

**UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
August 27, 2019**

Present: Mark Wright, Chairman. Kevin Stuart, Stephen Carroll & Dennis Vieira, Members of the Board. Dale Phillips & Shawn Matte, Alternate Member. Minutes prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement.

Absent: Mike DiPietro, Vice-Chairman.

Mr. Wright called the meeting to order at 7:00 p.m.

Mr. Wright began by saying that they have 5 cases before them tonight and wanted to start right in by introducing the members of the Board and moved on to explain the procedure for tonight's hearing. Mr. Wright explained that, for purposes of voting that there would be 5 voting members and that the whole Board would be able to participate and ask questions and make comments and participate in deliberation.

Mr. Wright also introduced Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer and that Jeff Porter of the Conservation Commission is also present to comment on matters that involve Conservation Commission's jurisdiction and interest relative to wetlands. Mr. Rick Burnham of Conservation Commission was also present.

With that said, Mr. Wright elevated Mrs. Phillips as a full voting member for the first case.

Case #19-15

Longmeadow Congregational Church

Wilson's Crossing Road & Route 121 – Tax Map 5, Lot 50

Zoned Residential One

TABLED from July 23, 2019

Applicant is requesting a Variance to allow the creation of 3 new house lots to have a 50-foot buffer to a Level Two wetlands where 75-feet is required in a Residential One zone. (Article 5, Section 5.08(1)(b))

Mr. Mitchell began by saying that he was here tonight to present on behalf of the Longmeadow Congregational Church. Mr. Mitchell moved on to passing out a copy of the wetland evaluation that he had passed out to the Conservation Commission. Mr. Mitchell pointed out the location of the property to the Board members and everyone present. The proposal that they have is for an approval for a subdivision which will create 3 new lots including the existing parsonage which consists of 26 acres. All lots would be over 5 acres and they did go before the Conservation Commission. Mr. Mitchell pointed

out on the plan which shows the wetlands on the property along with the uplands. Mr. Mitchell went on point out the locations of where the wetland buffer would be which would be close to the back of the house. Mr. Mitchell also stated that, they completed a functional analysis in accordance with the Town of Auburn requirements using the U.S. Army Corps of Engineers Highway Methodology. Mr. Mitchell indicated that the wetlands were determined to be a Level 2 wetland which require a 75-foot no disturb wetland buffer. With that said, they are asking for a reduction down to 50-feet by way of a Variance. Mr. Mitchell talked about a channel next to Route 121 and what would be classified as a Level One wetland and further explained the differences between wetlands.

At this time, Mr. Mitchell moved on to read his application into the minutes for the record and went through the criteria for request for a Variance. Mr. Mitchell then informed the Board members that, he would be happy to answer any questions that the Board had. Mr. Wright began by saying that, he saw that they met with the Conservation Commission of which they review this and voted against the reduction. Mr. Wright asked Mr. Porter, who was present tonight to summarize the reason why the Conservation Commission voted against the reduction. Mr. Porter stated that, they looked at the overall lot of 26 acres and there was still some question on whether or not it was a Level One or Level Two. They succumbed to the idea that it could be a Level Two and therefore granting the 75-foot buffer, however, in terms of development, the Conservation Commission does not grant blanket reductions as they want it to go through the individual homeowners. They would prefer the individual homeowners to make a case in requesting a reduction beyond the 75-feet. Mr. Porter also wanted to comment that he thought Mr. Mitchell did a great job in presenting his case but again, they could not support the blanket reduction. Mr. Wright understood what Mr. Porter was saying and asked Mr. Mitchell, what would stop him from proceeding and putting the burden on the homeowner to come before us and describe specifically what they intend to do so that they can then assess the impact to justify reducing the buffer. Mr. Wright talked about the Board granting minimal relief necessary. Mr. Mitchell commented that, they are in the process of going through the subdivision process so they have to go before the Planning Board to get the lots approved. Mr. Mitchell went on to say that, if they know there may be a concern with zoning and setbacks that it was up to them to get them taken care of before they go to the Planning Board. Mr. Mitchell also commented, they are asking for specific relief where the areas are shown on the plan which is all very specific and is not open ended. They are not looking for a blanket reduction on a 26-acre parcel, they are looking for a reduction only where the houses can be placed. Mr. Mitchell went on to point out that, the time to do it was before you create the lot and the talk about the landowner coming before the ZBA asking for relief well the church has a bigger stake in this as well as they are the current landowner and have owned the land for a very long time. They would like to do the subdivision to raise some funds and to fix their parking lot across the street. Mr. Mitchell stated that, he does not believe in the comment of having the landowner come before the ZBA because the current landowner does need the relief in order to do the subdivision and that is very reasonable. Mr. Mitchell also did not agree with the comment of let the homeowner come in because there is no guarantee that they would get the Variance. Mr. Mitchell also noted that the Conservation Commission is an advisory board and that the 50-foot wetland buffer would be enough to protect the wetlands out there.

Mr. Porter commented that, the homeowner will still need to come back before them and if they grant the 50-foot buffer that they will come back asking for further relief and that minimal relief is what the Board is looking for.

Mrs. Rouleau-Cote had a couple of different comments and the first comment was if the ZBA agreed with the functional analysis that this is a Level Two versus a Level One. If that is the case and it is determined that this area is a Level Two that she would rather see the reduction as part of the subdivision so the reduction in the buffer and the Variance becomes part of recorded subdivision plan and possibly noted in the deed as well. At least this would put the future homeowner on some kind of notice and allows somewhat of a building envelope to fit the house and maybe a 20-foot lawn around it. Mrs. Rouleau-Cote also wanted to caution the Board that, if it is determined to be a Level Two wetland that there were already some automatic things that can happen even without coming to the Zoning Board of Adjustment under Article 5.07 there are some allowable activities that can happen as well as there are Conditional Use provisions that can happen under Article 5.10. In this particular case, Mrs. Rouleau-Cote believed that a reduction that happens becomes part of the recorded plan and part of something that the property owners know right away then the 50-foot buffer is something that is more tangible and enforceable on her end and that anything less than that, they would have to come back before this Board.

Mr. Wright asked if there were abutters or interested parties that would like to comment. Mr. Burnham who lives on Chester Road commented that he was not an abutter and pointed out that he was on the Conservation Commission so that he was aware of the plan but from a homeowner's prospective that, he lived up the road from the property. Mr. Burnham was concerned with the water flow from the property and future increased runoff once the property is disturbed and developed. Mr. Mitchell commented that, he did not believe there would be any increase in runoff but they have done an analysis on a lot by lot basis to maintain any runoff that is there by either putting in a small sediment basin in or a rain garden so that any runoff would be contained and if this was something that the Board wanted to pass onto the Planning Board that they could definitely do something like that. Mr. Wright had one question with regard to the type of wetland and of which Mrs. Rouleau-Cote made a comment that the Board would have to make a determination on whether it was a Level One or Level Two wetland and stated that in Mr. Mitchell's opinion, he stated that it was a Level Two. Mr. Wright asked Mr. Mitchell to speak on the type of wetland.

Mr. Mitchell again reiterated that, this was a wetland by state definition so there is no question of is it a wetland or not, the question is how does it fit in with the town zoning. Mr. Mitchell went on to say that, the Zoning Ordinance has Levels One, Two and Three wetlands. A Level One is something that shows up on a map that was mapped originally by the town, a Level Three is something that is less than 5,000 square feet and is not a vernal pool and anything else in between is supposed to be a Level Two except if a Level Two, because it is more than 5,000 square feet but is not on the town map as being mapped, if it has any of the seven (7) functions of a Level One then it would be considered to be a Level One. Mr. Mitchell stated that is the purpose of doing the Highway

Methodology evaluation to see if it has those functions. Mr. Mitchell pointed out that, that is what the Highway Methodology goes through which is to determine how much of a wetland is it and how important of a wetland is it. The only two (2) they came up with was wildlife habitat which was not all wetlands and also some wetland habitat but it was not a principal function of the wetland so it did not have a principal value. Mr. Mitchell also talked about the wetland and if it went down through the soils to replenish water supplies and wells then it could be important but this one does not and is just surface water. In conclusion, Mr. Mitchell stated that, based on the review using the Army Corps of Engineers Highway Methodology that it was considered to have no principal function or value to rate this as a Level One. Mr. Mitchell talked about Mr. Sokoloski's findings and concluded that it was not a Level One which is noted in the functional analysis completed by Mr. Mitchell dated August 13, 2019 which a copy can be found in the file. Mr. Wright thanked Mr. Mitchell for his explanation.

Mr. Stuart asked about the setbacks to the front of the houses and agreed that the building envelopes were not very big and it did not give enough room to move around. A brief discussion ensued with regard to reducing the buffer down to 50-feet. Mr. Mitchell commented that the reduction would give each lot a back yard to have a fire pit or deck or patio. Mr. Stuart asked about marking the setbacks with a no disturb buffer placards. Mr. Mitchell said yes and that they could also put in place berms or ground up stumps which were all natural. Mr. Stuart asked Mr. Mitchell if he was okay with that being part of the decision. Mr. Mitchell said yes.

Mrs. Phillips commented that, she was of the understanding that the church was not looking to sell all 3 lots at once but were looking to sell them as they needed funds. Mr. Mitchell said yes. Mrs. Phillips did not have a problem with the subdivision but did have a problem with reducing the buffer and wondered if there was any language that could be put in to make them not come back to request a further reduction and did think that they could. Mr. Wright said no but commented with regard to signage and perhaps a note or restriction in the deed and if they're doing something they shouldn't then they would have to come back before the Board. Mr. Wright also pointed out that, we would be mindful of this case and this property and if someone came before us to ask for further reduction then we would probably want to understand why and what impact that might have. If they grant it, it's limited and if someone wants to do something beyond that then they would have to come back to the Zoning Board and ask for relief. Mr. Mitchell also added that, there will be a notation on the plan with what the restrictions are for the buffer and that they could also put restrictions on the deed itself.

Mr. Vieira commented that, his problem was that this was a big piece of property and asked Mr. Porter about if it was a Level One or Level Two and mentioned possibly asking someone that did not have an interest in the property to evaluate. Mr. Porter explained that, what they were trying to do for subdividing the parcels were fine but the problem was reducing the buffer anymore than what was noted and wanted the individual homeowners to come before the ZBA to seek relief on something specific. A brief discussion ensued between Mr. Vieira and Mr. Porter with regard to the impact. Mr. Mitchell further commented that, a note could be put in the deed that they cannot do anything in the buffer

and what they are trying to do is create an area which allows the house to be constructed and to have some room for the backyard. They prefer to do this now so that the buyer knows that this is all they can do with this.

Mr. Matte added that, he was concerned that they would be buying a piece of property that they couldn't do anything on and concerned with surrounding property values. Mr. Mitchell pointed out that, they have met all the conditions with regard to 200 feet of frontage and the acreage so if it wasn't wet then they could've put a lot more houses in there but it is wet. Mr. Mitchell also pointed out that these houses would not be half a million-dollar homes with two-floors and approximately 2,500 square feet of livable space and yes, there wasn't much of a backyard but the property owner would be aware of that upfront. Mrs. Phillips stated that, people purchasing these lots don't understand what they are buying because it usually is not explained to them. Mr. Mitchell believed that the placards for the wetland buffer had to be in place prior to the Planning Board Chairman signing the plan. A brief discussion ensued with regard to building envelope and people buying 5 acres and they can't use it.

Mr. Wright asked if there were any further questions for the applicant before he would entertain a motion to enter into Deliberation. None were noted.

Mr. Vieira made a motion to enter into Deliberation. Seconded by Mrs. Phillips. The Board entered into Deliberation at 7:52pm.

Mr. Stuart began the discussion with regard to the application and believed that they had to look at these individually and appreciated the Conservation Commission input and concerns and issues but the property owner is here and believed that it was a limited request to have a modest size yard. Mr. Stuart went on to say that he has read the Conservation Commission notes and evidence we have states that it is a Level Two which is satisfying. Mr. Stuart also pointed out that, he would like any restrictions to have the berm and stumps typically before as well as postage and signage and also for it to be included on the deed and the plan. Mr. Stuart also commented that, if and when the new owners want further relief then they would have to come back before this Board. In conclusion, Mr. Stuart stated that the request seems reasonable and that he would be inclined to support the request.

Mr. Carroll commented with regarding to the value of surrounding properties and believed that this would improve the land. Mr. Carroll thanked the Conservation Commission for their input but believed that everything should be in place because they still have to fit everything including well and septic and house on the lot and believed it was buyer beware.

Mr. Wright agreed and talked about the lots and the lot owners come in to seek individual relief. Mr. Carroll believed that putting the restrictions in the deed and on the plan will make it more marketable for the church. Mrs. Phillips agreed with what has been said and pointed out what Mrs. Rouleau-Cote stated earlier that, if the restrictions are in place on the recorded plan that it would be easier to deal with the individual purchasers. Mr.

Wright stated that he would prefer to have this one case before them now then to have four (4) different cases before them in the future. Mr. Wright talked about the reasonableness of the request and has the applicant met the five (5) criteria for the Variance and asked the Board members to keep that in mind and if they don't to be sure to state which ones have not been met.

Mr. Vieira commented that Mr. Stuart made a lot of sense and had thought of that himself because they have no tangible evidence that this is a Level One and believed that it was a Level Two and they want to market the property and agreed with Mr. Stuart but did not believe that people read the deed or plan. Mr. Carroll pointed out that, that was not the Board's issue. Mrs. Phillips believed they have met what they need to do and they have come before the Board now. Mr. Matte's only issue was property values.

With that said, Mr. Wright began by saying that, if they come out of deliberation and head down the path of voting on this and should someone make a motion to approve then he would suggest that, that person mention the conditions which he believed were soil berms, signs and notions in the deed and on the plan of which they have the ability and authority to do and would be prudent.

Mr. Wright asked for a motion to come out of deliberation.

Mr. Vieira made a motion to exit Deliberation. Seconded by Mr. Carroll. The Board exited Deliberation at 8:00pm.

Mr. Wright asked the Board if they had any further questions for the applicant and if not, he would entertain a motion to vote on the application as submitted.

Mr. Vieira made a motion to vote on the application as submitted to reduce the wetland buffer to 50-feet for Longmeadow Congregational Church, Wilson's Crossing Road and Route 121, Tax Map 5, Lot 50, for Case #19-15 with the conditions mentioned above which were, 1) soil berms to be put in place, 2) placards indicating wetland buffer, 3) notation placed in the deed, and; 4) notation included on the plan. Seconded by Mr. Stuart. Mrs. Phillips voted to grant, Mr. Vieira voted to grant, Mr. Carroll voted to grant as he believed all five (5) factors have been met, Mr. Stuart voted to grant as he believes all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Mitchell thanked the Board and exited the meeting. Mr. Wright asked Ms. Royce to move on to the next case on the agenda.

Case #19-16
Kristin & Mark Travassos, Trustees
405 Wilson's Crossing Road – Tax Map 2, Lot 4
Zoned Rural

Applicant is requesting a Variance from the 125-foot setback from Level One wetland, to permit the addition of a wrap-around farmers porch and rear deck to the existing single-family home which a portion will encroach approximately 7.5 feet into the 125-foot designated wetland buffer, and, a Variance to permit the addition of an attached 2-car garage which will encroach approximately 4.5 feet into the side setback in a Rural zone. (Article 4, Section 4.05(4), and, Article 5, Section 5.08(1)(a))

Mr. Travassos passed out copies of a proposed plan for each Board Member to review and comment on. Mr. Travassos indicated that the one in the packet was a draft and that this one was the one they were proposing. Mr. Travassos stated that they are looking for a reduction in the setback to allow the deck to be constructed as the footings would be within the buffer approximately 7.5 feet. They are also looking for a Variance to allow a 2-car attached garage on the other side of the house which would affect the 50-foot side setback in the rural zone. The garage would encroach approximately 4.5 feet into the setback. Mr. Travassos added that, they were unable to do everything last year when the house was built but are able to do it now. At this time, Mr. Travassos went through the five (5) factors for a Variance and read his application into the minutes for the record.

Mr. Wright asked if there were any abutters present. Mr. Peguri who is the Chairman of the Wethersfield Homeowners Association was present and stated that he has already spoken with Mr. Travassos and that they are good with what he is proposing. Mr. Wright asked Mr. Porter if he had any objection from a Conservation Commission standpoint. Mr. Porter said no.

With that said, Mr. Wright explained that, the relief that Mr. Travassos has requested is very specific and asked Mr. Travassos if he needed an extra foot or was, he certain that it was only what he had indicated previously. Mr. Travassos stated that, if the Board wanted to grant him 10 feet for both in case of an error then he would not have to come back before them that would be appreciated.

Mr. Wright asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote commented that, Mr. Travassos was granted relief less than 2-years ago for the use of the wetland buffer to be used for agriculture. The plan was pretty extensive that was put before the Board and was unsure how much of that has been implemented but wanted to specify that time was running out. If it is not completed then, the buffer has to revert back to its natural state so this would be the only relief that they would have at that point.

Mr. Stuart asked what was going to be under the farmer's porch. Mr. Travassos stated that it would be dirt and enclosed with a material. Mr. Wright did not believe that the Board needed to enter into deliberation to discuss this further but if he was wrong that he would entertain a motion. Mr. Wright elevated Mr. Matte to full voting status in order to

have 5 voting members. Mr. Wright moved on to note that, before, he heard the applicant wanted to slightly amend his Variance requests to be looking for a 10-foot Variance on both the side and the back. Mr. Travassos said yes.

Mr. Vieira made a motion to vote on the Variance as amended to be 10-feet within the 125-foot Level One wetland setback, for Case #19-16, 405 Wilson's Crossing Road, Tax Map 2, Lot 4. Seconded by Mr. Carroll. Mr. Matte voted to grant, Mr. Vieira voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant as he believes all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Vieira made a motion to vote on the Variance as amended to be 10-feet within the 50-foot side setback, for Case #19-16, 405 Wilson's Crossing Road, Tax Map 2, Lot 4. Seconded by Mr. Carroll. Mr. Matte voted to grant, Mr. Vieira voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant as he believes all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed Mr. Travassos that their decision can be appealed within 30 days and that he had two (2) years to complete the farmer's porch and attached 2-car garage or he would have to come back before the Board to ask for a continuance. Mr. Travassos understood the process and thanked the Board members and exited the meeting.

Case #19-17

Brandin Swisher

19 Champagne Lane – Tax Map 9, Lot 7

Zoned Commercial Two

Applicant is requesting a Variance to maintain unpermitted Accessory Dwelling Unit within a single-family dwelling in a Commercial Two zone, and; to maintain the existing 784 sq. ft. Accessory Dwelling Unit where the maximum permitted is 750 sq. ft. in a Commercial Two zone. (Article 2, Section 2.02(28))

Mr. Wright explained that, Mr. Carroll had earlier stated that he would be recusing himself for this case as he had a personal relationship with Mr. Swisher and his company. With that said, Mr. Wright accepted Mr. Carroll's recusal and elevated both Mr. Matte and Mrs. Phillips to full voting members so there will be five (5) voting members to vote on this case.

