**Minutes for Zoning Board of Adjustment**

 **August 31, 2022**

Meeting call to order at 7:00 PM

* Members Present: Gary Carney, chairmen, Mark Florence, Andrew Hatch, and Linda Marshall
* Visitors: Ben Lewis, Nancy Caruso, Jeffery Christenson, Brian Francino, Frank Anzalone, James Black Yvonne Bachand, Martin, and Kathleen Glynn.
* Minutes: Carney approved the meeting minutes, of July 27, 2022, Florence second all voted in favor.

* Carney; Please note the Zoning Board of Adjustments by law applicant needs 3 out of 4 members to vote to pass or deny. Asking Lewis and Caruso if they would like to move forward or continue until we have a full board.

All appeal cases moved to approve to go forward.

Appeal Black: Requesting a temporary variance placing an RV and Storage container during construction.

Black: Requesting a variance for an RV during the reconstruction of my existing home. The RV and storage container would be too close to the sideline.

Carney: This would be used while working on the house.

Black: Yes, I would need to live in the RV during construction for about three months.

Florence: Same Footprint

Black: It will be the original footprint with an exception on turning the house which will make it more conformed to the town’s LUO.

Hatch: Any response from the abutters

Black: They have no problem, happy with the project.

Marshall: House is not going to be as close to the sideline

Black: Pivoting it away from the sideline 10’

Florence: Selectmen has not rejected the permit yet, and how far are you away from the shoreline

Black: The building permit is not complete I am waiting on the shoreline permit and the structure will be far from the shoreline.

Hatch: This is a fairly new concept approach of the LUO, the first denial for an RV. Will you be looking to extend the permit?

Black: Only if needed during construction. No long-term.

Public Hearing closed (Black) at 7:15 pm.

Appeal # 2 (Mr. Mrs. Glynn)

Mrs. Glynn: Looking to extend the bathroom and add a bedroom. It’s such an odd size lot can’t get the setbacks on two sides.

Florence: It’s a trapezoid.

Mrs. Glynn: it is a tiny lot sold our other house in Massachusetts and now this is our permanent home.

Florence: We did not get the same measurement as you filed for, we came up with sidelines of 12’ 3” of the 25’ required and 17’ 6” of the 25’ required. You applied for relief from LUO 202 and the board feels it falls under 403.1.

The board reviewed LUO and feels that fits here criteria. Glynn’s accepted the change and measurement and LUO classification.

Yvonne Bachand: The lot line measurements are off quite a difference, should be 182’ not 306’, concerned with the liability of my tree line, my trees are right on the wall.

Glynn: Take the trees down, we would love it.

Yvonne Bachand: I am considering selling the lot. When are you looking to build?

Glynn: hopefully spring it’s hard to find a contractor.

Florence: asked Yvonne does she have a formal rejection of the sideline appeal.

Yvonne Bachand: No

Linda Marshall: Notice a fairly new deck did you have a variance for the deck? How recent?

Glynn: yes we were approved 2-3years ago.

Board had no further questions. Closed Public hearing at 7:26 pm

Caruso Rehearing.

Carney: At this part of the Public Hearing Mark Florence will act as chair.

Jeffery Christensen, (representing Nancy Caruso); Handed the board a final version of the building plan, to clarify the final draft.

Also provided a plot plan from Peter Mellen showing additional square footage that Ms. Carsuo has on the left-hand corner by the water.

Mr. Christensen continued to address the reasons for the board to grant the requested variances:

1) Size of the lot and the uniqueness of the lot including ledge, very narrow preexisting septic. Example of the lot property next door is twice the size and enjoys a garage, the neighboring property is nonconforming and has estimate 21.2% impervious.

2) Many other surrounding properties have a garage, would not cause harmful impact, plenty of distance, no impact on the lake, no harmful impact on the environment, neighbors are on board, and would have safety and welfare benefits for the property owner’s mother.

Florence: a 20 X 24 garage is a misrepresentation it also includes a 10’ 11’ mudroom and breezeway.

Florence and Christenson discussed lot impact based on different size lots.

Florence: looking to find out at the eleventh hour we now have completely different square footage of one’s property, where did this come from?

The lengthy conversation continued reviewing page 4 of the building permit and how the percentages have changed due to the new finding having additional square footage on the lower corner of the lot, and the plot plan provided by Mr. Mellon in 2012. Also, Ms. Caruso mention there's a ledge on the property that they had to blast years ago. (This was new information to the board).

Christenson expressed the existing lot already has an existing driveway no wooded area to be disturbed, on the opposite side of the lake, and esthetically the new garage would blend. We feel this is the least impact on the property.

Public hearing closed at 8:23 pm

Deliberation:

Andrew mention that he would like to see the appeal continued due to additional information provided, Re: new square footage of the lot, ledge as a hardship.

Florence: Agreed to continue given the board time to deliberate on the new facts brought forward and to have a chance to recalculate the new numbers brought forward, and continue until September 28, 2022.

Hatch moved to continue the Caruso’s variance to September 28, 2022, based on new relevant information given. Florence second all voted in favor.

Glynn:

Carney reviewed that Yvonne Bachand was not against the variance request, she was concerned with how close it would be to her property. It was well within the perimeter.

Hatch: one thing during the hearing we discussed changing the variance request from 202.2 to 403.1 which would give a 12’3” from Bachand’s property line.

Florence: It is well stated and clear, I find no reason not to grant the variances.

Hatch: moved to approve the two variances satisfying all five criteria. Florence second all voted in favor.

Black: RV

Hatch's concern was the septic pump out. Carney explained that the Camper will be tied into the existing septic. And would like to see the Camper removed by 2023, January.

Florence moved to approve the requested variance of the Camper and a storage container during construction only must be removed by January 2023.

Meeting adjourned at 9:02 PM.

Respectively submitted,

Deborah DeFosse