

**ZONING BOARDS OF APPEALS
MEETING MINUTES
February 3, 2021**

Members Present: Jim Reinke (Chair), Jim Buckley (Vice-Chair), Kurt Parliment, Ashlyn Coyle

Members Absent: Vaughn Hathaway

Alternate Members Present: Dick Johnston

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

Meeting Time: 6:00 PM

Continued Public Hearing, Variance

1A Hammond Street, Addition in the 40-foot setback, Applicant: Nathan Doggart

Approval of Minutes:

January 6, 2021

Correspondence/General Board Discussion:

- Application for ZBA Membership
- Miscellaneous Updates

Adjourn

Mr. Reinke calls the meeting to order at 6:14 PM.

Continued Public Hearing, Variance – 1A Hammond St

Mr. Reinke asks the applicant, Nathan Doggart, if he has moved the site of the proposed garage per the Board's request at the previous meeting. Mr. Doggart says more details have been added to the plot plan, including the exact location of the leach field and wetland buffers. Mr. Buckley asks if the applicant explored the option of putting the addition on the other side of their house. Mr. Doggart explains that is not an option, as there is no room on the other side of the house to put the addition without encroaching on the wetland buffer. Ms. Buck confirms that nothing can be built in the area within 25' of the wetland.

Mr. Reinke asks when the lot was subdivided. Ms. Buck says around 2002. Mr. Reinke says the lot is not eligible for any more building on the property due to the lot size. Mr. Buckley says he is unlikely to grant this variance, as it does not meet the criteria. The hardship demonstrated by Mr. Doggart is not reason to grant a variance for a garage and an in-law apartment for his parents. Mr. Johnston agrees with Mr. Buckley that the garage is unnecessary, the only hardship criteria is housing Mr. Doggart's parents.

Mr. Parliment asks Mr. Doggart if this house and property came before the Zoning Board in the past. Ms. Buck states the Zoning Board granted a special permit for a limited frontage lot and a variance for the driveway length.

Mr. Parliment says this is an odd-shaped lot, and he would not want to deny someone the chance to help their household. Mr. Buckley states the Doggart's have already been granted a special permit and a variance in the past. Mr. Buckley asks why another variance should be granted. Mr. Parliment says it is an awkward lot shape for the homeowner to do anything on the property. Mr.

Reinke states the homeowner knew the lot that they were buying. The Board makes decisions on a case-by-case basis according to the bylaws. The homeowner is proposing a new addition that is in the setbacks. Mr. Parliment suggests that in the future the Board should flag properties where nothing more can be built. Mr. Reinke says this is a part of the homebuyer's due diligence, and that all decisions are recorded and attached to the property information.

Ms. Coyle asks why the two-car garage is a part of the addition. Mr. Doggart states the home is a raised ranch and the living space is on the second floor. It is a pitched lot, and the garage would be to raise the proposed living space to be at the same level as the existing living space. Mr. Doggart reiterates that the opposite side of the property is already too close to the wetland buffer, and the purpose of the ground level garage is to raise the proposed living area to be level with the rest of the house.

Mr. Reinke asks if there is a topography map. Ms. Coyle says if the house is a raised ranch, without the garage the living area would not be to grade. Mr. Johnston asks Mr. Doggart to explain how not approving this addition would create a hardship for his family. Mr. Doggart says his parents are selling their current home, and this would be where they live as they age and begin to need assistance. Ms. Coyle asks if having his parents nearby is also for childcare reasons. Mr. Doggart says the long-term reason would be his parents' care. Mr. Johnston mentions that the neighbors were not in opposed to the addition.

Motion: Ms. Coyle makes a motion to approve the variance at 1A Hammond Street, submitted by Mr. Doggart and based on the plans before the Board.

Second: Mr. Parliment

Discussion: Ms. Coyle states that in order to bring the proposed in-law apartment up to the level of the existing living area, the garage is necessary. Ms. Coyle asks the Board to consider approving the variance. Mr. Parliment has no comment. Mr. Johnston says he agrees the new living area will need to be raised, but no matter what the addition includes it is still 19.5 ft from the property line. Mr. Johnston does not believe there is a hardship created if the variance is denied. Mr. Buckley agrees with Mr. Johnston regarding hardship meeting the criteria for a variance. Mr. Reinke says the garage portion is unnecessary to satisfy the hardship criteria.

Roll-Call Vote: (1-3-1) [In Favor: Ashlyn Coyle; Opposed: Jim Buckley, Jim Reinke, & Dick Johnston; Abstained: Kurt Parliment]

Findings of Fact: Findings of fact were addressed in the Board's discussion, and the Variance at 1A Hammond Street was denied for the reasons discussed above.

Motion: Mr. Buckley moves to close the hearing.

Second: Mr. Johnston

Discussion: Mr. Reinke tells Mr. Doggart he is free to redesign his project and apply again.

Roll-Call Vote: (5-0-0)

Approval of Minutes

Motion: Mr. Parliment moves to accept the January 6, 2021 minutes.

Second: Ms. Coyle

Discussion: None

Roll-Call Vote: (5-0-0)

Correspondence/ General Board Discussion

ZBA Member Application:

Applicant Paul Bennett was not present at the meeting. Will be contacted before next meeting.

Adjourn

Motion: Mr. Johnston moves to adjourn the meeting.

Second: Mr. Parliment

Discussion: None

Roll-Call Vote: (5-0-0)

Meeting adjourned at 7:59 PM.

Respectfully submitted,
Brooke Hammond, Department Assistant

Documents included in meeting packet:

- Meeting Agenda
- Town Planner Memo dated January 27, 2021
- Variance Findings Note Form
- Addendum to Variance Application (1A Hammond St)
- Original Plans 1A Hammond St – Dated October 23, 2020
- Revised Plot Plans 1A Hammond St – Dated January 19, 2021
- Floor plan, Elevation plan, and photos of 1A Hammond St
- Minutes – January 6, 2021
- ZBA Application