At this time, Mr. Swisher began by saying that he just purchased the property and he would like to keep it like it is and went to the town to see what he needed to do to keep it as an Accessory Dwelling Unit which is. Mr. Swisher began reading his application into the minutes for the record.

Mr. Wright asked if there were any abutters present. Mr. O'Brien of 160 Rockingham Road stated that he did not have a problem with what Mr. Swisher was proposing to keep in place to make it legal. James and Krystal Jervis of 20 Miner Road asked what it was exactly that Mr. Swisher wanted to do. Mr. Swisher explained that it was an in-law apartment attached and that he just moved in. Mr. Jervis stated that he did not have a problem with it. Mr. Wright asked Mr. Swisher how long he's owned the property. Mr. Swisher said 3 or 4 months. Mr. Swisher added that his business was right in the area as well and liked the fact that it was right next door. Mr. Swisher stated that, he asked for the right of first refusal in purchasing the property and the trust attorney asked him if he was interested in purchasing the property and he did. A brief discussion ensued with regard to the property.

Mr. Wright asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote said no that she will be sure to work with Mr. Swisher with regard to all the life safety and septic is in order.

Mr. Wright believed that they would have to take this up in two (2) Variances. Mrs. Rouleau-Cote said yes, a Variance because an Accessory Dwelling Unit is not allowed in the Commercial Two zone and a Variance to exceed the 750 square feet. Mr. Wright asked if there were any further questions for the applicant. None were noted. Mr. Wright believed it was pretty straight forward and believed it was two (2) votes because it was unpermitted right now. Mr. Wright thanked the applicant for explaining the property.

With that said, Mr. Wright explained that it would be two (2) Variances of which the first Variance would be to allow the Accessory Dwelling Unit in a single-family in a Commercial Two zone and the second one to permit the existing Accessory Dwelling Unit to remain.

Mr. Stuart made a motion to vote on the Variance to allow the Accessory Dwelling Unit in a single-family in a Commercial Two zone, for Case #19-17, 19 Champagne Lane, Tax Map 9, Lot 7. Seconded by Mr. Vieira. Mr. Matte voted to grant, Mrs. Phillips voted to grant, Mr. Vieira voted to grant, Mr. Stuart voted to grant as he believes all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Stuart made a motion to vote on the Variance to permit the existing Accessory Dwelling Unit to remain which exceeds the towns required 750 square feet in the Commercial Two zone, for Case #19-17, 19 Champagne Lane, Tax Map 9, Lot 7. Seconded by Mr. Vieira. Mr. Matte voted to grant, Mrs. Phillips voted to grant, Mr. Vieira voted to grant, Mr. Stuart voted to grant as he believes all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Swisher thanked the Board members for their time and exited the meeting.

Case #19-18
Andrew & Ruthann Woodward
35 North Reading Street – Tax Map 24, Lot 17
Zoned Industrial

Applicant is requesting a Variance to permit the removal and replacement of existing 8ft x 12ft shed, and to replace with 10ft x 14ft shed on existing residential lot within the Industrial zone. (Article 3, Section 3.05(2))

Mrs. Woodward passed out some photos of the proposed area where they would like the shed and where the old shed is located now. Mrs. Woodward explained the area a little bit to the Board members and did not believe there were any abutters present. Mrs. Woodward read her application into the minutes for the record. Mrs. Woodward also pointed out that the new shed would be from Reed's Ferry. Mr. Woodward commented that the location of the shed now is too far to haul out the lawn furniture and it would be easily accessible to move it next to the garage.

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 did not have anything to add and stated that she has been working with the property owners as their property is unique as the property straddles Hooksett and Auburn with a Manchester address.

