

**APPROVED MINUTES  
Town of Auburn  
Zoning Board of Adjustment  
February 28, 2017**

**Present:** Mark Wright, Chairman, Jim Lagana, Vice Chairman Mike DiPietro, Kevin Stuart, Members; Stephen Carroll, Alternate Member. Minutes recorded by Denise Royce.

**Also Present:** Carrie Rouleau-Cote, Building Inspector and Jeffrey Porter, Peg Donovan & Rick Burnham, Conservation Commission.

**Absent:** Jeffrey Benson, Member. Peggy Neveu & Robert Beaurivage, Alternate Members.

Mr. Wright delayed calling the meeting to order in order to wait for a few more Board members. Mr. Wright called the meeting to order at 7:10 p.m. and introduced the Board members and informed everyone present that there were a number of cases that were Tabled from last month. Mr. Wright explained that one of the cases would be continued until next month and then they would continue on to the new cases. Mr. Wright explained the procedure for tonight's hearing and pointed out that there were only 4 voting members this evening and explained to everyone that they would have the opportunity to have their case Tabled to wait for a Five member board or they could be heard tonight.

**Case #16-13  
Mirela & Muhamed Durakovic  
111 Steam Mill Road – Tax Map 2, Lot 9-31  
Zoned Rural  
TABLED from January 24, 2017**

*Applicant is requesting a Variance to seek a reduction of the 125 foot wetland buffer as shown on the subdivision plan to expand and square off backyard for future kids to play in a Rural zone. (Article 5, Section 5.06(1))*

Mrs. Durakovic stated that she had some updated tax maps and passed out copies to each of the Board members for their review and comments. Mrs. Durakovic indicated that she had the engineers come out and decipher whether it was a Level One or a Level 2 wetland and they found out that the area of the finger was a Level 2 which would reduce the buffer to 75 feet. Mrs. Durakovic explained the location of the well and shed and indicated that they were looking at a reduction of 50 feet from the well.

Mr. Wright asked Mr. Porter if he had seen the proposed plan. Mr. Porter indicated that he had not seen the plan yet. At this time, Mrs. Durakovic presented Mr. Porter with a copy of the plan for his review. Mr. DiPietro asked Mrs. Durakovic that because the wetland was now determined to be a Level 2 if she still needed to seek a Variance. Mrs. Durakovic indicated that they still needed the Variance to clear a portion of the area around the shed to reduce it to 50 feet. Mr. Lagana asked Mrs. Durakovic if she was talking within the green arc shown on the plan. Mrs. Durakovic said yes. Mr. Lagana asked her what the dimensions were. Mrs. Durakovic reiterated that it was 50 feet from the well which is what they agreed with the Conservation Commission which would go right to the tree line.

Mr. Porter asked who did the determination of the wetlands. Mr. Mitchell explained that they did the survey work but that the wetlands were delineated by Tom Sokoloski of TES Environmental Consultants LLC. Mr. Porter asked if the reclassification of the wetlands would be done by the Zoning Board of Adjustment or was it done by the Planning Board. Mr. Wright stated that he did not believe it was in the ZBA's purview to reclassify wetlands and if they were to make a decision tonight that they would be going off testimony from the applicant and any evidence submitted and Mr. Porter's opinion.

Mr. Wright asked Mrs. Rouleau-Cote, Code Enforcement Officer for her thoughts. Mrs. Rouleau-Cote explained that during the Wethersfield Subdivision approval process back in 2004 that the wetlands were not classified because everything was considered 125 foot setback and was unsure that the Planning Board would deal with that but believed that if there was suitable evidence was put before the board and nobody challenged that then she believed that the applicant could move forward. Mr. Stuart asked Mrs. Durakovic if they completed a report. Mrs. Durakovic stated that all she had was the plan but would ask the wetland scientist if he had one.

Mr. Lagana talked about the shed and asked Mrs. Durakovic if there was a building permit for the shed. Mrs. Durakovic explained that it was a 10 foot by 10 foot shed for tools.

Mr. Wright asked if there were any abutters present. None were noted. Mr. Wright asked Mrs. Rouleau-Cote and Mr. Porter if they had anything else to add. Mrs. Rouleau-Cote stated that regardless of the size of the shed that the shed still needed a permit. Mrs. Durakovic stated that the shed was there when they purchased the home last May.

