

UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
September 25, 2018

Present: Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Kevin Stuart, Member; Dennis Vieira and Stoney Worster, Alternate Members of the Board. Minutes recorded by Patricia Rousseau and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer and Jeffrey Porter, Conservation Commission.

Absent: Peggy Neveu and Stephen Carroll, Members. Dale Phillips, Alternate Member.

Mr. Wright called the meeting to order at 7:02 p.m.

Mr. Wright explained the procedure for tonight's hearing and informed everyone that he had heard from Mrs. Neveu and Mr. Carroll but that he had not heard from Mrs. Phillips. Mr. Vieira commented that she had indicated to him that she would be attending but was unsure. Mr. Wright stated that, since he had five (5) present that they could get started. Mr. Wright informed everyone that, they have all received an e-mail from Ms. Royce about the first case that both sides have Assented to Motion to Continue Hearing and they would probably open that case and read it into the minutes and introduce the motion and vote on continuing it until November 27th and they will have notice to the public that the case has been continued and they will know when to show up. Mr. Wright reiterated that, it would be proper to open it, table it and then move onto the second case which is where the applicants are here.

At this time, Mr. Wright introduced the Board members to everyone present tonight. Mr. Wright indicated that there were five (5) members tonight and that typically they have five (5) voting members so with that said, elevated both Mr. Worster and Mr. Vieira for both cases tonight and explained to the applicant present the procedure for tonight's meeting.

At this time, Mr. Wright moved to ask Mrs. Rousseau to read the first case into the minutes.

Case #18-13
Michael & Norianne Browder
415 Wilson's Crossing Road – Tax Map 2, Lot 4-6
Zoned Rural

Applicant is appealing an Administrative Decision (Building Inspector/Code Enforcement Officer) which resulted in the issuance of a notice of violation for the removal of vegetation/site disturbance within the wetland and Watershed Area buffers inn violation of Zoning Ordinance Section 5.05. (Article 13, Section 13.11)

Mr. Wright informed the Board about the e-mail that each of them received on Monday with an attached "Assented to Motion to Continue Hearing" by the applicant and the Town of Auburn basically noting that they were in discussions and wanted an opportunity to take the next month or so to work through this and have both asked for an extension of time and tabling the case until November 27th which would not be our next meeting in October but would be the Tuesday after Thanksgiving. Mr. Wright did not see any reason given both parties have asked to be continued. Mr. Wright indicated that, he had mentioned to Ms. Royce to ask Town Counsel if they need to show up and he did not think they needed to since both parties have agreed to continue the hearing that he did not think it was necessary.

Mr. Wright asked the Board members if they had any questions or concerns. None were noted. Mr. Wright moved on to say that, since there were no questions or comments that he would entertain a motion to continue this case until November 27th as requested under the submitted Motion to Continue.

Mr. Stuart made a motion to vote to Table the case tonight and to reschedule it until November 27th for Case #18-13, 415 Wilson's Crossing Road, Tax Map 2, Lot 4-6. Seconded by Mr. Vieira. Mr. Vieira voted to grant, Mr. DiPietro voted to grant, Mr. Stuart voted to grant, Mr. Worster voted to grant and Mr. Wright also voted to grant. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed everyone present that the case has been tabled until November 27th. With that said, Mr. Wright had Mrs. Rousseau read the next case into the minutes for the record.

Case #18-14
Christine Hurd & Matthew Lowes
5 Cottage Avenue – Tax Map 25, Lot 31
Zoned Residential Two

Applicant is requesting a Variance to allow the construction of detached garage to be within the setbacks and to exceed lot coverage in a Residential Two zone. (Article 4, Section 4.06(6))

Mr. Wright asked the applicant to go through the Variance and go through each of the facts. Mr. Lowes read his application into the minutes for the record. Mr. Wright pointed out that it appears that there were no abutters present and there weren't any wetlands in question and asked Mr. Porter of the Conservation Commission if he had anything to add. Mr. Porter did not have anything to add. Mr. Wright asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote said that she was familiar with the property and that they had a State Approved Septic on the property and that the property was kind of unique because it had frontage along three (3) sides which makes it a very unique property. Mr. Wright agreed with Mrs. Rouleau-Cote. Mr. Wright asked Mr. Lowes when the previous garage was removed. Mr. Lowes stated that, they purchased the house approximately 2 years and the garage was not there but the previous owners before them had the house

