

**APPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
March 28, 2023**

Present: Mike DiPietro, Chairman. Kevin Stuart, Vice-Chairman. Jill Dross, Member. Shannon Daoust, Nick Pappas & Steven Kimball, Alternate Members. Minutes recorded and prepared by Denise Royce.

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

Absent: Patrick Bergeron, Member.

Mr. DiPietro called the meeting to order at 7:01 p.m. At this time, Mr. DiPietro introduced the Board members to everyone present tonight and explained the procedure for tonight's hearing. Mr. DiPietro noted that there were two (2) members absent tonight and elevated both Mr. Kimball and Mrs. Daoust to full voting members for tonight's hearing. Mr. DiPietro moved on to the first case on the agenda and asked Ms. Royce to read the case into the minutes. Ms. Royce read the first case into the minutes for the record.

**Case #23-01
Kevin & Tammy Davis
140 Windsor Drive – Tax Map 2, Lot 3-40
Zoned Rural**

Applicant is requesting a Variance to allow an Accessory Dwelling Unit to exceed the 750 square foot requirement and a Special Exception to construct an Accessory Dwelling Unit which is permitted by Special Exception in a Rural zone. (Article 2, Section 2.02(28)(a) & Article 4, Section 4.05(3)(h))

Mr. Davis read his application for both the Variance and Special Exception into the minutes for the record. Mr. Davis stated that, when the home was built in 2007, the ability to add an ADU was reviewed and planned for with the builder. At that time, they were looking to build an ADU for their parents and did advance planning and implementation of an oversized septic system as well as dual electrical meters. They also planned for the ADU to be 900 to 1000 square feet and would also include a third stall garage. Mr. Davis commented that this can be found on the approved septic plan from September 2007. With those plans in place, the ADU would meet all necessary Town of Auburn zoning requirements. Mr. Davis added that, they were not able to do it for their parents and would be now used for their own retirement home which would aid with the utilization of single floor living and their children would be provided the opportunity to reside in the primary home while they enter retirement years. Further details were viewed by the Board members.

With that said, Mr. DiPietro asked the Board members if there were any questions. Mr. Stuart had a question for Mrs. Rouleau-Cote and asked about the application. Mrs. Rouleau-Cote stated that they could do A(1)&(2) or (B).

Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything else to add. Mrs. Rouleau-Cote indicated that she has worked with the applicant and mentioned the septic design and Mr. Davis has modified it a little bit and he does meet the dimensional requirements and pointed out that this was a cluster subdivision and the third stall garage was preplanned before the development was completed so he does meet the 60 foot separation.

Mr. DiPietro asked if there were any abutters present. None were noted. With that said, Mr. DiPietro stated that he would entertain a motion to vote on the application as presented.

Mr. Stuart made a motion to vote on the Special Exception to allow an ADU as presented for Kevin & Tammy Davis, 140 Windsor Drive, Tax Map 2, Lot 3-40, seconded by Ms. Dross. Ms. Dross voted to grant finding all four (4) factors have been met, Mr. Stuart voted to grant finding all four (4) factors have been met, Mrs. Daoust voted to grant finding all four (4) factors have been met, Mr. Kimball voted to grant finding all four (4) factors have been met, and Mr. DiPietro also voted to grant finding all four (4) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro noted that Mr. Stuart made a motion regarding the Variance. Mr. Kimball stated that he believed 5(A) regarding the hardship was applicable because they even made accommodations for construction of the ADU back in 2007 with the increased septic design and the additional electrical panels. They actually began the process of construction of the ADU back in 2007 and therefore, Mr. Kimball believed they meet criteria "A" which would be an unreasonable burden to change the design and wanted to add that comment to the record.

Mr. Stuart made a motion to vote on the Variance to allow an ADU to exceed the 750 square feet as presented for Kevin & Tammy Davis, 140 Windsor Drive, Tax Map 2, Lot 3-40, seconded by Mr. Kimball. Mr. Kimball voted to grant finding all five (5) factors have been met, Mrs. Daoust voted to grant finding all five (5) factors have been met, Mr. Stuart voted to grant finding all five (5) factors have been met as Mr. Kimball mentioned above, 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 informed the applicant that there was a 30-day appeal period and thanked Mr. & Mrs. Davis for their presentation. Mr. Davis thanked the Board for their time and the discussion ended.

Mr. DiPietro moved on to the second case on the agenda and asked Ms. Royce to read the case into the minutes for the record.