Mr. Wright believed the Board could move on this case unless they had other questions for the applicant as it appears that the applicant has come back before the Board with information regarding delineation of the wetlands that was lacking in the first presentation.

***Mr. DiPietro made a motion to grant a Variance for the area in the green arc as shown on the plan presented tonight for Case #16-13, 111 Steam Mill Road, Tax Map 2, Lot 9-31, Mr. Stuart seconded the motion. Mr. DiPietro voted to grant, Mr. Stuart voted to grant as he believed the applicant has met all the factors, Mr. Lagana voted to deny as he felt that it failed both the hardship and the spirit of the ordinance conditions and Mr. Wright voted to grant as he felt that all the factors of the Variance had been met. The motion passed by a vote of 3 to 1 in favor.***

Mr. Wright explained to Mrs. Durakovic that Mr. DiPietro made a motion to allow the area within the green arc in order to expand and square off the backyard for future kids to play. Mr. Wright further explained that the Board's decision is appealable by interested parties within 30 days. Mrs. Durakovic understood what was explained and thanked the Board members and exited the meeting.

#### **Case #16-14**

**Luis Arteaga**

**10 Anderson Way – Tax Map 5, Lot 19-7**

**Zoned Residential One**

**TABLED from January 24, 2017**

*Applicant is requesting a Variance to request a reduction of the 125 foot wetland buffer to 85 feet to permit lawn and pool area in the side and backyard of an existing house in a Residential one zone. (Article 5, Section 5.04(1)(a))*

Mr. Mitchell passed out copies of the proposed plan to each of the Board members for their review. Mr. Mitchell began by saying that they had met with the Conservation Commission a few times and they did review the last plan and made a recommendation. Mr. Mitchell indicated that the last plan that was submitted to the Board showed a minimum of 85 feet and that they did request in one area on the east side of the lot to have the minimum be 95 feet for the setback. At this time, Mr. Mitchell stated that he did have a set of plans that showed the changes.

At this time, Mr. Mitchell read the application into the minutes for the record. Mr. Mitchell explained about the pool drainage and dry well of which is indicated on the plan at #5 and #6. Mr. Mitchell asked the Board if they had any questions.

Mr. Wright asked if there were any abutters present. None were noted. Mr. Wright asked Mr. Porter if he had anything to add. Mr. Porter indicated that the Conservation Commission worked with Mr. Mitchell and that they were happy with the proposed plan with the changes made reducing the buffer in one section down to 95 feet.

Mr. Wright asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote asked about the drainage swale and dry well and asked if they would be implemented when the pool was put in or when the shed was put in as she wanted clarification. Mr.

Mitchell stated that the improvements to the backyard would probably occur this summer and that the pool itself may not be put in this summer as Mr. Arteaga's children are very young but the backyard would be graded off so that work would be done. The drainage work and the treatment swale would have to be done during the grading of the backyard but they would not be installing the dry well until the pool is put in place. Mr. Wright asked about the timing of the drywell to the pool being installed. Mr. Mitchell stated that it would be done at the same time that the pool was installed. Mrs. Rouleau-Cote added that it would be a condition when obtaining a pool permit. A brief discussion ensued with regard to the pool.

Mr. Lagana asked Mr. Mitchell about the wetlands being delineated prior to the house being built. Mr. Mitchell said yes. A brief discussion ensued with regard to the process that had occurred over the last 6 or 7 months. Mr. Stuart asked why the pool could not be moved to take up less of the setback. Mr. Mitchell explained that there was a drop off in grade and basically said that they would be looking at terracing the area and grading the backyard.

Mr. DiPietro commented that he was happy with the plantings and the direction that was sought from the Conservation Commission.

Mr. Wright asked Mr. Lagana to comment and Mr. Lagana began by saying that he is very frustrated by the extremely tight building and the fact that these houses are shoe horned in and believed that the homeowners are somewhat victims because every time they want to do something that they come up against these wetland buffers and asking for relief from them. Had the proper precautions been taken during the buying process then people would know what they can and cannot do after the purchase instead of risking the purchase and then having to come before the ZBA asking for this kind of relief. The ordinance was very carefully constructed with the protection of the wetlands in mind. Mr. Lagana stated that he carries Mrs. Rouleau-Cote's concerns with things such as dry wells and the what ifs in the future.

