applicant that there is a four person board and that they have the option to continue or they can go forward, Sam choses to move forward.

He approaches the board with plans. He intends to build a house square with garage. It is a 7 acre lot. Bryan explains variance wasn't needed for septic as state regulations only require 75 feet setback. And with septs we go by state regulations. His house that he intends to build is a two bedroom versus the proposed four bedroom. Brian states he agrees with the applicant in the fact that garage already exists and he wants house to align with the garage. He needs dimensional relief of five-feet. Susan explains the duties of the Zoning Board to the applicant when granting a Variance. Susan explains that the applicant needs to prove there is a hardship. Sam Vidal explains that the biggest hardship is that he has lost most of his acreage to the large wetland (wild-life corridor). He has minimal space to work with.

Susan Chiarella verified with Susan Abair that abutters were noticed and that it was publicly noticed timely. Susan Abair stated yes.

Susan recesses the hearing and the board discusses application and the finding of the facts.

Facts supporting this request:

1. The variance will not be contrary to the public interest because: *The board did not believe the house would impede on the wildlife corridor, no abutters were present.*

2. The spirit of the ordinance is observed because: *The board felt granting relief of five feet into the 660 foot buffer should have no impact on McDaniel's Marsh.*

3. Substantial justice is done because: *The board felt it the applicant only had a small envelope to utilize property to place a home.*

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:

Restrictions placed on it from 35' setback and 660' wildlife buffer.

Bryan makes a motion to grant a variance of 5 feet from 660' wildlife buffer for the purpose of constructing a two bedroom house 28 feet by 28 feet according to the plan presented before the board, second by Rick and all in favor. Variance was granted unanimously.

Meeting adjourned @8:30

Minutes submitted by,

Susan Abair