

APPROVED
TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
October 11, 2018

Acting as Chair, Diane Chubb called the meeting to order at approximately 7:07 pm.

Vice Chair Svetlana Paliy arrived.

Peter McNamara called roll:

PRESENT: Bill Kearney (arrived at approximately 7:47pm), Svetlana Paliy, Diane Chubb, Peter McNamara, David Hennessey, Alternate Heather Patterson, Planner/Zoning Administrator Jennifer Beauregard

ABSENT: Alternate Deb Ryan, Alternate Darlene Culbert, Alternate Thomas Kenney, Alternate Lance Ouellette

PLEDGE OF ALLEGIANCE

CONTINUED HEARING(S)

Ms. Paliy presided over the meeting until Mr. Kearney's arrival.

Case #ZO2018-00027

Map 30 Lot 11-196

MCWANE, John - 16 Grace Road - Seeking a Variance concerning Article III Section 307-12, Table I of the Pelham Zoning Ordinance to permit the construction of a 24ft. x 26ft. garage on a lot that is less than one (1) acre in size and does not have frontage on a public right-of-way.

Ms. Paliy appointed Ms. Patterson to vote.

Mr. Hennessey inquired if there were minutes from the site walk. Ms. Beauregard stated she had not received minutes. Ms. Paliy asked Mr. Hennessey to summarize what occurred during the site walk. Mr. Hennessey replied he, Mr. Kearney and Ms. Patterson attended the site walk. He said there were two main points raised and discussed: whether there was enough room in front of the house to erect the proposed garage without the necessity of a variance and 2) on the fact that the road was a road 'in place' and not necessarily in the deeds.

Ms. Chubb understood that the parties had started to speak and possibly come to an agreement. Prior to the meeting, the applicant John McWane provided the Board with a plot plan of his lot showing his proposal that he felt was consistent with other properties in the area. He explained the access (for the garage) would be from Grace Road that entered a large area and turn right into the garage. He believed the 15ft. setback was relevant. He said if they located the garage in front of the house it would block the view from the pond. He felt the proposal was reasonable and consistent with what had been done in the area for years.

In the submission, Ms. Paliy saw an existing garage and proposed garage. Mr. McWane explained their property was 'L' shaped and the plan showed the proposed location. The picture of the garage was of a structure on an abutting property to show its similarly located to what he proposed.

PUBLIC INPUT

Mr. McWane told the Board that none of the neighbors opposed the proposal except for one.

Ellen and Larry Gibbons, Cohasset, MA; owner of existing garage surrounded by applicant's 'L' shaped lot as well as two water front homes(21 & 23 Grace Road). Ms. Gibbons told the Board that they would like the applicant to maintain a 30ft. setback from the road. She said the existing garage in front of the proposed garage has two doors facing Grace Road (formerly Jones Road) and meets the 30ft. setback. She said if the applicant was going to call to the upper part of Grace Road (where their driveway is) their frontage, she wanted the proposed driveway to be 30ft. back from the road. She noted the location was within 250ft. of the water, which required permission from the State to cut down trees and clear land within that 250ft. Ms. Gibbons stated they wanted the applicant to maintain greenery along Grace Road. Additionally, Ms. Gibbons mentioned that Lots 10 & 13 were administratively merged by the Town of Pelham and not formally merged by deed. In the deed, Lot 10 was the longer lot, and Lot 13 was the smaller lot containing 4500SF where the proposed garage would be located. She wanted to make sure that any variance approval was conditioned that there could be no dwelling on Lot 13. She explained the deed referenced Lot 13 and the dwelling thereon; however, the house that was on that lot was moved over to Lot 10. She wanted to avoid future confusion that the lots could be split out and have another house and septic located on Lot 13. It was very important to Ms. Gibbons that there be no additional septic development anywhere near the driveway abutting her lot because her well was located behind her garage. Her well was built in 1981 and was protected from any building being within 75ft-100ft. Ms. Gibbons told the Board they didn't know the proposed height of the garage or what the upstairs purpose would be. They also didn't know the location of the garage to the existing septic system because the plan wasn't to scale.

Mr. McWane stated the garage would be 24ftx26ft; he showed a picture of the proposal from a brochure. He was unsure of the exact dimension but believed it would be about the same as the existing garage, maybe a couple feet higher. Ms. Gibbons stated a person couldn't stand up on the top floor of her garage.

Ms. Paliy inquired the distance from the proposed garage to the water. Mr. McWane replied it was approximately 225ft; and understood he would need approval from the State. Ms. Paliy asked if there were any houses located behind him. Mr. McWane answered no; it was all open land behind him. He commented regarding the 30ft. requirement, which he understood was generally to provide enough space to enter the garage. He said he had the space in an 'L' shape to park cars and/or to get off the road to be able to enter the garage. He felt the 15ft. requirement was reasonable compared to how the garage was situated. Ms. Paliy confirmed with the Board that the responses to variance criteria had been read into the record. It was confirmed that the criteria responses had been read aloud.

Mr. Gibbons stated the space was very small and the proposed was a good-sized garage with two stories. He said there was no reasonable plot plan or engineering analysis of footage to get cars off the street. He questioned if a variance should be given. They were uncomfortable with not knowing the dimensions, exact location, how much driveway was there and what type of access there was from the road into the driveway. Ms. Gibbons noted there was a shed on the property between the lots that hadn't been considered. She commented that the proposed garage was larger than the existing house, but the diagram showed the house being larger than the garage; nothing was to scale.

Mr. Hennessey questioned if permits were pulled for the existing garage and shed. Ms. Gibbons replied her father built the garage and shed before she bought the property. Mr. Gibbons felt it was unfair to say that the existing garage was in violation of any setbacks. Mr. Hennessey replied he hadn't stated that. Mr. Gibbons said the applicant insinuated that they didn't have 30ft. of frontage. Ms. Gibbons stated they had the proper setback; the road was in the wrong place. Mr. Gibbons told the Board that Ms. Gibbons' father

was exact where he placed things and there was clearly 30ft. of frontage between the garage and where the road was supposed to be.

Ms. Chubb questioned what had been determined to be the proper setback, either 15ft. or 30ft. Ms. Beauregard replied it was her belief the setback in that location should be 15ft. She explained it wasn't a public right-of-way. She said the lot pre-dated the change in the requirement (approximately 1994) for frontage to be where a lot was accessed. Ms. Gibbons commented that the driveway was just put in. Ms. Beauregard replied the lot pre-dated the change of requirement and considered a pre-existing non-conforming lot. Mr. Hennessey confirmed the proposal was being considered as an expansion of a non-conforming use. Ms. Beauregard answered yes. Mr. McNamara agreed with the statements.

Ms. Chubb understood the Board should consider a 15ft. setback. Ms. Beauregard replied based on what the applicant had submitted and explained to the Board she believed the front of the applicant's lot was the portion formerly Jones Road and the proposed location was their side lot. Ms. Chubb asked what the applicant was seeking a variance to. Ms. Beauregard believed the variance was due to the lot not having frontage on a public right-of-way and the lot being under an acre in size. She reiterated they were requesting to expand a pre-existing non-conforming lot.

Ms. Paliy questioned if the garage would be on a separate lot. Ms. Beauregard replied the applicant presented it as one lot and the tax maps read it as one lot. Mr. Hennessey understood there was a recent 'window' for the two lots to be split and it was not done. Ms. Beauregard said the Assessor recently put it out. Mr. Hennessey explained that the Legislature recently passed a law allowing administratively merged lots to revert and the applicants hadn't requested such. From what he understood, that window was now closed, and the lot would remain merged.

Mr. Gibbons said regardless of the overall situation, the deed read that there is a house where the garage is being proposed. He felt this was a huge conflict. He said when the house was on that lot the frontage would have clearly been on Grace Road requiring a 30ft. setback. Ms. Beauregard stated the applicant would not be able to change the garage to a dwelling without seeking some sort of variance. She noted they also let the two lots stay merged, so in the future they couldn't try to say 'at one point it was two separate lots'. Mr. Hennessey said to split the lots the applicant would also have to go in front of the Selectmen because it was a private road.