Mr. Wright asked the Board if they wanted to go into deliberations or if they were okay with what they have heard. The Board was okay with what was presented. Mr. Mitchell asked to respond to Mr. Lagana's comment earlier. Mr. Mitchell talked about the wetland ordinance and the fact that not every property was the same and believed that this request was a reasonable use. Mr. Wright asked Mr. Mitchell if the relief that they were seeking was for a pool and a shed. Mr. Mitchell said yes.

Mr. Wright commented that he believed that the applicant has met its burden of going forward and finding the least intrusive way to utilize the property and still balancing the reasonableness with a reduction to 85 feet and 95 feet.

Mr. Wright stated that if a motion is made that they remember the conditions that Mrs. Rouleau-Cote pointed out and that the applicant has confirmed that they will make part of the approval process which includes the drainage treatment swale and dry well. Mrs. Rouleau-Cote believed there would be potentially two (2) different phases of which

would be the grading of the backyard in preparation of the pool area which will trigger the drainage swale and then potentially within the two (2) year period the pool going in and the dry well going in at the same time.

Mr. Lagana reiterated that this was a brand new construction where the builder and the buyer went into it knowing that it was there and that's why he has concerns about the case.

Mr. Stuart asked if there was relief being requested for the shed as well. Mr. Mitchell said yes. Mr. Mitchell explained that they were seeking a reduction so that a section would be reduced to 95 except for where the shed will be as that area can be reduced to 85 feet and that the west side of the wall would not be disturbed. Discussion ensued with regard to relocating the shed to another area and why they chose the location that the shed would be placed.

Mr. Wright indicated that he would entertain a motion to vote on the application as presented.

***Mr. Stuart made a motion to vote on the application as presented with the setbacks set forth on the plan to be 85 feet and 95 feet on the East with the additional addition that the drainage swale would be done in conjunction with the grading work and the treatment swale and the dry well will be completed at the time of the pool being built for Case #16-14, 10 Anderson Way, Tax Map 5, Lot 19-7, Mr. DiPietro seconded the motion. Mr. DiPietro voted to grant as all the factors have been met, Mr. Stuart voted to grant as all factors have been met and the testimony from the Conservation Commission and the applicant, Mr. Lagana voted to deny as it fails the hardship provision and Mr. Wright voted to grant as all five (5) factors have been met. The motion passed by a vote of 3 to 1 in favor.***

Mr. Wright introduced the newest alternate member of the Board, Stephen Carroll and indicated that Mr. Carroll has been sworn in by the Town Clerk and with that elevated Mr. Carroll to a full voting member to vote on all of the remaining cases this evening.

**Case #17-01  
Strategic Contracting Company, LLC  
53 Anderson Way, Tax Map 5, Lot 19-4  
Zoned Residential One  
TABLED from January 24, 2017**

*Applicant is requesting a Variance to allow the construction of an Accessory Dwelling Unit totaling 1,152 square feet where 750 is required (928 square feet of 1 bedroom & living area and 224 square feet of three season porch) in a Residential One zone. (Article 2, Section 2.02(28)(a))*

Mr. Mitchell began by saying that the property is currently under agreement and that they are before the Board for a Variance on the area of the Accessory Dwelling Unit which is currently permitted to be built. Mr. Mitchell talked about the main house and the Accessory Dwelling Unit will be 928 square feet located over the garage. Mr. Mitchell went on to say that, what they are proposing is a three season porch approximately 224 square feet. Mr. Mitchell explained that when the building permit was pulled that the requirement was 950 square feet and they are at 928 square feet. However, by covering the porch increases the square footage to 1,152 square feet. Mr. Mitchell stated that the house is located at the end of the cul de sac and that the three season porch would not be visible from the road.

At this time, Mr. Mitchell read the application into the minutes for the record. In conclusion, Mr. Mitchell asked the Board if they had any questions.

Mr. Wright asked if there were any abutters present. None were noted. Mr. Wright asked the Board members if they had any questions. Mr. Lagana wanted to verify that a building permit has already been obtained for the Accessory Dwelling Unit. Mr. Mitchell said yes and asked Mrs. Rouleau-Cote to comment. Mrs. Rouleau-Cote began by saying that this is a new construction and that the permits were secured prior to the zoning amendments being put into place so this project is under the former guidelines for the Accessory Dwelling Unit which had a maximum square footage of 950 square feet and limited to one bedroom and cannot be a rental. Mrs. Rouleau-Cote explained that, when the builder secured the permit that he decided to move forward with the Accessory Dwelling Unit and file a Variance to exceed the 950 square feet. The case was Tabled last month and is before the Board tonight. A brief discussion ensued with the old and new ordinance regarding the Accessory Dwelling Unit.

Mr. Mitchell talked about the fact that the homeowners would like it covered so that they can stay out of the weather and that there would be a slider to go out on the porch from the Accessory Dwelling Unit. Discussion ensued with regard to the location of the porch and the fact that it is level with the Accessory Dwelling Unit. Mr. Carroll asked if it would have stairs outside. Mr. Mitchell said yes. Discussion ensued with regard to the new proposed regulations and the ordinance that is currently in place. The Board members and Mrs. Rouleau-Cote talked about the fact that currently the Accessory Dwelling Unit cannot be used as a rental. Mr. Mitchell talked about workforce housing and the ability to utilize an ADU as a rental property.

***Mr. DiPietro made a motion to vote on the application as presented for Case #17-01, 53 Anderson Way, Tax Map 5, Lot 19-4, Mr. Lagana seconded the motion. Mr. DiPietro voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. Lagana voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously.***



**Case #17-02**  
**Brian & Elizabeth Michaud**  
**63 Pasture Road – Tax Map 8, Lot 13-9**  
**Zoned Residential Two**  
**TABLED from January 24, 2017**

*Applicant is requesting a Variance to allow a 10 foot by 16 foot shed to remain within the 30 foot side setback in a Residential Two zone. (Article 4, Section 4.06(6))*

Mr. Wright pointed out that the applicants have requested that their case be Tabled to April 25, 2017 and did not see any reason not to Table this matter until then.

***Mr. Stuart made a motion to TABLE the case until April 25<sup>th</sup>, 2017 for Case #17-02, 63 Pasture Road, Tax Map 8, Lot 13-9, Mr. Lagana seconded the motion. Mr. DiPietro voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. Lagana voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously.***

Case #17-02 has been Tabled until April 25<sup>th</sup>.

**Case #17-03**  
**Alden Beauchemin/Keyland Enterprises**  
**On Behalf of TRW Builders**  
**46 Tanglewood Drive – Tax Map 4 Lot 19-6**  
**Zoned Residential Two**

Applicant is requesting a Variance to allow for a proposed driveway and yard within 55 feet of the proposed structure in the 125 foot wetland buffer in a Residential Two zone. (Article 5, Section 5.08(1)(a))

Mr. Beauchemin presented on behalf of the applicant, Mr. Kevin Lamphere and passed out copies of the proposed plan showing the location of the driveway and side yard. Mr. Beauchemin talked a little about the lot and location as well as the location of the proposed house. Mr. Beauchemin talked about the buffer and what they would like to request from the Board is to allow a driveway and yard to be within 55 feet of the structure itself. Mr. Beauchemin pointed out the location on the lot that they would be seeking the relief from which was an area that has already been disturbed. Mr. Beauchemin did not believe it was unreasonable to ask for this reduction and did not see an impact to the existing wetland. Mr. Beauchemin passed out a copy of a letter prepared for the Conservation Commission to justify the reduction. They were scheduled to meet with the Conservation Commission last month but that meeting was cancelled and they are rescheduled to meet with the Conservation Commission on March 7<sup>th</sup>. Mr. Beauchemin indicated that he had spoken to Ms. Royce and that she indicated that it may be possible to obtain conditional approval subject to final approval from the Conservation Commission who has not had a chance to review the plan yet.

