

**ZONING BOARD OF APPEALS
MEETING MINUTES
January 6, 2021**

[Note: This meeting was held remotely using GoToMeeting]

Members Present: Jim Reinke, Chair; Jim Buckley, Vice chair; Vaughn Hathaway, Kurt Parliment, Ashlyn Coyle

Members Absent: Richard Johnston, Alternate

Alternate Members Present: N/A

Staff Present: Michelle Buck, Town Planner; Brooke Hammond, Department Assistant

Meeting Time: 6:00PM

Agenda:

1. **Public Hearing, Variance**
1A Hammond Street, Addition to the 40 ft setback, Applicant: Nathan Doggart
2. **Approval of Minutes:**
 - December 2, 2020
3. **Correspondence/General Board Discussion:**
 - Applications for ZBA Membership
 - Miscellaneous Updates
4. **Adjourn**

Mr. Reinke called meeting to order at 6:06PM

Voting Members: Chair; Jim Reinke, Vice Chair; Jim Buckley, Ashlyn Coyle, Kurt Parliment

[Note: Mr. Hathaway did not attend the meeting until after the public hearing for 1A Hammond Street ended. He recused himself as he's an abutter.]

Public Hearing, Variance

1A Hammond St

Mr. Reinke opens the Public Hearing. Mr. Buckley states that the applicant requests a Variance under Section 6.4.03 (Variances) and Section 4.2 (Schedule of Dimensional Requirements, specifically side setback). This property is in the Suburban Agricultural (SA) District. The proposed project consists of construction of a 2-car garage addition with living space above. A variance is required to allow the proposed addition to be constructed 18.5 feet from the side property line (40 feet is the normal requirement).

Mr. Reinke asks the applicant to explain his project.

Mr. Nathan Doggart, the applicant, is present. He states that he and his wife would like to build a two-car garage attached to their house with an in-law apartment on the second floor of the proposed addition for his parents to inhabit. Mr. Doggart states it is a tight lot and the proposed plan for the garage was the best placement for the addition. The Board asks to see the certified plan. Ms. Buck presents on-screen the plan that delineates the septic system and adjacent

wetlands on the property. Ms. Buck points out the wetland is actually a wetland replication area, and that the entire area to the left of the house is wetland buffer area.

Mr. Buckley asks if the proposed structure qualifies as an accessory structure, and if it is possible to have the structure not attached to the existing structure. Mr. Reinke states there is a bylaw that states you cannot have an accessory apartment not attached to the building. Ms. Buck confirms Mr. Reinke's statement.

Mr. Buckley asks why the dimensions of the garage are 31 feet by 26 feet, stating it seems excessively large for a two-car garage. Mr. Doggart states he is willing to shrink the dimensions, but there are a set of stairs on the inside of the garage which affect the width of the garage. Mr. Reinke says in response to Mr. Buckley's comment that the proposed dimensions maximize the space for the accessory apartment.

Ms. Buck states the maximum square footage allowed for an accessory apartment is 700 square feet, but says the applicant is aware of this and because some of the space is taken by the staircase, the plan is in compliance with the bylaw.

Ms. Coyle asks what the issue is concerning the wetland buffer in relation to the addition. Ms. Buck states that anything within 100' feet of the wetland edge is regulated, and anything within 25' of the wetland edge is prohibited. Ms. Buck also states there were two previous ZBA approvals for this location: a limited frontage lot special permit, and a variance for the limitation on the length of a driveway. On limited frontage lots the driveway must be less than 500 feet, and the Doggart's driveway exceeds that requirement.

Mr. Buckley tells Mr. Doggart that in order for the Board to grant a variance, the applicant must explain why absolute enforcement of this bylaw would cause substantial hardship to him and his family. He asks Mr. Doggart to elaborate on this reason before moving forward. Mr. Doggart states his parents are his family's main source of childcare, and he wants to have them living nearby for their convenience and comfort.