Ms. Paliy said the Board would consider the proposal to be one lot with one house.

Mr. Gibbons read the definition of frontage as: *The length of a lot bordering on the public right of way and serves as the access to the lot.* He said it was clear if the garage was allowed in the proposed location it would be the access to the lot. Ms. Gibbons added it already was the access. Ms. Beauregard reiterated that the applicant's lot pre-existed the regulation Mr. Gibbons referenced. Ms. Gibbons noted that the installation of the driveway didn't pre-exist the regulation. Ms. Beauregard stated the lot pre-existed; the installation of a driveway wasn't in zoning.

Mr. McWane pointed out an area in front of the garage that showed where cars could be located, which was in existence for approximately 40-50 years. He said they were trying to take the area that they parked on the grass and make it the access to the garage. Ms. Paliy questioned if there would be any living space constructed within the garage. Mr. McWane answered no; it was meant for storage. He explained the house itself is relatively small and his son, wife and new baby reside there with limited storage space. Ms. Paliy confirmed the garage would have no bathrooms, showers or any kind of living area. Mr. McWane said that was correct and added it would also have no electricity at this point.

Ms. Paliy recalled at the last meeting they discussed moving the garage further away. Ms. Beauregard said if the applicant wanted to move the garage back (increase the setback) they could make that decision at the meeting. They would not be able to ask for a decreased setback.

Mr. Hennessey recalled the applicant had reviewed the criteria but wanted to hear the hardship criteria stated again. Mr. McWane read aloud his responses to the hardship criteria (prong A and B):

A) This property is similar in size to abutting properties, some of which have garages similar to the one proposed.

B) This garage will be used to house cars during inclement weather and for the storage of water craft and yard maintenance equipment.

Mr. Hennessey said when the abutters spoke about having the applicant locate the garage in the front of the lot, he had the opinion it would make the lot more conforming; however, when the abutter spoke about Shore Land Protection, he realized doing so would decrease the protection to the wetlands (Little Island Pond). He felt it was a situation where they would be better having the garage located in back (where the applicant proposed).

Ms. Paliy asked abutters if they had additional comments to add.

Ms. Gibbons understood why the applicant wouldn't want to move the garage to the other frontage of the road because it would block their view of the water. She pointed out that area was completely cleared of trees. She said that location could also be detrimental because of the driveway runoff toward the pond. She said the difference in the two locations was that the proposed location had trees. She felt if the applicant put the garage in the proposed location they should observe a 30ft setback because that's where they would be accessing a private road. She said be it public or private, that's where everybody drove through.

Mr. Hennessey inquired when the trees in the front of the lot were taken down. Mr. McWane replied approximately sixty years ago and noted there were currently trees in that location now. Mr. Hennessey questioned if there was a sufficient number of trees remaining to satisfy the State. Mr. McWane stated the only trees to be removed would be for the size of the garage; other trees would remain. Mr. Hennessey understood that information would be included as part of the application with the State. Ms. Paliy stated in this type of situation the Department of Environmental Services ('DES') would review the site and indicate if they want more trees planted. She said they would return to the site until they were satisfied.

Mr. McNamara understood that 15ft. was the proper setback. He questioned why the garage couldn't be moved further into the property. Mr. McWane explained they were locating the garage in the area of the existing parking area to not intrude farther into the bounds of the house.

Ms. Gibbons wanted to come forward again to speak. With the understanding that an application would go in front of the DES, Ms. Paliy asked if she had new facts. Ms. Gibbons said when she spoke to the applicant they said they planned to clear the whole strip of the road adjacent to the side lot. Ms. Paliy stated the Board had a lot of experience and noted the DES would go to the site. Ms. Gibbons wanted to be sure the DES would come before anything was cut. Ms. Paliy replied that wasn't the Board's purview right now and reiterated DES would take care of it.

Ms. Paliy closed public discussion.

Mr. David McWane (seated with the applicant John McWane) mentioned to the Board he was a traditionalist with trees and wouldn't think of taking down many of them. He explained that the reason they chose the proposed area was because it not only worked with the existing parking area, but there was only about one tree that was possibly in question. He said it was a 'mangy' area where two trees had already fallen in storms. Ms. Paliy stated the Board was familiar with the type of request being discussed and DES

would 'hound' the applicant until they were satisfied. Mr. Hennessey wanted any approval of the Board to be contingent on DES approval. Mr. McWane stated they would comply.

MOTION: (McNamara/Chubb) Any approval of the Board is contingent upon DES approval.

VOTE: (5-0-0) The motion carried.

Ms. Chubb referenced information included in the Board's package (SP Rankin garage builders) and questioned if it was the garage being proposed. Mr. McWane answered yes. Ms. Chubb said it appeared to be a one-story garage with no electrical or living space/bathroom. Mr. McWane answered yes. Mr. Hennessey asked for the height. Ms. Chubb replied it didn't state the height. Mr. Hennessey suggested placing a restriction on the height. Mr. McWane noted the structure was a Gambrel style.

MOTION: (Hennessey/McNamara) To restrict the height of the proposed garage structure to 30ft. from grade.

VOTE: (5-0-0) The motion carried.

Ms. Paliy asked the Board if they had any questions. Ms. Chubb understood that the variance concerned the lot not having a full acre. Ms. Paliy questioned if the applicant would go in front of the Planning Board. Mr. McNamara answered no.

BALLOT VOTE

#ZO2018-00027: Ms. Paliy – Yes to all criteria
 Ms. Chubb – Yes to all criteria – with stipulations
 Mr. McNamara – Yes to all criteria – with conditions contained in motions.
 Mr. Hennessey – Yes to all criteria – subject to two motions.
 Ms. Patterson– Yes to all criteria

(5-0-0) The Variance was Granted

VARIANCE GRANTED

(There is a 30-day right of appeal)

Mr. Kearney joined the Board and took his position as Chairman.

Case #ZO2018-00023

Map 27 Lot 2-52

BOISSONNEAULT, Rene & Abigail - 339 Mammoth Road – Seeking a Variance concerning Articles III & VII, Sections 307-7, 307-8, 307-13 (A), 307-14, 307-13, 307-12, Table 1 & 307-39 to permit the subdivision of a 5 acre-parcel that currently has a pre-existing nonconforming business with 4 detached residential single-family buildings into 4 residential building lots with one of the lots retaining the business. Also, to permit numerous out buildings to remain with some requiring relief to lot line setbacks and wetland conservation district setbacks.

Ms. Paliy stepped down. Mr. Kearney appointed Ms. Patterson to vote.

Representing the applicant was Joseph Maynard of Benchmark Engineering. He said they had come in front of the Board in August and at that time the Board asked them to schedule a joint hearing with the Planning Board. His client spoke with Mr. Gowan and learned there were certain costs associated with submitting an application with the Planning Board; therefore, they opted to come back to the Zoning Board

and see if they could work through a variance request. As discussed, there were nineteen separate requests before the Board. Mr. Maynard provided a brief history of the property and explained his client had been on the property since the 1940s. The property contains approximately five acres and contains four single-family homes. It also has an existing wood-cutting/excavation-type business. He stated six of items deal with building setbacks to proposed lot lines. One of the requests was for frontage (three lots will have the required frontage). One of the lots needs a variance to have 25,000SF usable land. Nine of the requests are Wetland Conservation District ('WCD') buffer encroachments (two deal with homes that pre-date the adoption of WCD). Four variance requests involve shed/out-buildings existing within the buffer; one is a covered bridge that accesses Gumpas Brook (to the rear of the lot). There is an existing gravel area (on the other side of the covered bridge) that is within the WCD buffer. The last request is a driveway encroachment through the WCD to an existing house. Mr. Maynard understood when looking at the variance requests individually they add up to a lot; however, there are four lots that are being separated. From a Zoning perspective, they were trying to bring each of the four lots into compliance as much as possible.