Mr. Beauchemin pointed out that there were photos on the second page of the letter addressed to the Conservation Commission. With that in mind, Mr. Beauchemin asked if there were any questions. Mr. Wright asked Mr. Beauchemin to read the application into the minutes for the record which was done. Mr. Beauchemin added that the lot consisted of 5.53 acres. Mr. Beauchemin asked if there were any questions. Mr. Lagana asked Mr. Beauchemin if this was considered a Level One wetland. Mr. Beauchemin said yes. Mr. Lagana asked what the dimensions were from the road to the proposed house. Mr. Beauchemin indicated that there was a 50 foot front setback and that the front of the house to the road was 85 feet. Mr. Lagana asked if the house could be moved forward a bit to allow for more of a backyard. Mr. Beauchemin said yes but that you have to be careful because the leachfield will be placed in the front and that you really did not want to crowd the leachfield right up against the house.

Mr. Wright asked if there were any abutters present. Mr. David Molten of Rockwood Terrace suggested turning the house. A brief discussion ensued with regard to placement of the house on the lot.

Mr. Porter commented that the Conservation Commission will be meeting with them on Tuesday, March 7<sup>th</sup> and that this is up for discussion and that there were a lot of things that could be done with the location of the garage and the location of the house but this is the first time that he's seen the plans. Mr. Porter further added that there were a few things that they could look at with regard to the design aspects of the plan. Mr. Wright agreed. Mr. Porter added that as a Level One wetland that the preservation of the 125 foot wetland buffer was paramount and that this was something that they would have to insure that does not get breached and does not get compromised. Mr. Wright stated that his thought process was that, given that they will be meeting with the Conservation Commission in the near term likely between now and the next hearing in March that he believed it was a bit premature to decide this case this evening without having them go through the Conservation Commission and getting their input and getting them to give them ideas based on their experience and trying to condition something that might change given that meeting that he did not believe was the best way to proceed. Mr. Wright believed that they should vote to Table this case until next month which would give them an opportunity to meet with the Conservation Commission and give the ZBA an opportunity to hear from the Conservation Commission and then come back and see them. Mr. Wright turned to the Board members for their thoughts. Mr. Lagana pointed out that in our regulations on Page 56, Section 5.08 (2) indicates that they must meet with the Conservation Commission prior to meeting with the ZBA. Mr. DiPietro also agreed. Mrs. Rouleau-Cote wanted it noted that they did try to meet with the Conservation Commission prior to meeting with the ZBA. Mr. Wright indicated that it has been a tough month with storms.

***Mr. Lagana made a motion to TABLE the case until March 28<sup>th</sup>, 2017 for Case #17-03, 46 Tanglewood Drive, Tax Map 4, Lot 19-6, Mr. Carroll seconded the motion. Mr. DiPietro voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. Lagana voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously and this case was TABLED until March 28<sup>th</sup>.***



**Case #17-04**  
**Walter & Sara Sarette**  
**364 Chester Road – Tax Map 20, Lot 18**  
**Zoned Residential One**

Applicant is requesting a Special Exception to build a home shop which is allowed by Special Exception in a Residential Two zone. (Article 4, Section 4.06(3)(c))

Mr. Sarette began by saying that he is before the Board tonight to put a garage up for his plumbing business for himself and passed out photos of what would be placed in the garage for his business and the each of the Board members reviewed. Mr. Wright asked him to read his application into the minutes for the record. At this time, Mr. Sarette read his application. Mr. Lagana asked if the garage was already up. Mr. Sarette said no that the photo was a picture of his father's garage which would be similar. Mr. Lagana asked Mr. Sarette if he was operating the business from his home now. Mr. Sarette said yes and that he lives next door to his father right now and just purchased this home and wants to move from Manchester to Auburn.

