

July 10, 2018

DRB Members Present: Rich Curtis (Chair), Carol Welch, Norman Hill, Alice Dworkin, Jeff Cueto, Steve Kappel
DRB Members Absent: Mark Lane, Ben Lange, Kim Watson

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Michael Bender, Erin O'Hara, Sharon Skye Forrest

Call to Order: 7:06pm

Public Comment: None

Additions to Agenda: None

Setback Variance Review of Application #18-024 – Michael Bender

The Chair opened the hearing at 7:07pm by reading the warning: "Setback variance review of Application #18-024, submitted by Michael Bender, to construct a 20' x 12' carport addition to the house on his property located at 1420 North Street. The house is a §3.10 pre-existing, non-conforming structure in Zone D – Rural Residential & Agricultural District, where the rear setback is 50 feet. The house is located almost fully within the rear setback, with the leading edge approximately 24 feet from the nearest property line. The applicant requests §7.6 variance relief from the rear setback to allow carport siting no closer than 12 feet from the property line." The applicant and Interested Persons were sworn in at 7:08pm. The applicant has difficulty walking, particularly in the winter time, and needs to reduce the number of stairs he has to navigate. The carport will be added to the east side of the house and will include a ramp to the kitchen door. An existing garage is already up against the property line and the house is within the rear setback. The abutting neighbors have been notified. Mr. Bender noted under the American Disabilities Act that he is due reasonable accommodation for accessibility. The DRB reviewed the conditions of Section 7.6:

- 1) Physical circumstances – structures are already non-conforming
- 2) No development in conformity – pre-dates zoning regulations
- 3) Hardship not created by applicant – pre-dates zoning regulations
- 4) Will not alter character of neighborhood – will not be seen by any neighbors, front or back
- 5) Least deviation – applicant is asking for a small carport instead of a garage

Motion: I move to go into deliberative session to discuss the variance issue for Application #18-024. Made by Mr. Curtis, second: Mr. Cueto

Vote on Motion: Passed 6-0

The DRB entered deliberative session at 7:45p; the DRB exited at 7:55pm.

Motion: I move that condition #1 is met because the structure is non-conforming and pre-dates existing zoning regulations and any addition would require a variance. Made: Mr. Cueto, second: Ms. Welch

Vote on Motion: Passed 6-0

Motion: I move that condition #2 is met because the only logical alternative would be to subdivide and the property cannot be subdivided in strict conformity of these regulations. Made: Mr. Kappel, second: Mr. Hill

Vote on Motion: Passed 6-0

Motion: I move that condition #3 is met because the hardship was not caused by the applicant as the property pre-dates zoning. Made: Mr. Curtis, second: Mr. Cueto

Vote on Motion: Passed 6-0

Motion: I move that condition #4 is met because the variance will not alter the essential character of the neighborhood. Made: Mr. Hill, second: Mr. Cueto

Vote on Motion: Passed 6-0

Motion: I move that condition #5 is met because the variance represents the minimum that will afford relief of hardship and represents the least deviation possible that will afford that relief. Made: Ms. Dworkin, second: Mr. Hill
Mr. Cueto feels the applicant could receive reasonable accommodation by constructing a garage at the north end of the house thereby reducing the non-compliance with the setback requirement. Mr. Hill notes that the current garage is right on the property line and the carport is more compliant.

Vote on Motion: Passed 5-1 (Mr. Cueto)

Motion: I move to grant the variance for Application #18-024. Made: Ms. Dworkin, second: Mr. Kappel

Vote on Motion: Passed 5-1 (Mr. Cueto)

Discussion on Possible Request for Reconsideration and/or Reopening of Hearing for Fairmont Dairy Subdivision #18-012

The ZA reported that incorrect information was provided at the hearing in June 2018. Lot 3A will not be merged with an existing lot and now needs to have access, with no good site off Route 14S. The applicant is working on this as the subdivision cannot be completed without the access approval. The ZA asked if the DRB would like to re-open the hearing with an access plan at the next meeting, as the condition of the merger needs to be removed.

Motion: I move to allow the re-opening for Fairmont Dairy (Application #18-012) at the 8/7/18 meeting. Made: Mr. Curtis, second: Ms. Dworkin

Vote on Motion: Passed 6-0

ZA Report

Motor vehicle sales at Crossroads Garage – Joseph Carriveau has moved some cars to this property; Gloria Biron is the owner and the plan is for an October transfer

Washington County Mental Health – group home on Route 14S, planned maintenance facility for other properties, working with Connor Contracting

Carpet Barn – applying for stripped down accessory dwelling, received wastewater permit

Logging operation on Packard Road

Review of Minutes

June 5 2018

Motion: I move to approve as written. Made: Mr. Cueto, second: Mr. Hill

Vote on Motion: Passed 5-0-1 (Mr. Kappel abstained)

Motion to adjourn. Made by Mr. Kappel, seconded by Mr. Cueto. Passed 6-0. Meeting adjourned at 8:25p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary