

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
July 7th, 2022**

**PRESENT:** Wendy Juchnevics-Freeman, Walker Farrey, Vice Chairman; David Lage; Susan Mallett, Secretary (Note Danielle was out)

Also in attendance: Applicants, Dean Bertram represented by Jed Paquin. Via Zoom were Andrew Moser, Andrew Tine, and Jonathan Gerson

The meeting was called to order at the Town Office at 7:05 p.m.

**PUBLIC HEARINGS:**

**Dean Bertram, 18 Poor Farm Road, Map 8 Lot 15B**

*Hearing for Variance of Driveway*

Jed Paquin presented the application. He noted Dean owns two separate lots, and he joined them. During the project, it was noted the driveway on this property is too close per the setbacks. This is an existing driveway that has been there for about 30 years more or less with no issues.

He clarified where the lot lines were modified. Mr. Bertram is requesting variance from Article XII Section A to permit minimum setback to be 12 feet instead of 20 feet. The driveways will be 70 feet from each other.

*1) The proposed use would not be contrary to the public interest because:*

The driveway is already existing, but the lot lines will change the setbacks. The topography of the land does not make an impact.

*2) The use is not contrary to the spirit of the ordinance because:*

Benefit to the applicant and potential abutter is that their driveways will be 70 feet apart.

*3) Granting the variance would do substantial justice because:*

The abutting lot can only build a house in the back of the property due to wetlands, so in some way he feels it's similar to a back lot. Back lots can be waived by Planning Board. Wendy noted it's not a backlot, but Jed felt it was similar. This lot line is to make the lot size more like the status before the merger. David noted conforming to the ordinance that defines the lot size can be a benefit.

*4) The proposed use would not diminish property values because:*

Driveway access is predetermined and there cannot be any possibility of driveway closer to property line.

*5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner because the following special conditions of the property distinguish it from other properties in the area:*

The driveway and building envelope on proposed lot is far from the existing owners' driveway and house. Special conditions are the wetlands and wetland permit allowed for where the driveway can go.

Wendy asked if it could be moved or is the expense worth it. Jed did not feel that was really a feasible option.

AND

*a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

This was actually the original property line that existed before.

b) The proposed use is a reasonable one because:

New driveway is predetermined by wetland permits to be >70' from the property line

The owner's existing driveway cannot be changed and the wetland permit for the new driveway on new lot controls distance between them not the actual property line

Wendy asked if Jed or Mr. Bertram had any further questions, and he replied he did not, and asked the ZBA if they had any questions of them.

David made a MOTION to close the public portion of the hearing and go into deliberations, Walker SECONDED, and all were in agreement.

*1) The proposed use would not be contrary to the public interest because:*

Wendy felt the public would not even notice because the driveway exists already. Walker noted doing it differently could be cause to remove stone walls. No Concerns noted.

*2) The use is not contrary to the spirit of the ordinance because:*

Driveways are further apart. No Concerns noted.

*3) Granting the variance would do substantial justice because:*

It allows owner to go ahead and do this lot line change. No Concerns noted.

*4) The proposed use would not diminish property values because:*

Stone walls would be preserved because driveway doesn't have to be relocated. No Concerns noted.

*5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner because the following special conditions of the property distinguish it from other properties in the area:*

No Concerns noted from any of the Zoning Board members.

Wendy did not see need for conditions. David MOTIONED TO approve the variance from Article XII, Section A to allow the edge of driveway to be 12' from property line. Walker SECONDED, and all were in agreement.

**SUBMISSION OF APPLICATIONS:**

**Ebby's Place, 151 Main St, Map 12 Lot 10-1**

*Application for Special Exception*

Andrew Tine (legal counsel) noted that their thought process was that the use falls under Convalescent Home. There is no clear definition of Nursing and Convalescent homes. He feels they are helping their residents convalesce from their illness.

Jonathan noted that some of the previous population had mental health issues and they did not think age had anything to do with the use.

Wendy noted that the non-clinical and medical aspect of this residence, but there is a medical staff in Nursing Homes.

Jonathan noted the residents clinical and medical needs have already been addressed. They want to focus on the spiritual, and physical health and healing.

David felt this should be a Variance instead of a Special Exception.

Jonathan responded and asked if the board is open to this use.

Wendy would like to see the home used and is interested in hearing more about the project.

Andrew Tine feels no clear definition for nursing / convalescent home and that this fits into this use. No additional burden to the Town. Asks the Board to consider reasonable Federal Fair Housing Laws be kept in mind.

David had a concern with calling it a retreat, Andrew Tine said its long term housing (6 to 12 months) and it could be called Ebby's house vs. retreat.

They want to spruce it up, and use it as it is, no major changes beyond cleaning it up, pulling up old carpet and painting.

Wendy feels this is more of a group home which is allowed in Rural, but not Village 2 district.

It was agreed that they will resubmit a Variance for August 4<sup>th</sup> review, and September 1<sup>st</sup> hearing.

Ebby's place team should review the Dimensional Controls, as the minimum setback for driveways and parking is 30 feet from road.

David suggested finding a plot plan. He recalls there was a warrant to abandon Villa Road about 2 or 3 years ago.

Wendy noted parking is its own variance, and suggests doing all the variances at once to save time.

**OLD/NEW BUSINESS:**

Minutes were reviewed. David motioned to accept the minutes for June, Walker seconded the motion, and all were in favor.

The discussion of whether we put in a condition for ADU's that they cannot convert to condos in the future. Sue to write up some wording for the board to approve.

ZBA (Wendy) needs to approve the acceptance letters.

A MOTION to adjourn was made by Mr. Lage, and Mr. Farrey SECONDED the motion, all were in favor.

Respectfully Submitted,  
Susan Mallett