

BOARD OF ADJUSTMENT

AUGUST 15 2017

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

ZBA members present: Susan Chiarella, Chairman; Justin Hastings, Bryan O'Day, Peter Abair and Rick Corbett.

Others present: David and Janet Hausmann, Harry Siedel, home designer; Whit Smith, Zoning Coordinator; and Tamara Butcher, Selectboard representative.

At 7:00 p.m., Susan re-opened the public hearing regarding the application for a variance by David and Janet Hausmann on Messer Hill Road. This hearing is continued from the site walk of August 2.

Susan announced there was a quorum present. She explained, it appears the board is grappling with determining the hardship. She opened the floor to discussion.

Mr. Hausmann thanked the board for the time they have spent on this and making the site visit to review the lot. He also extended appreciation to Whit Smith for his assistance.

Harry Siedel, introduced, for the record, more details to further clarify the variance application and hardship criteria (question 5 on the Variance application) as it pertains to this lot. Discussion followed relative to consideration whether the request is reasonable use of the land, or would it be a detriment to the public interest. The lot is steep and the site cannot be seen by the public. Current abutters are aware of the situation. The closest neighbor, (Domings) submitted a letter stating they have no objections to the proposal. The Board took time to review the ordinance, state statute, hardship criteria, and discussed how to apply the simplex decision determined by the courts several years ago. That decision changes hardship requirements, and allows the board to grant a variance if it is necessary to enable reasonable use of property. The board reviewed the limiting physical factors of the property; steepness of the slope, shared driveway and right-of-way, and wildlife patterns.

The proposed house is a 29' x 46' ranch with master bedroom on the main floor, and two bedrooms and a bath in the walk-out basement. An attached two-car garage has been angled 22.5 degrees to minimize encroachment on the property line. A corner of the garage will extend into the setback no more than 14'.

Susan asked for comments from Whit Smith. Whit indicated he has researched the Simplex Decision and what has been presented is accurate. There does not appear to be a substantial impact based on what the board is looking at. The character of the neighborhood is not impacted and the proposal does not interfere with public or private interest of others.

Susan noted this is a reasonable place to want to build a house. Moving the house could involve cutting more trees and create more impact than the current proposal. The ZBA has the authority to offer relief when it is reasonable. The Board needs to decide if this is reasonable.

Susan asked if there were any other questions or comments before closing the public hearing. Hearing none, Justin moved to close the public hearing. Motion seconded by Rick with all in favor.

The Board proceeded with deliberations. Susan indicated the applicant has asked the Board to consider criteria 5a and 5b in establishing hardship and believes this is a valid argument. There appears to be no impact to anyone and no one has stepped forward against the proposal.

Peter Abair moved to grant the 14' variance, seconded by Justin. Susan suggested language be added to the approval to indicate the proposed garage should be no closer than 21' to the abutting property as per the plan submitted. She will prepare the Notice of Decision. All five Board members voted in favor of the motion.

Susan thanked all parties for their participation.

September's Zoning Board meeting will be held on Tuesday, September 12, 2017.

Whit stated he is not aware of any applications for September. At the Selectboard meeting yesterday, the Selectmen discussed an ongoing issue with an un-permitted shed too close to the property line. This issue may come before the Zoning Board at some point. Also, as to the Tunis Appeal the ZBA dealt with earlier this year, the Selectboard has just been made aware of the letter the ZBA received in April or May indicating the attorney representing the owner, testified in error when she stated there was an existing internal stairway to the basement level, when in fact, there was not. The Selectboard will refer this to legal counsel.

The Board voted to adjourn at 7:50 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant