

September 8, 2020

DRB Members Present: Steve Kappel (Chair), Jeff Cueto, Steve Justis, Norman Hill, Lauren Oates, Clarice Cutler, Glenn Weyant, Kim Watson, Mark Lane

DRB Members Absent: None

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Julie Henderson

Call to Order: 5:32pm

Continuation of Application #20-034, submitted by Julie Henderson

The Chair opened the hearing at 5:33pm by reading the warning: “Review of Application #20-034, submitted by Julie Henderson, to construct a 10’ x 16’ garden shed on her property located at 219 Brazier Road. The applicant is requesting a 16-foot §3.14 side setback waiver. The property is in Zone D – Rural Residential/Agricultural District, where the side setback is 50 feet from property line.” Ms. Henderson stated that she revised her application so that the shed is four more feet away from the property line. She couldn’t locate the shed on the opposite of the garden because of ledge and slope.

Mr. Cueto’s main concern is that reasonable use is available on other locations on the property. Factors like topography and irregular lot size must be present, and he feels they are not present in this case. Mr. Hill feels that the applicant placed the shed in the best place for the view and the garden; she should be able to do what she wants on her land if neighbors don’t object. He feels that the property is topographically-challenged.

Ms. Henderson rebutted that meeting the 50’ setback would put the shed squarely in her front yard. Removing the tree by the garden is not appropriate because it provides screening from the road. The shed is not changing the character of her property and the garden cannot be moved.

The DRB discussed precedent and decided that each decision such as this must be decided on a case-by-case basis as most decisions are subjective. Some members feel that the shed should be allowed because no neighbors have complained and the location is a reasonable use for the garden. Others feel that the applicant should have thought ahead when building the garden and not created a hardship.

Motion: I move to grant the waiver request for the amended Application #20-034. Made: Mr. Hill, second: Mr. Justis

Vote on Motion: Passed 5-4 by roll call vote

The Chair dropped off the call at 6pm and turned the meeting over to Vice Chair Cueto.

Other Business – Old Meeting House

The ZA wanted to get a sense of the DRB regarding an application from the Old Meeting House to construct a Memory Garden at the rear of their property on Center Road. Much of the garden is located within the rear and side setbacks in the southwest corner of the lot. Currently there is a woodpile, a parking lot and trees in the area. The ZA wondered if it should be treated as a structure and whether the use is exempt or not. Ms. Cutler feels that this should be exempted as it is an improvement to an already existing outdoor communal space; see Section 7.2 (7). There will be some leveling aspect, but no fill is required. The trees will not be removed along the property line but undergrowth will be removed. The general sense of the DRB is that no permit is required but it may need periodic review.

Next meeting is October 6, 2020 – Morse subdivision

Motion to adjourn. Made by Mr. Justis, second by Mr. Lane. Passed 8-0. Meeting adjourned at 6:34p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary