

**Zoning Board of Adjustment  
July 29, 2008**

**Members:** Peter Anderson, Janet Anderson, Mike Hern, Don Boissonneault, Amy Venezia

**Guests:** Gardner Kellogg, Kevin Senft, Sophie Fedorowicz, Nancy Ferrara, Ashley Dowse

Chairman Mike Hern called the meeting to order at 5:30PM on Tuesday, July 29, 2008. He welcomed new member Don Boissonneault to the Board. It was noted that Amy Venezia would be sitting in as a full member for tonight's meeting. On a motion made by Peter Anderson, seconded by Janet Anderson it was moved to re-elect Mike as Chairman of the Zoning Board. PASSED. On a motion made by Mike Hern, seconded by Peter Anderson it was moved to re-elect Cathy Burke as Vice Chair. PASSED. On a motion made by Peter Anderson, seconded by Don Boissoineault the minutes from the last meeting were moved to be approved and accepted. PASSED

**Case 08-01  
Sophie Fedorowicz  
Variance**

Chairman Hern stated that he had received a call from a neighbor who had no objections to the special exception. Gardner Kellogg, surveyor, presented the plans to the Board and explained that Ms. Fedorowicz is asking for a variance due to setbacks. He explained that the main house had been burned last year and instead of rebuilding on the exact location she would like to expand an existing cottage and move it into conformity. The main house was in a bad location on the lot and they would like to not build back in the same location. It is their proposal to move one of the existing cottages approximately 30 feet and put an addition onto it to increase the living space. By moving this cottage it would place it out of the right of way of the road and make the current situation better. The Board had a lengthy discussion on the relocation and other options for relocating were discussed. The Board decided to postpone the hearing until they could all go out to the property and look at the proposed locations. The Board will meet at the site on Thursday, July 31, 2008 at 2PM and the meeting will be continued on Monday, August 4<sup>th</sup> at 5:30pm.

**Case 08-02  
Ashley Dowse  
Variance**

Contractor Kevin Senft presented plans to the Board and explained that Ms. Dowse would like to build an attached garage to her house. The house is 45 feet from the center line. Chairman Hern put 2 letters from abutters with no objections to proposal on file. Ms. Dowse presented a letter to the Board for the file explaining why she would like to do this. Current setbacks is 75 feet from the center line and the house ends at 65 feet

from the center. The Board discussed other options with Mr. Senft and Ms. Dowse and suggested that she add onto the house the 20% that she is allowed with a non-conforming structure and then add the garage to that. It was noted that the Selectmen could issue a building permit for 20%. Chairman Hern closed the hearing part of the meeting and the Board discussed. After a brief discussion, the variance was denied. PASSED

On a motion made by Mike Hern, seconded by Peter Anderson it was moved to adjourn.

Submitted by:

Amy Venezia

Secretary to the Zoning Board of Adjustment

**Zoning Board of Adjustment**  
**August 5, 2008**

**Members:** Chairman Mike Hern, Don Boissoneault, Peter Anderson, Janet Anderson, Amy Venezia

**Guests:** Gardner Kellogg, Eben Kellogg, Ken King, Sophie Federowicz, Jody Hodgdan, Nancy Ferrara

**Case 08-01**  
**Sophie Federowicz**  
**Continuation**  
**Variance**

Chairman Hern read a letter of support from neighbor Phyllis Gilbert. Ken King, present abutter, offered his support of the proposal and asked for the minutes of the previous meeting to be read as he was not able to be present at that time. Attorney Jody Hodgdan, representing the applicant stated that from his professional opinion this variance application satisfied the area variance requirements. Chairman Hern questioned whether the tree line between the house and the road would be removed. It was noted that it was planned at this time to remain. Chariman Hern closed the public hearing portion of the meeting so that the Board could discuss. The Board agreed that all of the 4 requirements for an area variance were met but had a discussion about the fifth requirement of hardship being met. The Board heard from Attorney Jody Hodgdan about the current case law regarding hardship. The current case law directly relates to the financial burden and states that the relative expense must be considered. The Board discussed other options for housing on this lot and came to the agreement that any other option available would create a financial hardship. Chairman Hern noted that this proposal was an improvement for the Town. Chairman Hern reviewed the criteria for granting an area variance:

1. The variance will not be contrary to the public interest. NO
2. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property. Yes
3. The variance is consistent with the spirit of the ordinance. Yes
4. Substantial justice is done. Yes
5. The value of the surrounding properties will not be diminished. No

Area variance approved. PASSED UNANIMOUSLY.

With no more business, on a motion made by Peter Anderson, seconded by Janet Anderson it was moved to adjourn.

Submitted by:  
Amy Venezia  
Secretary to the Zoning Board