for 3 years and they were the ones that actually had the garage removed. Mr. Lowes believes within the last 5 years. Mr. Wright asked if there was anything there now where the garage was located. Mr. Lowes said no but that they did have a couple of temporary garages there now that houses cars. Mr. DiPietro believed that the new garage would gain setback from the old garage which the old garage was 12 feet from one property line and 20 feet from the other property line and the new garage would be 43 feet from the property line and maintain the 12 feet from the other property line. Mr. Wright pointed out that this was a corner lot which needed to maintain 50 feet all around so basically all three (3) sides would be within the setback. A brief discussion ensued with regard to setbacks. Mr. Wright asked Mr. Lowes if he was pretty sure on the distances. Mr. Lowes explained that, he went off the septic design and it might be off a bit but if he has to shrink the garage to make it fit then that's what he would do. Mr. Wright asked if any trees would be removed. Mr. Lowes stated that it's pretty much cleared. Mr. DiPietro asked about the shed on the property. Mr. Lowes stated that there was a shed that they put up before they got there that he's going to have removed. Mr. Stuart asked if the garage would replace the shed. Mr. Lowes explained, yes, that was why the garage was deeper so that he could move everything from the shed into the garage and maintain everything in one building.

Mr. DiPietro believed that there would be two (2) Variances which would be one for the setbacks and one for the lot coverage. Mr. Wright agreed and pointed out that he would take each one up separately. Mr. Wright asked Mrs. Rouleau-Cote about the lot coverage. Mrs. Rouleau-Cote said, yes that the calculation came out to be about 10.1%. Mr. Wright asked Mr. Lowes about the size of the shed and if it would be 24-feet by 32-feet. Mr. Lowes said yes but if he had to shrink it down that he would. Mr. Wright explained that it would be a Variance to place a proposed garage no larger than 24-feet by 32-feet that will exceed the lot coverage which is what they will be looking for. Discussion ensued with regard to the Variance request with regard to setbacks and another Variance to exceed lot coverage. Mrs. Rouleau-Cote explained to Mr. Wright that it was the same section that the setback requirements are located. Mr. Wright further explained that the five (5) factors with regard to setbacks from property lines would be the same five (5) factors to be applied to the lot coverage.

Discussion ensued with regard to the location of the garage and the mention that there was a buried propane tank around the same area. Mrs. Rouleau-Cote wanted to clarify that the applicant would be removing any temporary structures as well as the shed and that it was not quite a wash but at the end of the day the lot coverage would be over 5%.

Mr. Wright indicated that, if there were no further questions that he would entertain a motion for each Variance one at a time beginning with the lot coverage.

Mr. Stuart made a motion to vote on the application as presented for the Variance for lot coverage under Section 4.06(6) for a garage to be no larger in square footage than 24-feet by 32-feet for Case #18-14, 5 Cottage Avenue, Tax Map 25, Lot 31. Seconded by Mr. Vieira. Mr. Vieira voted to grant, Mr. Worster voted to grant, Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. DiPietro voted to grant and Mr. Wright also voted to grant and believed that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright moved on to request a motion for the Variance regarding the setbacks.

Mr. Stuart made a motion to vote on the application for Variance for the setback as presented tonight that the garage be no closer than 12-feet, 20-feet and 43-feet from the setbacks for Case #18-14, 5 Cottage Avenue, Tax Map 25, Lot 31. Seconded by Mr. Vieira. Mr. Vieira voted to grant, Mr. Worster voted to grant, Mr. Stuart voted to grant as he believed all five (5) factors have been met as this was a unique property, Mr. DiPietro voted to grant and Mr. Wright also voted to grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright explained that the Board has approved the application for both Variances and further explained that there was a 30-day appeal period where abutters or interested parties could appeal the ZBA decision. Mr. Wright thanked the applicant and Mr. Lowes exited the meeting.

Minutes

Mr. DiPietro made a motion to accept the minutes of August 28, 2018 as written, seconded by Mr. Worster. All were in favor, and the motion passed.

Other Business

Mr. Wright began by saying that, other than November 27th and asked Mrs. Rousseau if she knew if there was anything scheduled for October yet. Mrs. Rousseau did not know if there was anything scheduled to date. Mrs. Rouleau-Cote did not think there was anything scheduled yet either. Mr. Wright asked the Board members that, in the event they are unable to make it to a meeting to please send an e-mail to either Ms. Royce or to him to let them know.

At this time, Mr. Wright asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote said no. Mr. Wright asked Mr. Porter and Mr. Porter did not have anything

to add at this time. Mr. Wright thanked both Mrs. Rouleau-Cote and Mr. Porter for attending and assisting the ZBA.

Adjourn

Mr. DiPietro made a motion to adjourn, seconded by Mr. Carroll. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:26 p.m.

The next ZBA Hearing is scheduled for October 23, 2018 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.