Mr. Kearney understood that the variance criteria had been read aloud during the previous meeting but asked that it be read aloud again. Mr. Maynard read aloud the responses to the variance criteria as submitted with the application.

Mr. McNamara understood the financial constraints of the applicant and was sympathetic; however, he believed the majority of the Board made the preference at the last meeting that they would like a joint site walk with the Planning Board and input from the Conservation Commission. He stated they were no further along than they were when the plan was submitted in August; he didn't have enough information on the property. He said he needed a site walk to begin to decipher the application. He also felt they needed input from the Conservation Commission. Mr. McNamara said it was the applicant's choice, but felt the current situation put the Board in a bind because they were limited in how to decide.

Mr. Hennessey said he wanted a joint meeting, so they could keep with the normal procedures of the Town. He said the Planning Board frequently used a consulting engineer and he would not vote in favor of the applicant's request without having a consulting engineer report. He said the proposal was an existing non-conforming use, but by putting it into individual lots it created a mixed-use development on one of the busiest roads in Town. Mr. Hennessey wanted to hear from a consulting engineer regarding what it would mean to the Town. He also didn't know the ramifications of having the WCD encroachments, a covered bridge, gravel area and zero setbacks. He said the rights of the single-family homes could be sold off to new people coming into Town. Mr. Hennessey believed the proposal was a good thought but didn't feel the Board was capable of going forward without advice from the engineer.

Mr. Maynard commented that he had worked with the Town's engineer and questioned what information they would bring forward. He said they had a five-acre lot with four houses that they were trying to make house lots out of. He understood from the existing use on the property if it stayed over a certain lot size it could be retained within the property. Ms. Beauregard stated that was correct. Mr. Maynard pointed out if the Board granted the variance approvals the applicant would still need the Department of Environmental Services ('DES') approval to subdivide the lots. He summarized the fees his client would have to pay for the DES and Planning Board subdivision. He said they could go to the Planning Board but was unsure what the Town's engineer could offer on a frontage subdivision. Mr. Hennessey believed the Town's engineer would provide advice that he always gives to Planning. He said he wanted the joint hearing because he felt there were Planning Board issues and wanted to hear their input along with the input of the consulting engineer. He didn't believe a lot of money would need to be spent, other than the cost of the engineer to have a joint meeting.

Ms. Beauregard said the applicant would need to submit a plan and application in order to go before the Planning Board for a joint hearing. Mr. Maynard calculated the Planning Board fees to be approximately

\$1,500; engineering fees approximately \$500-\$1,000, plus an escrow account. He said he went to the board all the time with frontage requests that don't get sent out to engineering review. Ms. Beauregard understood that all the buildings were existing. Mr. Maynard said that was correct. Mr. Hennessey was uncomfortable creating individual sellable lots with a non-conforming use on the property with a potential gravel operation. Mr. Maynard clarified that there was not a gravel operation; the property had a gravel parking area on the other side of the brook. He said if the Board was concerned, the area would be loamed and seeded. Mr. Hennessey understood it was a family operation, owned by the same people; however, the request was to unbundle the rights which would allow people to sell off lots individually. He said the proposed plan was a very unusual set up for the Town. He wanted to hear from the consulting engineer.

Mr. Chubb was uncomfortable creating the separate lots without hearing additional information. She saw nothing that would stop the business from running or prevent the residents from living on the five-acre lot as it currently existed. She didn't know if someone told them that they couldn't continue. She understood the purpose of the request and believed it was from a mortgage point of view and not from a land point of view. She wanted clarification about the hardship because it appeared to be created by the owner. Mr. Maynard replied the Town allowed the property to be as it was; it existed prior to zoning. He stated the applicant couldn't get a lender or mortgage on the property. The only way to get a mortgage was to subdivide and have each house on its own lot. Mr. Maynard wanted to know if the Board would accept Keach Nordstrom's (Town's engineering review firm) review, or if they had to conduct a joint hearing. He stated that the fees would start compounding for the applicant and they would get to a point of not being able to do anything.

