

Zoning Board of Adjustment

August 16, 2016

Members: Don Boissonneault, Jim Keefe, John Colony, Mike Hern, Amy Venezia

Guests: Cathy Strasser, John Strasser, Kendall Eastman, Jody Hodgdon, Arthur Colvin, Shelly Colvin, Carl Wockenfuss, Patsy Wockenfuss, Patrick Fitzpatrick, Richard Fowler, Jim Walker, Carol Walker

Chairman Mike Hern called the meeting to order at 5:30PM on Tuesday, August 16, 2016. The minutes of the May meeting were reviewed. It was noted that the last sentence of the 1st paragraph for the Pioneer Wedding Barn was missing. The sentence should read: Holly stated that she is planning on purchasing a small tent in which to house the port-a-potties to obstruct them from view of the road. On a motion made by Jim Keefe, seconded by John Colony the minutes were approved and were accepted with the noted change. PASSED UNANIMOUSLY

Arthur & Shelly Colvin

Special Exception - Case 16-02

Tax Map 227 Lot 20.1

Mr. Colvin presented the plans to the Board for review. Chairman Hern noted that the minimum acreage required is 6 acres for this special exception and they have a total of 8.16 acres. Mr. Colvin stated that there is adequate off street parking for a multi-family house on this lot. Mr. Colvin presented a larger plan of the septic and parking for Board review. He stated that there are 2 bedrooms upstairs and 1 bedroom downstairs and that the septic was designed for a 3 bedroom house. Carl Wockenfuss, abutter, stated concerns with the additional traffic this would bring to the road. Richard Fowler, abutter, also noted his concerns about the road being able to handle additional travel. John & Cathy Strasser, abutters noted that the road has been recently upgraded and is well maintained. Chairman Hern stated that they were not adding any additional bedrooms than what was originally there and the potential from the beginning could be for 6 cars with a 3 bedroom home. A question about if the house sold would this special exception go with the sale. Chairman Hern stated that if this special exception was granted it would be in effect until it was no longer used as a multi-family dwelling. Jody Hodgdon, Attorney noted that the applicants have proved that they meet all the requirements listed by the town for this special exception.

Chairman Hern closed the hearing portion of the meeting with no further additional comments from the audience so the Board could review the case. The Board reviewed the requirements needed for this type of special exception noted in the zoning ordinance and voted to grant the multi-family dwelling at 115 Beaver Pond Trail. PASSED UNANIMOUSLY

Chairman Hern explained that an approval letter would be written up and posted tomorrow and during the next 30 days an abutter wishing to protest the decision had the right to within this time period.

After the 30 day period the decision is cast in stone and they can proceed with the special exception as passed.

Carol Walker Revocable Trust

Variance –Case 16-03

Jim Walker presented plans to the Board and noted that they would like to add 1 bay to their existing 1 car garage at their home on Center District Road. Chairman Hern asked if they have considered an alternative location. Mr. Walker stated that they had looked at alternative locations but this was the only placement that worked. He explained that adding it to the east side of the home would not provide access due to the bedrooms located there and the south side was 2 stories and would not work there either. Chairman Hern read the rationale for the request submitted with the application by the Walkers to the Board. Chairman Hern reviewed the requirements for a variance. Mrs. Walker stated that she felt this proposed a hardship for her family because their son is on a wheelchair and often visits for a month at a time and needs direct access to the house. The Walkers feel that we do not live in a climate that can support the non-use of a garage. Chairman Hern explained that hardship refers to a property hardship and not a physical hardship. He noted that the hardship is for the property only and does not reflect a hardship of the property owners because the variance goes with the property not with the owners. The Walkers noted that there are many other homes in the neighborhood that infringe further on the 75’ setback from the road and presented pictures.

With no more discussion the Board reviewed the Variance criteria as follows:

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| I. | The variance will not be contrary to the public interest | It would set a precedence for others |
| II. | The variance is consistent with the spirit of the ordinance | No |
| III. | Substantial justice is done | No |
| IV. | The value of surrounding properties will not be diminished | Yes |
| V. | Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship | No |

The Board voted to deny the request for a variance on Center District Road. PASSED UNANIMOUSLY

Chairman Hern explained that a letter would be written up and posted tomorrow noting the Board’s decision and during the next 30 days anyone wishing to protest the decision had the right to within this time period. After the 30 day period the decision is cast in stone.

Submitted by:

Amy Venezia

Secretary to the Zoning Board