

UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
December 13, 2022

Present: Mike DiPietro, Chairman. Kevin Stuart, Vice-Chairman, Patrick Bergeron, Jill Dross & Shawn Matte, Members. Steven Kimball, Alternate Member. Minutes were taken and prepared by Denise Royce.

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

Absent: Shannon Daoust & Nick Pappas, Alternate Members.

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

Mr. DiPietro introduced himself and moved on to introduce each of the Board members and Alternate members of the Board. Mr. DiPietro explained the procedure for tonight's hearing whereby the applicant would read their case into the minutes and then he would ask if there were any questions from abutters and interested parties. Mr. DiPietro also stated that, if they go into deliberation that no questions would be taken as they would be discussing the issue amongst themselves.

Mr. DiPietro asked Ms. Royce to read the first case into the minutes for the record.

Case #22-27

Peter & Karen Florenzano

169 Chester Turnpike – Map 11, Lot 15-2

Zoned Rural

Applicant is requesting a Variance from Article 4, Section 4.05(4) to permit construction of a 24-foot by 24-foot garage to be within the 50-foot front setback in a Rural zone.

Mr. DiPietro asked the applicant to read his case into the minutes for the record. Mr. Florenzano read his application into the minutes for the record.

Mr. DiPietro asked the Board if they had any questions for the applicant. Mr. Stuart asked Mr. Florenzano if it would be 32-feet from the stone wall. Mr. Florenzano placed the cut-out of the garage at the location he would like to have the proposed garage. A brief discussion ensued with regard to the exact location of the 24-foot by 24-foot garage. Mr. matte asked if he would have enough room from the septic system. Mrs. Rouleau-Cote stated that she believed the garage would be placed on a slab and if that was the case that he would need 5-feet of separation between the garage and leachfield. Mr. Florenzano explained that it was the best place to put the garage as he would be able to utilize the existing driveway and that the well was in the rear of the house. Mr. Florenzano also pointed out the property slopes down on the side as well. A brief discussion ensued

with regard to the slope of the property. Mr. DiPietro asked the Board if they had any other questions for the applicant.

Mr. Bergeron made a motion to vote on the Variance to be no closer than 32-feet from the front property line for Case #22-27, 169 Chester Turnpike, Tax Map 11, Lot 15-2. Seconded by Mr. Stuart. Mr. Bergeron voted to GRANT finding all five (5) factors have been met, Ms. Dross voted to GRANT finding all five (5) factors have been met, Mr. Matte voted to GRANT finding all five (5) factors have been met, Mr. Stuart voted to GRANT finding all five (5) factors have been met, and Mr. DiPietro 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. DiPietro explained that the request has been granted and informed the applicant that he would be receiving a notice of decision. Mr. DiPietro also explained that he had two (2) years to complete the garage. Mr. DiPietro went on to inform Mr. Florenzano that there was a 30-day appeal period as well.

Mr. DiPietro asked Ms. Royce to move on to the next case. Ms. Royce read the next case into the minutes for the record.

**Case #22-28
Christopher & Emily McLendon
35 Anderson Way – Map 5, Lot 19-3
Zoned Residential One**

Applicant is requesting a Variance from Article 4, Section 4.06(6) to allow the placement of a shed within the 50-foot rear property line in a Residential One zone.

Mr. McLendon read his application into the minutes for the record. Mr. DiPietro asked Mr. McLendon that the plan shows Option #1 and Option #2. Mr. McLendon stated that they were going with Option #1 to be within the rear property setback. Mr. DiPietro asked what the size of the shed would be. Mr. McLendon stated that it would be a 14-foot by 24-foot shed and would match the house. Mr. DiPietro asked the Board members if they had any questions for the applicant. Mr. Stuart asked about the stone wall in the rear of the property and noted that the plan says 27+/- and the application says 25-feet. Mr. McLendon explained that the shed would be placed at an angle whereby one corner would be at 25-feet and the other corner would be at 30-feet from the stone wall. Mr. Stuart pointed out that Option #1 was further away from the wetland than Option #2 would have been. Mr. McLendon pointed out that it would not be encroaching on the wetlands. Mr. McLendon went on to talk about the slope of the land and the location of his well which was practically in the middle of his backyard and that the leachfield was located in the front yard. Mr. McLendon added that the location that was chosen was the most level area of the yard.

Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything else to add. Mrs. Rouleau-Cote commented that, those were her notes in red on the plot plan and that she has been working with the property owner with which option he wanted to go with, and they felt this area would require the least relief and believed it was pretty straight forward.

Mr. Kimball asked about another shed that was about 10-feet from the property line. Mrs. Rouleau-Cote explained that, if a shed is 200 square feet or less it can be 15-feet from the side and rear property line which can be found at Article 4.04(4) of the Zoning Ordinance. Mrs. Rouleau-Cote pointed out that this shed would be 336 square feet. Discussion ensued that the shed would be placed on a slab which would be permanent. Mrs. Rouleau-Cote explained her comment in red regarding the Conservation Commission which was done during the subdivision process whereby the Conservation Commission required a berm and believed that it was well delineated as well.

Mr. Stuart made a motion to vote on the application as submitted that the shed will be no closer than 25-feet from the rear property line (stone wall) for Case #22-28, 35 Anderson Way, Tax Map 5, Lot 19-3. Seconded by Ms. Dross. Mr. Bergeron voted to grant finding all five (5) factors have been met, Mr. Stuart voted to grant finding all five (5) factors have been met, Mr. Matte voted to grant finding all five (5) factors have been met, Ms. Dross voted to grant finding all five (5) factors have been met, and Mr. DiPietro 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. DiPietro explained that the request has been granted and informed the applicant that he would be receiving a notice of decision. Mr. DiPietro also explained that he had two (2) years to complete the shed. Mr. DiPietro went on to inform Mr. McLendon that there was a 30-day appeal period as well.

Mr. DiPietro moved on to the approval of the meeting minutes for November 15, 2022.

Minutes

Mr. Stuart made a motion to accept the minutes of November 15, 2022, as written, seconded by Mr. Bergeron. All were in favor, and the motion passed.

Other Business

A brief discussion ensued with regard to the next ZBA meeting which is scheduled for the fourth Tuesday of January which would be January 24, 2023. The Board asked Ms. Royce when the deadline would be for January. Ms. Royce believed it was after Christmas. There were no known applications coming before the Board at this time.

Adjourn

Mr. Bergeron made a motion to adjourn, seconded by Mr. Stuart. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:25 p.m.

The next scheduled meeting is scheduled for Tuesday, January 24, 2023 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.