Mrs. Rouleau-Cote commented that he was applying to have a home shop which allows only one employee outside of the home and that he would be restricted to any of the other nuisance provisions such as noise, outside storage and the like and to follow good neighbor policy. Mr. Wright asked if he would need to have a minor site plan review with the Planning Board. Mrs. Rouleau-Cote stated that it would be up to the ZBA but that typically Home Office does not require any type of Planning Board review. Home Businesses typically do because they have more traffic of coming and going and that the Home Shop is typically owner occupied of which this would be his home as well as home shop. Mr. Carroll asked what type of deliveries he would be getting. Mr. Sarette indicated that he typically gets deliveries four (4) times a month by a box truck. Mr. Sarette indicated that he would not be prefabbing anything that he would only be loading up his truck and basically goes to people's houses and park his truck in the garage. Mr. Lagana asked if it was basically for security of his tools. Mr. Sarette said yes.

Mr. Wright asked if there were any abutters. None were present. Mr. Wright pointed out that there was an abutter that was not able to attend the meeting tonight but sent an e-mail with the following questions and asked Ms. Royce to read the questions into the minutes for the record.

- A. What will the hours of operation be?
- B. If there is machinery are there any noise restrictions for said machinery?
- C. Will there be any chemicals or substance used during operation that could cause any chance of environmental impact or destruction?
- D. Will Walter and Sara be the soul operators of shop, or will there be employees?
- E. If there are employees, what will be their responsibilities while working?

Mr. DiPietro believed all of the above concerns have been addressed. Mr. Wright agreed and by hearing testimony from the applicant on how he will be using it that he did not see any reason that they would need to go to the Planning Board for site plan review.

***Mr. DiPietro made a motion to vote on the application as presented for Case #17-04, 364 Chester Road, Tax Map 20, Lot 18, Mr. Stuart seconded the motion. Mr. DiPietro voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. Lagana voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously.***

The Board members believed all five (5) factors have been met and all voted to grant. Mr. Wright explained to Mr. Sarette about the Appeal period and discussed his next step. Mrs. Rouleau-Cote suggested that he speak with her with regard to the permit to get it started and that she would work with him. Mr. Sarette understood and thanked the Board members for their time and exited the hearing. In conclusion, Mrs. Rouleau-Cote informed Mr. Sarette that if anyone Appealed the Board's decision that either Ms. Royce or she would contact him to let him know.

#### **Case #17-05**

**Barbara & Jack Chapman**

**69 Appletree Road – Tax Map 17, Lot 36**

**Zoned Residential One**

Applicant is requesting a Variance to allow a permanent 8ft by 8ft by 20ft storage container within 12 feet of the side setback in a Residential One zone. (Article 3, Section 3.11)

Mr. Chapman read his application into the minutes for the record. Mr. Chapman informed the Board that the container is already placed on the property because they wanted to get it in before the winter. Mr. Chapman further added that the container was green in color and was purchased new and that they were the owners.

Mr. Wright asked if there were any abutters present. None were noted. Mr. Wright asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote explained that Mr. Chapman had come in to see her and that they had a conversation with regard to permanent versus temporary and the fact that Mr. Chapman would like to have it there for an extended period of time bumps it into being a permanent structure even though it is something that can be moved. Mrs. Rouleau-Cote further added that Mr. Chapman is before this Board tonight to seek permission to keep it in the location that he has it in. Mr. Chapman wanted to clarify that they do an event within the Town of Auburn which is a bike race and that most promoters rent storage space which is very expensive. Mr. Chapman added that the container will hold its value and that he does not see himself doing this race past the age of 70 so once that goes away then everything in the container will go away.

Mr. Lagana asked about the location of the container being 12 feet from the neighbor's property line and asked if the neighbor was okay with the container being that close. Mr. Chapman and Mr. Carroll discussed the location and the fact that there was 24 to 25 feet from the container to the neighbor's house. Discussion ensued with regard to what was under the container and Mr. Chapman stated that there was gravel.

At this time, the Board members and Mr. Chapman reviewed the tax map to view the properties in the area. Mr. Stuart asked if there was another place on the property that the container could go so that it does not require a Variance. Mrs. Rouleau-Cote stated that their property does sit on a hill and that it would be difficult to get around the left side of the property. A brief discussion ensued with regard to the slope and terrain of the property. Mr. Wright understood that the lots were challenging and that they continually see people struggling with setbacks and was concerned with the proximity to the side setback and to the structure. Mr. Wright also understood that the abutter was noticed and did not show up tonight and pointed out that the Variance goes with the land and that the abutter may change in the future and need to look at it going forward as well.