An abutter from 1 Hammond Street, Mr. James Bagley, expresses concern over the proximity of the proposed addition to his property. Mr. Reinke states that although regulations state there may not be a structure within 40' of the property line, the proposed garage would end up only 18.5' from Mr. Bagley's property line which is the reason why the applicant is requesting the variance be granted by the Board. Mr. Doggart states he cannot see Mr. Bagley's house from the inside of his home, and there would only be two small windows and the garage door on the new structure facing Mr. Bagley's property. Mr. Bagley refutes these claims. Mr. Reinke states if the hardship is the necessity to have Mr. Doggart's parents live on the property, that the left side of the house would spatially accommodate a 700 square foot apartment without the need for a variance from the Zoning Board. Mr. Doggart believes if the apartment was put on the left side of the house that it would infringe on the wetland buffer, but that he would speak to his engineer about the possibility.

Ms. Coyle asks Mr. Doggart if there will be any doors or windows on the proposed garage that face Mr. Bagley's property. Mr. Doggart states there will be one kitchen and one bathroom window, as well as the two garage doors, that will face Mr. Bagley's property. Ms. Coyle also asks about the construction timeline for the proposed project, to which Mr. Doggart responds that he is waiting on the variance, but that he wants to start immediately.

Ms. Hope Bagley, also from 1 Hammond Street, expresses similar concerns as her husband about the proximity to their property line and how it could possibly affect their property.

Mr. Reinke tells Mr. Doggart that the back or the left side of the house look like better potential placements for the proposed structure in regard to proximity to property lines. It would be helpful to have the wetland limits shown on the plot plan. Mr. Doggart says they were advised by their engineer to put it on the right side of the house, but that he is open to asking the engineer to design a plan with the garage on the back and left side of the house.

Another abutter, Ms. Carol Harley, of 15 Parker St, says she's lived in the area since 1983 and is was opposed to the original development of this lot. She would prefer that the new structure be built on a different side of the house, based on aesthetic concerns.

Mr. Reinke requests that Mr. Doggart and his engineer draft another plan with the garage in a different place on the property, both to appease abutters concerns and so he potentially will not require a variance from the ZBA. Other members agree. The Board suggests a continuance of the hearing so Mr. Doggart can prepare plans based on the Board's recommendations. Ms. Buck states the decision deadline is March 1, 2021. Mr. Doggart says this is enough time to draft another plan.

Motion: Mr. Parliment moved to continue the hearing to February 3, 2021 at 6 pm.

Second: Ms. Coyle

Third: Mr. Buckley

Discussion: None

Roll Call Vote: All in favor (4-0-0)

Approval of Minutes:

Mr. Hathaway joins the meeting at 7:01 pm following the public hearing from which he recused himself.

December 2, 2020

Motion: Ms. Coyle moved to accept the minutes for December 2, 2020

Second: Mr. Parliment

Discussion: None

Roll Call Vote: All in favor (5-0-0)

Correspondence/General Board Discussion:

Applications for ZBA Membership

Paul Bennett

Applicant did not attend the meeting. The Board agrees that they would prefer that the applicant attend a meeting before they decide to make a recommendation to the Select Board for appointment. Mr. Reinke asks Ms. Brooke Hammond to reach out to Mr. Bennett one more time.

Miscellaneous Updates

Department Assistant

Ms. Buck introduces Ms. Hammond as the new department assistant.

Planning Board Application

The ZBA is on the referral list for 1570 Main Street. The plan proposes the demolition of an existing residential structure, and the construction of a boat sales showroom. Ms. Buck invites the Board members to attend the hearing on February 16, 2021.

Mr. Buckley asks if Mr. Johnston were to listen to this meeting's recording if Mr. Johnston can participate in the next meeting. Ms. Buck confirms this.

Next Meeting Date: February 3, 2021

Motion to Adjourn: Mr. Parliment moved to adjourn

Second: Ms. Coyle

Discussion: None

Roll Call Vote: All in favor (5-0-0)

Meeting Adjourned at 7:08 pm

Respectfully submitted,

Brooke Hammond, Department Assistant

Documents included in meeting packet or otherwise sent to ZBA in advance of the meeting:

- Agenda
- Public Hearing Notice for 1A Hammond Street
- Variance Application for 1A Hammond Street
- Memo to the Board from the Town Planner dated 12/23/2020
- Variance Findings Notes Form
- Variance Application Form from Nathan Doggart dated 11/21/2020
- Citizen Volunteer Form for Paul Bennett dated 11/11/2020

Documents submitted at meeting: None