

DRAFT
Zoning Board of Adjustment
Meeting Minutes
July 12, 2016

Members: Steve Filipi, Gretchen Wittenborg, Bob Handy, Jack Ernst, Cathy Davis

Others Present: Susan Silverman, Selectmen's Representative,

CTO: 7:05 PM.

7:00 PM Public hearing. Robert Varisco appeal for a variance to build a 16' x 12' addition to an existing structure located at 181 West Lake Road, Map 10, Lot 54, Rural District. The proposed addition will violate the 75' setback from the road as is required in the rural district.

Mr. Varisco presented his plan for a 16' X 12' addition to the rear of an existing workshop. The workshop will be renovated as a bedroom/studio and the addition will house a kitchen and bathroom. The existing workshop is within the setback and the addition, which will be attached, is also within the setback from the road. The addition will not be visible from West Lake Road or visible to abutters. An existing barn and the workshop are on slab foundations and the addition will accommodate plumbing and septic for the property. Mr. Varisco said it would not be possible to inhabit the property without the addition.

Mr. Varisco has a state approved septic plan and plans to put in a well. It will be his year around residence and he plans to farm the land, growing vegetables.

Handy questioned whether a variance was needed at all, since the existing structure to which it will be attached, is within the setback. He felt it would be grandfathered. Selectman Silverman said the addition is an expansion of a non-conforming setback. Filipi said that any proposed construction within the 75 foot required setback must come before the ZBA for a variance.

Carol Ann Rocheleau, abutter, said she was very happy that Mr. Varisco has the property and is restoring it. However, she has concerns about the dry stone retaining wall that encroaches on the road, making the road very narrow and dangerous, especially in the winter. She asked the Board to do a site visit and perhaps hold the variance until this issue can be resolved. Shelia Zahaykevitz, an abutter across the road from the Varisco property, said she was thrilled that Mr. Varisco is fixing up the property.

Mr. Varisco agreed the road is narrow and it is hard for two cars to meet and pass. He said Chris Rocheleau, from the highway department, told him the department is planning to relocate the wall up the embankment to improve plowing in the winter. Selectman Silverman reported that Gene Cuomo, Road Agent, talked with the Select Board a number of time about this situation and he plans to make several changes, especially for winter travel. She said Mr. Cuomo wanted to wait to talk with the new owner about their plan to fix this problem.

Mrs. Rocheleau said there is a lot of truck traffic now on the road, with J&J Trucking hauling cars onto property on Westminster Road.

Davis noted that these are two separate issues, wondering if the ZBA decision was to be based on the state of the stone wall and road.

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Ernst agreed it was two separate issues, the variance and the town road. Wittenborg agreed that the problem wall is within the Town road easement and therefore is a Town problem. Ernst said the wall has no bearing on the addition or variance.

Filipi noted that the prior uses of the workshop, for commercial purposes, would have had more vehicle usage than the current proposed use as a residence.

Hearing no further discussion, Handy moved, Ernst seconded and the Board voted to close the public hearing to deliberate on the mandatory findings. The Board found that:

a) The variance will not be contrary to the public interest. Davis noted that the proposal will enhance the property and she feels it is a positive action in the public interest. Filipi noted that the addition is connected to and behind an existing structure. Filipi, Wittenborg, Handy, Ernst and Davis voted in the affirmative.

b) The spirit of the Ordinance is observed. Wittenborg noted that this proposal is taking an unused property and structure and making it more conforming. Handy felt it would be an improvement, adding that it will be nice to have another farm in the area. Filipi, Wittenborg, Handy, Ernst and Davis voted in the affirmative.

c) Substantial justice is done. The Board agreed that the proposed addition is an appropriate expansion. Filipi, Wittenborg, Handy, Ernst and Davis voted in the affirmative.

d) The values of surrounding properties are not diminished. The Board agreed, feeling that just the opposite might be true. Filipi, Wittenborg, Handy, Ernst and Davis voted in the affirmative.

e) Literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The Board agreed. Filipi, Wittenborg, Handy, Ernst and Davis voted in the affirmative.

Wittenborg moved, Davis seconded and the Board approved the variance.

Minutes. The Board reviewed the June 14, 2016 meeting minutes. Filipi moved, Davis seconded and the Board approved the minutes as written.

Ernst moved, Wittenborg seconded and the Board adjourned the meeting at 7:30 PM.