The Board asked if there was a plot plan or photos available. Mr. Stuart pointed out that it was difficult to make an assessment without a plot plan or photos which would be helpful in making a decision. Mr. Lagana agreed with Mr. Stuart and stated that he was unsure without more information. At this time, Mrs. Rouleau-Cote brought up Google Earth with the address before the Board tonight and the Board and Mr. Chapman reviewed the photo as shown on Google Earth. Mrs. Rouleau-Cote also retrieved Mr. Chapman's file for the Board to review the septic plan and the plan which was presented to the Building Inspector when Mr. Chapman obtained a shed permit. Mr. Stuart believed they could make a copy of the septic plan showing the location of the shed to be attached to the file.

Mr. Wright asked if there were any other comments or questions. None were noted and Mr. Lagana made a motion.

***Mr. Lagana made a motion to vote on the application as presented supplemented with the additional visuals presented by Mrs. Rouleau-Cote from the file and the iPad for Case #17-05, 69 Appletree Road, Tax Map 17, Lot 36, Mr. DiPietro seconded the motion. Mr. DiPietro voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. Lagana voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously.***

The Board members believed all five (5) factors have been met and all voted to grant. Mr. Chapman thanked the Board members for their time and exited the meeting. At this time, the Board moved on to the next case.

**Case #17-06**  
**Mark & Debra Robinson**  
**248 Pingree Hill Road – Tax Map 5, Lot 35**  
**Zoned Residential One**

Applicant is requesting a Variance to construct a carport within the 50 foot side setback (corner lot) in a Residential One zone. (Article 4, Section 4.06(6))

Mrs. Robinson read her application into the minutes for the record. Mrs. Robinson talked about the location of the carport on the side of the house. Mrs. Robinson also informed the Board members that an abutter was present tonight and that he did not have a problem with what they were proposing with the carport.

Mr. DiPietro asked how far from the property line to the closest part of the carport would they be. Mrs. Robinson stated that it would have been close before they became a corner lot when the new development went in.

Mr. Wright asked if there were any abutters present. Mr. Bilotta of Pingree Hill Road stated that he does not have a problem with what they are proposing. At this time, Mrs. Robinson and the Board members went over the location of the proposed carport. Mr. Wright commented that the house was already in the front setback. Mrs. Robinson said yes. Mr. Wright asked how much they would be encroaching into the front setback and if it was about 20 feet. Mr. DiPietro believed if they say no closer than 25 feet that they would be okay. Mrs. Rouleau-Cote believed that if they put a dimension on it. Mr. Lagana asked how big the carport would be. Mrs. Robinson said that it would be 16 feet by 20 feet. Discussion ensued with the Board saying 20 feet off the side of the house. Mr. Wright asked Mrs. Robinson if they said no more than 20 feet off the side of the house would that be good. Mrs. Robinson said yes. Mr. Wright asked if the abutter present was okay with what was being proposed and Mr. Bilotta said yes.

***Mr. Carroll made a motion to vote on the application as presented with it being no more than 20 feet off the house for Case #17-04, 364 Chester Road, Tax Map 20, Lot 18, Mr. Stuart seconded the motion. Mr. DiPietro voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. Lagana voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously.***

The Board members believed all five (5) factors have been met and all voted to grant.

**Other Business**

Mr. Wright welcomed Mr. Carroll to the Board and the Board members and Mr. Carroll introduced themselves to each other.

Mr. Wright informed Mr. Stuart that his term was up next month and assumed that he would be up for another three (3) year term. Mr. Stuart said yes that he would be willing to serve another three (3) year term.

Mr. Wright also informed Mr. DiPietro that his term was also up next month and assumed that he would be up for another three (3) year term. Mr. DiPietro said yes that he would be willing to serve another three (3) year term.

## **Minutes**

The Board decided to wait to approve the minutes of January 24, 2017 until the next meeting.

## **Adjourn**

***Mr. Lagana made a motion to adjourn, seconded by Mr. DiPietro. All were in favor, the motion passed unanimously and the meeting stood adjourned at 9:30 p.m.***

**The next ZBA Hearing is scheduled for March 28, 2017 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.**