A brief discussion ensued with the new location of the shed. Mr. Stuart asked where the shed would be going. Mr. Woodward stated that it would be going next to the garage. Mrs. Woodward stated that it would be 3 or 4 feet from the fence next to the garage. Mr. Wright thanked the applicants for supplying the photographs as it was very helpful. Mr. Stuart asked if there was a side setback issue. Mrs. Rouleau-Cote stated that, the Industrial zone does not have a setback because it does not allow residential in the Industrial zone so it's usually during site plan review so because they are presenting to you tonight it would be based on the ZBA decision.

Mr. Wright asked if there were any further questions. Mr. Stuart wanted to clarify that, what they were asking was to be 4 feet away from the fence. Mr. Woodward said yes. Mrs. Rouleau-Cote wanted to point out that this new shed was slightly over our regulations to have to meet setbacks as this one is a 10x14ft shed and a 10x12ft shed is exempt from setbacks. Mr. Wright elevated Mrs. Phillips to a full voting member on this case. Mr. Wright stated that, he would entertain a motion to vote on this case.

Mr. Vieira made a motion to vote on the Variance application as presented for Case #19-18, 35 North Reading Street, Tax Map 24, Lot 17. Seconded by Mr. Stuart. Mrs. Phillips voted to grant, Mr. Vieira voted to grant as he believes all five (5) factors have been met, Mr. Carroll voted to grant, Mr. Stuart voted to grant as he believes all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed the applicants that they had two (2) years for substantial completion of the shed.

Case #19-19

John & Carol Miller

212 Appletree Road – Tax Map 17, Lot 14

Zoned Residential One

Applicant is requesting a Variance to remove existing 2-bedroom home and replace with a new 3-bedroom home within the front 50-foot setback on existing non-conforming lot in a Residential One zone. (Article 3, Section 3.05(2)(a))

Mr. Miller passed out a copy of the proposed property showing the location of the new home. Mr. Miller went through the location of the well which is located in the middle of the backyard and the location of the septic and leachfield which would not allow the home to be moved back. Mr. Miller indicated that they would like to keep the house in the same location due to the location of the well and septic. Mr. Miller read his application into the minutes for the record. Mr. Wright asked Mr. Miller that he would not be any closer to the road than the existing home is now. Mr. Miller said correct. Mr. Wright agreed that the location of the well and septic limits the location of the house.

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 said no that she has been working with the applicants. Mr. Wright asked if there were any further questions. None were noted. Mr. Wright elevated Mr. Matte to full voting status for this case and believed that it was pretty straight forward. The Board agreed. Mr. Wright stated that he would entertain a motion to vote on this case.

Mr. Vieira made a motion to vote on the Variance request as presented tonight for Case #19-19, 212 Appletree Road, Tax Map 17, Lot 14. Seconded by Mr. Matte. Mr. Matte voted to grant, Mr. Vieira voted to grant, Mr. Carroll voted to grant as he believes all five (5) factors have been met, Mr. Stuart voted to grant as he believes all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed the applicants that they had two (2) years for completion or they would need to come back before the Board to ask for an extension.

Minutes

Mr. Stuart made a motion to accept the minutes of July 23, 2019 as written, seconded by Mr. Carroll. All were in favor, and the motion passed.

Other Business

Mr. Wright asked if there was any new business. None noted. Mr. Wright asked Ms. Royce if there were any applications for September. Ms. Royce indicated that there was one new case and possibly two (2) cases.

Mr. Wright thanked the Board members as there were five (5) cases and they moved through them timely. Mr. Wright also thanked Mrs. Rouleau-Cote for her input at the meetings which is very helpful.

With that said, Mr. Wright asked for a motion to adjourn.

Adjourn

Mr. Stuart made a motion to adjourn, seconded by Mr. Carroll. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8.45 p.m.

The Zoning Board of Adjustment is scheduled for Tuesday, September 24, 2019 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.