

ZONING BOARD OF ADJUSTMENT MEETING
JUNE 6, 2013

PRESENT: Wendy Freeman, Chairman, Becky Doyle, Marianne Graham, Joanne Meshna

The meeting was called to order at 7:30 p.m. at the Town Office. Joanne was appointed as a regular member.

7:30 p.m. Gerald and Olive Katz and Ryan Varela - Submission of a variance application:

Mr. and Mrs. Katz and Mr. Varela own condos at 18 Perry Road, lot 13/21-4, Unit 1 and Unit 2. They propose converting the condos to single family residences. They submitted a variance application to Article XII, Sections A. and B. The lot is 2.71 acres in size. Mr. Getz stated that they are having trouble financing their condo.

Marianne made a motion to accept the application as complete. Joanne seconded the motion and it passed unanimously. The public hearing was scheduled for July 11, 2013 at 8:00 p.m.

7:40 p.m. Roger and Cathryn Somero - Public hearing for a variance application:

Joanne stepped down from this hearing.

The applicants submitted a variance application to Article XII, Section A. of the Zoning Ordinance to allow for an addition onto a sugar shack that will fall within the 20 foot side setback.

Mr. Somero submitted updated drawings of the addition. The Board then reviewed a map submitted by Mr. Somero which showed a small lot of 0.19 acres, owned by the applicants, and located between their lot and lot 8/2 owned by Lance Walton. There is a deed for the lot recorded at the Registry of Deeds. The applicant's variance application is from the sugar shack located on lot 8/2B to Mr. Walton's boundary line, a distance of 10 feet. The Board determined, however, that since there is a lot in between 8/2B and 8/2, the sugar shack as it exists is non-conforming and the addition will straddle the 0.19 acre lot. Mergers and lot line adjustments were discussed with the applicants.

The variance criteria were reviewed:

- 1) The proposed use would not be contrary to the public interest - It is an addition to a building already in use. Wendy read a letter from Mrs. Walton in which she stated they have no objection to the project.
- 2) The use is not contrary to the spirit of the ordinance - It is for a use approved by the owner of the abutting property. There will be no noise or odors associated with the addition.

- 3) Granting the variance would do substantial justice - It would increase the value and use ability of the existing property. There is no other way to put an addition on the sugar shack.
- 4) The proposed use would not diminish property values - There is a large tree buffer between the proposed addition and the neighbor's dwelling. The Walton's are unable to see the sugar shack from their home.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship... - It would not be feasible to add only 10 feet to the side of the building when more building space is needed. Wendy asked if the sugar shack could be located in another location on the lot. Mr. Somero stated it would be too expensive to move plus it needs to be located as close as possible to Poor Farm Road. When the sugar shack was built in 2009, Mr. Somero believed he was 30 feet from the neighbor's boundary.
 - a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision - It would be unreasonable to move the existing building over 10 feet to accommodate the addition.
 - b) The proposed use is a reasonable one - It still leaves a buffer between the building and the property line.

The Board reviewed the tax map to determine the locations of abutters across the road from the property. There was no-one that could see the building from their homes.

Becky made a motion to close the public hearing. Marianne seconded the motion and it passed unanimously.

The Board deliberated and agreed:

- the lot line has to be adjusted
- the sugar shack cannot become an accessory living space building
- there are no concerns from abutters

Marianne made a motion to approve the variance application with the conditions that 1) the lot lines of lots 8/2B and 8/2B-1, be merged and the merger document registered at the Registry of Deeds and returned to the Board of Assessors and 2) the addition cannot be any more than 10 feet at any given point from the abutting lot. Becky seconded the motion and it passed unanimously.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Joanne Meshna
Land Use Manager

