

Town of Fitzwilliam
Zoning Board of Adjustment
December 10, 2019

Members Present: Dan Sutton, Acting Chairman; Bob Handy, Vice Chair; Chad Beede; Susan Massin; and Selectmen’s Representative Mr. Kenison.

Members Absent:

Call to Order: The Chair called the meeting to order at 7:00 PM.

Acting Chair Sutton moved to table the minutes so that the continued case could be heard first. Unanimously approved.

I. Continuation of Wilkinson Case # 19-05 for a Variance per Section 127-36. B. to allow relief from setbacks at 74 Keene Avenue, Tax Map 23, Lot 21 in the Rural District.

Acting Chair Sutton opened the hearing and read the public notice. He also noted that this application was previously before this Board, but needed Planning Board to review the wetland protection overlay district portion first. That approval has been granted, and now the application is back before this Board. He then recognized Paul Grasewicz to present on behalf of the applicant.

Acting Chair Sutton asked Mr. Grasewicz about the septic system. Mr. Grasewicz replied that the system was approved by DES on June 12, 2019. Further, he made one minor change from the previous plan, and that was to move the drywell; this was done in order to reduce the amount of tree cutting. Mr. Grasewicz also noted that the Planning Board approval came with four conditions associated with the Conditional Use Permit, all of which must be followed by the applicant.

Acting Chair asked if any of the Board members had questions or comments. There being none, he closed the public hearing at 7:10 P.M. and the Board entered into deliberations. He then read each of the five variance criteria and called for a vote on each one, as follows:

1. The variance will not be contrary to the public interest. Acting Chair Sutton referred to Section 127-2 – Purpose of Zoning, and noted that he believed the demolition of a small, unsafe structure posed no danger and was in keeping with the public interest. ***Unanimously passed.***
2. The spirit of the ordinance is observed. Acting Chair Sutton noted that the relocation of the building promotes health and safety and is in keeping with the spirit of the ordinance. ***Unanimously passed.***
3. Substantial justice is done. Acting Chair stated that the modest addition promotes health and safety and that justice is thereby done. ***Unanimously passed.***
4. There is no diminution of surrounding property values. Acting Chair Sutton stated that this is a dilapidated property that is being improved. Vice Chair Handy noted that many

of the surrounding properties are being, or have already been, improved, and that this change will only add value to the neighborhood. ***Unanimously passed.***

5. Literal enforcement of the ordinance would result in unnecessary hardship. Acting Chair Sutton stated that in his opinion the use is a reasonable one. The lot is not unlike others in the area, but as the existing building already sits on a property line, it could not reasonably be changed or improved without the variance being granted. Massin noted that she felt this was a very thoughtful application. ***Unanimously passed.***

Acting Chair Sutton moved that all five criteria were unanimously passed by the Board, with the reaffirmation as noted by Vice Chair Handy of the four Planning Board conditions.

II. Minutes

There were several sets of minutes to approve, from June to October of 2019, as follows:

June 11, 2019 Unanimously approved.

August 13, 2019 Unanimously approved.

September 5, 2019 Unanimously approved.

September 10, 2019 Unanimously approved.

September 24, 2019 Unanimously approved.

October 8, 2019. Beede and Sutton noted that the statement that if there was not a full board present the applicant could appeal if issued a denial. This needs to be corrected to say that the applicant may choose to table until there is a full board, but that a denial under those circumstances is not appealable. Unanimously approved as corrected.

III. Other Business

The Board discussed possible new members, both full and alternate members. They will work with the Select Board to recruit new members.

The meeting was adjourned at 7:50 PM.

Respectfully Submitted,

Carol Ogilvie, Interim Land Use Assistant

Approved as amended on March 24, 2020.