Mr. Hennessey stated that the Board wasn't trying to give the applicant a hard time and understood they wanted to be able to sell lots off. He said they were being asked to create a mixed-use development by no longer having pre-existing uses and not having the lots within the family. Mr. Beauregard told the Board she checked with Town Counsel regarding the use being pre-existing prior to Zoning. She said the use wouldn't change if the lot was reduced; it would still be considered 'pre-existing'. Mr. Hennessey felt he needed more information.

Mr. McNamara stated that the Planning Board and Department had both used Keach Nordstrom for several years; they have provided excellent information. He would feel better if the Board received a letter from Keach Nordstrom listing their concerns.

Mr. Hennessey stated per Statute the Conservation Commission was an advisory board to the Planning Board. He said the Zoning Board had always had an informal relationship with Conservation and the committee had been known to hold meetings in some cases and in other cases give individual opinion. After the Board hears from Keach, he wanted the commission's input before granting an approval.

Mr. Maynard understood the Board wanted Keach's input. Theoretically, he said they could schedule a site walk and invite the Conservation Commission to join the Board. Mr. Hennessey said he would be okay that, although he thought the commission may want Keach's opinion prior to giving an opinion. He said they could possibly have those things done prior to the Board's next meeting.

MOTION: (Hennessey/McNamara) To conduct a site walk.

VOTE: (5-0-0) The motion carried.

A site walk was scheduled for November 3, 2018 beginning at 8am.

Mr. Maynard and Ms. Beauregard will coordinate with the Conservation Commission to attend the site.

MOTION: (McNamara/Chubb) To request the opinion of Keach Nordstrom (for the proposal) to be paid for by the applicant.

VOTE: (5-0-0) The motion carried.

Mr. Kearney opened the discussion to public input. No one came forward.

The case was date specified to the Thursday, November 15, 2018 meeting.

Ms. Paliy returned to the Board.

HEARINGS

Case #ZO2018-00028

Map 38 Lot 1-115

SAURMAN, George – 18 Blackstone Circle - Seeking a Variance from Article II Section Definitions, #10 Frontage & Article III, Section 307-13B, 307-14 of the Zoning Ordinance to permit the driveway to access the property from Blackstone Circle where there is only 174ft. of frontage where 200ft. is required.

Ms. Chubb read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Joseph Maynard of Benchmark Engineering came forward with the applicant Mr. George Saurman. Mr. Maynard told the Board they recently went in front of the Planning Board for a two-lot subdivision. He was always under the impression that the Planning Board handled the issue of driveway access being from a lot's frontage and submitted a waiver request for such. He was informed by the Planning Director that it was contained in Zoning. Mr. Maynard told the Board they subdivided a lot (approximately one acre) that contained approximately 174ft. of frontage on Blackstone Circle and over 200ft. on Sherburne Road. He noted that the lot grade pitched down into the property. He informed that the Department of Transportation ('DOT') would issue a driveway permit from Sherburne Road; however, there were issues with the grade (off Sherburne), which would require it to be raised for the house to keep it with the Town's driveway regulations. He said his client would prefer the driveway access off Blackstone Circle.

Mr. Maynard read aloud the responses to the Variance criteria as submitted with the application.

Mr. McNamara told the Board that the applicant went in front of the Planning Board; they voted to approve the subdivision with a condition that a variance be approved. In this circumstance he felt it would be appropriate to recuse himself. He stepped down for the case.

Mr. Kearney appointed Ms. Patterson to vote.

Mr. Kearney asked for clarification of the driveway access location. Mr. Maynard displayed a colored copy of the plan and pointed out the proposed driveway entrance location. He said it had been located to the south of the lot to not have vehicles shine headlights into the house across the street.