Case #23-02

Scott & Diane Morrisette

24 James Drive – Tax Map 12, Lot 19-5

Zoned Residential One

Applicant is requesting a Special Exception to construct second dwelling unit attached to create a duplex on a 5+ acre parcel which use is permitted by Special Exception in a Residential One zone. (Article 4, Section 4.06(3)(l))

Mr. Morrisette read his application into the minutes for the record. Mr. DiPietro asked the Board members if they had any questions for the applicant. Mr. Kimball asked how many bedrooms and how many bathrooms the addition would have. Mr. Morrisette stated that there would be two (2) bedrooms and (2) full bathrooms. Mr. Stuart asked if it would be connected by the garage. Mr. Morrisette stated that it currently has three (3) stalls and one would be closed off. A brief discussion ensued with regard to the construction. It was noted that the property has 5+ acres. Mrs. Daoust asked if it would be used as a rental unit or for family. Mr. Morrisette stated that it would be for family.

Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote stated that, they have a complete application and have been working with Ms. Royce and herself throughout the process and everything would be done through her office for permits and the like.

Mr. DiPietro asked if there were any abutters present. An abutter asked if it would be one floor or two (2) floors. Mr. Morrisette explained that it would be two (2) floors. She had no objection but was just curious. The builder stated that it would actually look like a barn next to the home. Mr. DiPietro asked if there were any further questions. At this time, Mr. DiPietro commented that he would entertain a motion to vote on the Special Exception as presented.

Mr. Stuart made a motion to vote on the Special Exception to construct a second dwelling unit attached to create a duplex on a 5+ acre parcel as presented for Case #23-02, Scott & Diane Morrisette, 24 James Drive, Tax Map 12, Lot 19-5. Seconded by Ms. Dross. Ms. Dross voted to Grant finding all four (4) factors have been met, Mr. Stuart voted to Grant finding all four (4) factors have been met, Mrs. Daoust voted to Grant finding all four (4) factors have been met, Mr. Kimball voted to Grant finding all four (4) factors have been met, and Mr. DiPietro voted to grant finding all four (4) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro thanked the applicant for his presentation and informed him of the 30-day appeal period. Mr. Morrisette thanked the Board for their time and the discussion ended.

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

Case #23-03

Michael Rolfe

416 Bunker Hill Road – Tax Map 8, Lot 53

Zoned Residential Two

Applicant is requesting Variances to modify layout of previously approved Accessory Dwelling Unit to exceed the 750 square foot maximum requirement (780 sq ft) for an Accessory Dwelling Unit and to eliminate the requirement for an interior door between dwelling units in a Residential Two zone. (Article 2, Section 2.02(28)(a) & (b))

Mr. Rolfe read his application into the minutes for the record. Mr. Rolfe stated that he just needs some relief as he would like to get his daughter into the ADU soon. Mr. DiPietro asked the Board members if there were any questions for the applicant. Mr. Stuart asked if the ADU was already built. Mr. Rolfe said yes, he's just looking for time to put the door in because right now there's a window and without the door it increases the ADU 30-feet. Mrs. Rouleau-Cote explained that the breezeway gets added to the ADU because the door is not there. A discussion ensued with regard to Mr. Rolfe's request. Mrs. Rouleau-Cote commented that it was not considered a duplex because there was no fire separation and these two (2) Variances may resolve themselves once the door is installed. Both units still have their required egresses needed.

Mr. DiPietro asked if there were any abutters or interested parties who would like to speak. None were noted. Mr. DiPietro finding no further questions that he would entertain a motion to vote on the application for relief.

Ms. Dross stated that she could not vote on this case as she was an abutter. With that said, Mr. DiPietro elevated Mr. Pappas to full voting status for this case.

Mrs. Daoust made a motion to vote on the Variances as presented tonight for Michael Rolfe, 416 Bunker Hill Road, Tax Map 8, Lot 53, seconded by Mr. Pappas. Mr. Pappas voted to grant finding all five (5) factors have been met and believed the applicant was very thorough, Mr. Kimball voted to grant finding all five (5) factors have been met and enforcing the ordinance would be unfair, Mrs. Daoust voted to grant finding all five (5) factors have been met and agreed with Mr. Kimball, Mr. Stuart voted to grant finding all five (5) factors have been met and believed the hardship was under 5(A) and not 5(B) as the door cannot be required to remain unlocked, 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 thanked Mr. Rolfe and the discussion ended.

Case #23-04
Oakley & Monica Hundley
334 Dearborn Road – Tax Map 11, Lot 43
Zoned Residential Two

Applicant is requesting a Variance to add an 8-foot by 12-foot addition to the corner of the house that is facing Dearborn Road which would be attached to the existing 8-foot by 8-foot entry way structure for the purpose of enlarging the master bedroom and creating a walk-in closet in a Residential Two zone. (Article 4, Section 4.06(6))

Mr. Hundley read his application into the minutes for the record. Mr. Hundley stated that the addition would not be any closer than where the house is now. Mr. DiPietro wanted to clarify that the addition would be no closer than where the house is now correct. Mr. Hundley said yes.

Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote pointed out the diagram the applicant dropped off showing the size of the addition and the location which would be approximately 16-feet from the property line. A brief discussion ensued with regard to what is being proposed and the location of the front door.

