

BOARD OF ADJUSTMENT

APRIL 6, 2021

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes until approved by the Board.

Members present in the room: Justin Hastings, Cody Patten, and Tanner Jacques.

Absent: Bryan O'Day. Others present: Whit Smith, Amy Lewis, Salvatore and Juliet Valela.

Members present via ZOOM: Susan Chiarella

Others present via ZOOM: Sara Gilbert and Ryan Gatchell

The meeting was called to order at 7:00 p.m. Susan congratulated Tanner Jacques on his election and welcomed him as a full member of the Board.

She announced public access for the meeting is allowed via ZOOM. In person attendance is allowed, but space for social distancing is limited. Masks are required.

Election of officers: Tanner nominated Susan Chiarella as Chair. Motion seconded by Justin, and unanimously approved. Justin nominated Tanner as Vice Chair, seconded by Cody and unanimously approved.

Minutes of March 2, and March 15, 2021: Tanner moved to accept the minutes as written, seconded by Cody and unanimously approved.

Continuation of March 2, 2021 hearing with Juliet and Salvatore Valela, and continued site review of March 15, 2021. The Board requested the applicant to present a more specific plan. Susan noted there were only four members of the Board tonight and asked if they wished to go forward. They are willing to go forward. Board members introduced themselves.

Mr. Valela presented a clearer drawing. He stated they agreed to move the garage forward that would give them more distance to the boundary. Whit was by the house on Sunday, and established the line is 62' away from the house. The garage will be 8' from the house and will be 20', so the 62' minus 28' (Whit suggested calling it 30') would mean they are only asking for 5' of relief. That has changed dramatically from what they presented originally. The back corner of the garage would be 30' so that is where the 5' of relief is needed there. The garage is situated to move further away from the property line moving forward from the back corner. Mr. Valela described other features of the lot, the septic field, and the back yard is wet. The vent for the pellet stove and oil filler pipe stands that make it difficult to move the garage closer to the house. Board members discussed granting of the Variance. The lot is limiting in what can be done. The plan presented shows much better detail than what was presented. There is a clearer picture of the hardship.

The Board reviewed the five criteria for granting a Variance: (Section 11.43 page 35 of the Ordinance attached). The answers are as follows:

- A. The construction and location would not impact the public.
- B. The lot limits the placement of a garage.
- C. Without substantial disturbance of more of the property or going through substantial hardship, the location is the only place on the property where the structure can be placed.
- D. The garage is a property improvement.
- E. The proposal is an unnecessary hardship.
The use is not changing on the lot. The proposed garage is not for a business and is not for anything other than protection of vehicles. Through no fault of the owners, the property development limited their ability to construct a garage elsewhere that would be allowed by the Ordinance.
The proposed use is reasonable. Not granting a Variance would create a hardship for the applicant.

Having gone through the 5 criteria, a motion was made by Justin to grant a variance on the property located at 446 Philbrick Hill, to construct a garage no closer than 30' from the southeastern boundary of the property as shown on the plan presented at the hearing on April 6, 2021. The motion was seconded by Tanner. Roll call vote – Susan, Justin, Tanner, Cody all voted yes. The hearing was closed.

Hearing for a Special Exception for Sara Gilbert on 256 Philbrick Hill Road on a non-conforming .69-acre lot. Applicant would like to build a two-car detached garage 28' x 32'. Susan informed the applicant there were only 4 members. Sara agreed to move forward with the application. All abutters were notified and published in a newspaper and in two local places.

The Board reviewed the application. Tanner moved to accept the application, seconded by Cody and unanimously approved.

Tanner asked for clarity of the size of the garage. On the application it is described as 24' x 28' and the plan shows 28' x 32'. Sara stated they decided to make a change after the application. Sara agreed to amend the application to for the garage as requested to be 28' x 32' as shown on the drawing. Susan out section 8.11 setbacks for Existing Non-Conforming Structures and asked members to familiarize themselves with the ordinance.

Susan stated the Board has made a habit of looking at things. She asked the Board if they wanted to go look at the site. If the Board is making a habit of looking at things, they should handle these more consistently. Tanner noted given the tight nature of the lot it is good to review these applications "on the ground" to understand what is being proposed. The plan is well drawn, but he would still like to look at the site. Tanner asked for clarification for the existing shed. The proposal is to remove half of the shed, but there are no specifics on the size. Ryan stated the shed is 16' x 30'. The half coming down is the larger half. 16' x 12' would be left. Justin asked the applicant to place some stakes in the ground to mark the location.

The Board agreed a site visit was in order. A motion was made by Justin to continue the hearing to Monday, April 12, 2021 at 5:00 p.m. at 256 Philbrick Hill Road. The motion was seconded by Cody and unanimously approved.

Susan reported to the Board there is a OSI Planning and Zoning Conference on May 15th by ZOOM if anyone wishes to enroll. Tanner stated it looks as if they will record and post all the materials and make them available on their website.

Justin stated since there were members of the public present, it was a good idea to put out the word that alternates are needed on the Zoning Board.

The meeting finished at 7:35 p.m. to be continued to Monday, April 12, at 5:00 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant