**Minutes for Zoning Board of Adjustment**

 **June 1, 2022**

Meeting call to order at 7:00 PM

* Members Present: Gary Carney, chairmen, Mark Florence, Andrew Hatch, and Linda Marshall
* Visitors: Frank, Sue Demarco, Frank Anzalone, Nancy, Brian Caruso.

Minutes:

* Hatch approved the meeting minutes, of April 27, 2022, and Florence second, all voted in favor.
* Carney; explained that the May 25, 2022 meeting was postponed due to not having a quorum.

Appeal # 1 Frank Anzalone Associates, representing Caruso

Carney: Asked for a brief review of the building application and appeal application.

Anazalone: Noticed on the board that he was there representing the Carusos with the appeal. Brief background with the history of having the house in the family since 1969 and the mother of Mrs. Caruso living with them the winters are getting hard to use the home in the winter. We had tried several different options for the location of what the Caruso would like to build but all options brought them back to (4) variances.

Mr. Anazalone read to the board all five (5) criteria with the applicant's answers to the questions (see appeal application in property file). Caruso would put in new stormwater management, nothing goes to the lake at this time, hoping the stormwater would only be more helpful. There would be no impact on the well or septic, there would be no harm to the neighboring properties.

Mr. Anazalone provided a highlighted map showing properties that are non-conforming lots with garages. Also explained with the current Land Use Ordinance (LUO) one would need 4 acres to make all the setbacks, with ¾ acres they get small very quickly.

Mr. Anazalone provided two (2) additional plans showing they tried to change the plans to try for fewer variances not having to move the septic and the least impact as possible.

Hatch: Asked Mr. Anazalone to confirm which plan he was moving forward with. Mr. Anazalone confirmed the plan Caruso will be moving forward with.

Florence: Just wanted to confirm the breezeway and mudroom are attached to the house. Anazalone; yes

Florence: Mentioned that he felt that Caruso may need to apply for a variance from 403.1 instead of 202 for a side setback.

The board reviewed the LUO and determined that 403.1 was the correct LUO from which to seek a variance and that variance #2 in the application should be changed.

Hatch: Recalculated the impervious total finding that the total should be 28.9, not 31.4. After review Anazalone agreed.

Hatch: Reviewed three abutters letters in favor of Caruso construction and variances needed.

Nancy Caruso: family has been here since 1969 very involved with the community, I will be putting the property in a trust for my granddaughter to be able to use in the future. There are four other houses with non-conforming lots, tried other locations and the quality of the lake is important

Florence: What is important how is the lot unique, you mention it’s common and similar to other lots.

Anazalone: Next to us exceptional tight, no other area to place the garage, referenced the other lots on the map provided showing they all configure differently. Lot is different because it’s a smaller and tighter shape.

Nancy Caruso: Closing with her mother lives with her and it would be very difficult in the winter with the ice buildup on the walkway and hard to use the land.

No further comments Public Hearing closed on Caruso's appeal at 7:46 pm.

Appeal # 2 Susan, and Frank Demarco

The Demarco’s presented a letter from Steve Tilton, and Mary Fioravanti expressing that they have no issues with the proposed garage, also verbal approval from Deb DeFosse not having an issue with the garage.

Demarco’s explained they are looking to build a garage and would need two variances one from the sideline of 2’ and the other 21’ from the road frontage. They felt this was the only place to place the garage. Susan Demarco read the questions and answers on their application.

Florence: What makes your lot different/unique?

Mr. Demarco: it’s the only place to build the garage our lot is long and narrow and if we moved the location it would sit in front of the house.

Florence: discussed with the board if LUO 403.1 or 402.2 would fit the appeal request rather than 202. The board decided that the application was correct as-is and did not need to be amended.

Hatch: confirming the garage would be 28’ from the sideline and 29’ from the road?

Demarco: yes

Florence: have looked at swapping the septic system?

Frank Demarco: It’s all ledge and we are not blasting.

Carney: Confirming 2’ from the sideline for a 28 X 26’ garage does that include the eaves hanging over?

Frank Demarco: Yes

The board confirmed the pitch of the roof and asked the Demarcos about the drainage?

Frank Demarco confirmed he would put stone around the garage.

Closed Public hearing for Demarco’s 8:14 pm.

Deliberation:

Anazalone, c/o Caruso’s

The board discussed the impervious section on page 4 of the building permit, noting it should have been 728 to equal the 31.4, Carney feels it’s a lot.

Florence: What if everyone did it, build 25% of the lot, Florence provided a mapping of the lots surrounding the lake and the impact. Read the court writing explaining it could be an accumulative effect as the ZBA empower the letter of the law and spirit of the law, can’t stray outside and honor the spirit of the law, it worries me building over the 20%

Hatch: More pragmatic approach we could continue because it was not staked properly. The board found it very difficult to confirm measurements.

Florence: concern is the uniqueness it has to have something unique for a hardship. Florence explained that the hardship of the property does not exist.

Carney moved to deny the 9’ and 17’ sideline variance, 24.9 % structure, and a 31.4% variances, due to not meeting all five criteria # 2 the spirit of the Land Use Ordinance will be observed, (overcrowding of the land) and # 5 Literal enforcement of the Land Use Ordinance would result in unnecessary hardship. (Property owner did not show or prove the uniqueness of one’s property that would cause hardship with a denial). Florence second all voted in favor. 4-0 denied.

Demarco:

Florence: Identical concern as Caruso’s, the building is right on the lot line and there is no uniqueness of the property causing hardship.

Carney: Running into ledge, the growth needed down by the water and no room to drive down and place the garage on the waterside.

Hatch motion to deny the 2 ft. and 13 ft. setback from the sideline and 21 ft. from the road, Florence second, due to not meeting all five criteria’s # 2 the spirit of the Land Use Ordinance will be observed, and # 5 Literal enforcement of the Land Use Ordinance would result in unnecessary hardship. (Property owner did not show or prove the uniqueness of one’s property that would cause hardship with a denial).

Carney voted in favor, and Marshall abstained. Vote: 1 in favor 2 deny. All voted. Appeal denied.

Meeting adjourned at 9:53 PM.

Respectively submitted,

Deborah DeFosse