PUBLIC INPUT

Mr. Paul Dadak, 17 Blackstone Circle (abutter directly across the street) told the Board that he had spoken to the owner and engineer who indicated they would do what they could in the final plan to move the driveway to the lot line, so headlights wouldn't shine into his driveway. He said he would like the driveway to access to be from Sherburne Road, but knowing the road wouldn't wish it on anyone. He was glad that the applicant listened to his concern when finalizing the driveway location.

Mr. Kearney thought the request was fair, reasonable and prudent.

BALLOT VOTE Mr. Kearney- Yes
#ZO2018-00028: Ms. Paliy - Yes
 Ms. Chubb - Yes
 Mr. Hennessey – Yes
 Ms. Patterson– Yes

(5-0-0) The Variance was Granted

VARIANCE GRANTED

(There is a 30-day right of appeal)

Mr. McNamara returned to the Board.

Case #ZO2018-00029

Map 23 Lot 11-356

BUCKJUNE, Melissa - 74 Webster Avenue - Seeking a Variance concerning Article III Section 307-12 of the Pelham Zoning Ordinance to permit the alteration of an existing single-family residence to include the addition of 205SF of building footprint on a lot size of 13,939SF where lot size of 43,560SF is required.

Ms. Chubb read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

The applicant's representative Gary Ciccone came forward and told the Board he had worked with the applicant for the last couple months on a 1950s seasonal cottage that had been converted to a year-round residence. The applicant purchased the property approximately one year ago and, in that time, had installed new water, septic, and electrical systems. The applicant has a family of four and would like to upgrade the house and increase the size from 1,000SF. Mr. Ciccone explained that the difficulty with the property. He said it was an old residence and they were determining a way to add an addition without compromising the existing structure. He worked with the Building Inspector and explained to the Board that the proposal was a modest addition that would be well within the setback. He believed the Zoning issue was the lot size. Mr. Ciccone noted there was an 80SF addition in the area of the bathroom that would be removed; the new addition would be located virtually in its place and be slightly larger. The interior spaces will be redesigned. Mr. Ciccone then read aloud the responses to the variance criteria as submitted with the application.

Ms. Chubb said it seemed they were trying to retain the cottage feel to the house by adding onto the back as opposed to increasing the height. Mr. Ciccone replied there were existing conditions with the foundation. He said when it was a cottage it was a frost wall and at some point, a full basement was added. He said if they added a second floor the additional load would require a new foundation. He said they were trying to simply make a minor adjustment to the floor plan for living accommodations. He said a major renovation was not the inclination of the owner.

Ms. Paliy said in the time she'd been on the Board there were multiple cases of renovating cottages that ended up coming back to the Board for other problems. Mr. Ciccone replied he was familiar with the type of property and had looked at different sized additions. He didn't feel it would need to come back to the Board.

Mr. Hennessey thought it was a nice project and said it was refreshing to see someone work with what they had rather than tearing it down.

There was no public input.

BALLOT VOTE
#ZO2018-00029: Mr. Kearney- Yes
Ms. Paliy - Yes
Ms. Chubb - Yes
Mr. Hennessey – Yes
Mr. McNamara– Yes

(5-0-0) The Variance was Granted

VARIANCE GRANTED
(There is a 30-day right of appeal)

MINUTES REVIEW

September 10, 2018 – Ms. Chubb indicated she had amendments to the minutes that would be provided to the Recording Secretary. No other member offered amendments.

SITE WALK –November 3, 2018 beginning at 8am
Case #ZO2018-00023 - Map 27 Lot 2-52 - BOISSONNEAULT, Rene & Abigail - 339 Mammoth Road

DATE SPECIFIED CASES - November 15, 2018
Case #ZO2018-00023 - Map 27 Lot 2-52 - BOISSONNEAULT, Rene & Abigail - 339 Mammoth Road

ADJOURNMENT

MOTION: (McNamara/Hennessey) To adjourn the meeting.

VOTE: (5-0-0) The motion carried.

The meeting was adjourned at approximately 8:45pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary