

**Washington Planning Board
& Zoning Board of Adjustment**

Joint Public Hearing Minutes

August 26, 2020

- 0.0 Assembly: 6:30PM
 - 0.1 PB Members present: Hatch, Kluk, Crandall and Schwartz
 - 0.2 ZBA members present: Carpenter, Sheehy, Hatch, Carney and Marinaccio, DeFosse (Secretary)
 - 0.3 Public present: Tom Karpowski, Steven Bennett, Peter Mellen
- 1.0 Andrew Hatch opened the public hearing and explained the joint hearing. The purpose of the hearing is to take up the application by Daley and Karpowski to annex Parcel A (.96 acres) from TM 25-91 to TM 24-90. This annexation requires 3 variances on TM 25-91 (area, road and lake frontage) and one variance (side setback) for TM 25-90. The applicants approached the ZBA with the variances to complete the annexation of abutting properties. The PB thought it would be more expedient to hold the public hearing with both boards to accomplish the required items. He said the Planning Board has reviewed the annexation application paperwork at their last meeting and Schwartz said that upon review the annexation application to the Planning Board is complete. Kluk asked if there were any changes to the plan since our last meeting and Mellen said no. Hatch said he and the other ZBA members had visited the properties separately. He said the applicant is asking the PB to approve the annexation on the condition that the ZBA grant the needed variances. Hatch said the issue is characterized as a misunderstanding and an amicable agreement has been made between the abutters. He asked how the issue came up. Mellen said he became involved when doing survey work for another abutter in 2004. The property owner, Kasper, was putting in a septic system and foundation that was too close to his property line. At that time, Mellen surveyed all the abutting properties and found that Karpowski's lot line ran through the existing building. In 2017, Karpowski called Mellen to survey his property and he was provided with the earlier survey showing that his house was bisected by the property line. That was all Mellen had heard about the issue until the proposal to annex the land came back to him. He then drew up the annexation plan, which is agreed to by the abutters. He explained the required variances to the ZBA members; these are pre-existing non-conforming lots and each lot has a well and septic system. Hatch observed that the property line is moving to the area where they have been mowing thinking that the lot line was there. DeFosse asked why this was brought up in 2017 and what caused the new plan to be drawn up. Karpowski said that he wants to clear up the issue and maybe build a new house sometime in the future. Carpenter asked if there was any reason that if Daley would sell, he could buy her whole property. Karpowski said it would be a lot more in taxes and still wouldn't fix the problem. Crandall stated that the property line runs through the existing house, this seems like the only solution, even if it is non-conforming, neither party could sell their property as it exists. Bennett said that the property has changed hands several times over 40 years but the issue didn't come to light until 2017 and now, three years later, they have negotiated with Daley and come to an agreement. He said that Karpowski had title insurance and it took a while for them to pay out. Carpenter asked how old the house is and Karpowski said it was built around

1970 by a previous owner; Bennett had done a title search and concurred. Hatch said he wanted an open dialog with the ZBA and asked if the Planning Board had any questions. There being none he asked if we approved the application. Kluk made a motion to approve the plan for annexation of parcel A to Lot 25-90 on condition of approval applicable variances for road and lake frontage, area and setback on the two lots. Crandall seconded the motion and all voted in favor. The motion passed conditionally on ZBA granting the variances later in their public hearing. Hatch made a motion to close the joint public hearing and Kluk seconded the motion, all voted in favor.

2.0 **Adjournment:**

Time: 6:50 PM

Respectfully Submitted,
Nan Schwartz