Mr. DiPietro asked if there were any questions from the Board. Mr. Stuart asked what the setbacks are in this location. Mr. Hundley stated that they were a corner lot which is 50-feet all around. Mr. Stuart asked what they needed for relief. Mrs. Rouleau-Cote commented that it would be 16-feet from the property line. Mr. DiPietro believed they could say “no closer to the street than the current house.”

Mr. DiPietro asked if there were any abutters or interested parties. None were noted. Mrs. Daoust asked if they would be keeping the siding in character of the homestyle. Mr. & Mrs. Hundley commented that they would be putting vinyl siding to match their garage.

Mr. DiPietro believed if there were no further questions for the applicant that he would entertain a motion to vote on the application.

Mr. Stuart made a motion to vote on the Variance request with the condition that the addition is to be no closer than the existing house for Oakley & Monica Hundley, 334 Dearborn Road, Tax Map 11, Lot 43, seconded by Mrs. Daoust. Mrs. Dross voted to grant finding all five (5) factors have been met, Mr. Stuart voted to grant finding all five (5) factors have been met, Mrs. Daoust voted to grant finding all five (5) factors have been met, Mr. Kimball 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 thanked the applicants for their presentation and the discussion ended and the Board moved on to the next case.

Case #23-05
Jeremy Wirths, Trustee
480 Bunker Hill Road, Tax Map 8, Lot 55-3
Zoned Residential Two

Applicant is requesting a Variance from Article 4, Section 4.06(6) to allow the construction of a detached garage to be within the 30-foot side setback in a Residential Two zone.

Mr. Wirths read his application into the minutes for the record. Mr. DiPietro asked Mr. Wirths how much relief he would be looking for. Mr. Wirths stated that from the edge of the driveway to the garage would be 6-feet. Mr. DiPietro asked if he would be looking to place the garage 6-feet from the property line. Mr. Wirths believed they pushed it approximately 15-feet. At this time, the Board and Mr. Wirths went over the proposed plan and location of the garage. Mr. Wirths explained that there was a five (5) foot retaining wall. It was noted that the garage would not be used for cars but actually would be used as a glorified oversized shed utilized for storage. It was explained that the garage door would be facing the backyard and not towards the driveway. Mr. Kimball asked the applicants if they could build this without a Variance where would they place it. Mr. Wirths stated that he would put it in the middle of the field which would require another access to the garage. Discussion ensued with regard to topography of the property.

Mr. Pappas stated that he could not vote on this case as he was an abutter and that he did not have a problem with the location but would have a problem if it was placed in the front and in the field. Mr. Stuart asked Mr. Wirths what was the number that they would be looking for. The Board discussed the relief required. Mrs. Rouleau-Cote agreed with the Board's number of 12-feet and agreed that it would be a better location where they are proposing to place the shed as opposed to in the field as there would be a problem with sight distance.

Mr. DiPietro asked if there were any further questions from abutters or interested parties. None were noted. Mr. DiPietro believed he would entertain a motion to vote on the application.

Mr. Stuart made a motion to vote on the Variance request to allow the construction of a detached garage with the condition that it be no closer than 12-feet from the property line for Jeremy Wirths, Trustee, 480 Bunker Hill Road, Tax Map 8, Lot 55-3, seconded by Mrs. Daoust. Mr. Kimball voted to grant finding all five (5) factors have been met and believed literal enforcement was not reasonable, Mrs. Daoust 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. Stuart voted to grant finding all five (5) factors have been met as they heard testimony regarding topography, 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 informed the applicant about the 30-day appeal period and that they had two (2) years for substantial completion or they would need to come back before the Zoning Board of Adjustment. Mr. Wirths thanked the Board and the discussion ended.

Mr. DiPietro moved on to the last item on the agenda tonight.

Case #23-06
Julie & Michael Tourville
341 Wilson's Crossing Road – Map 2, Lot 6-3
Zoned Residential One

Applicant is requesting a Variance from Article 2, Section 2.02(28)(a) to allow an existing ADU to exceed 750 square feet; and a Special Exception to allow existing ADU under current provisions of the Auburn Zoning Ordinance in a Residential One zone.

Mr. DiPietro explained to Mrs. Tourville to start with the Special Exception and move on to the Variance. Mrs. Tourville read both the Variance and Special Exception applications into the minutes for the record. Mrs. Tourville added that the ADU was built in 2014 and is 900 square feet which were the requirements of the Town of Auburn's Zoning Ordinance at that time. Mrs. Tourville also indicated that it is an existing ADU with one bedroom. Mrs. Tourville also stated that, Mrs. Rouleau-Cote prepared a Zoning Determination which indicates that they currently have a Deed Addendum that they would like lifted but because the ADU is over the 750 square foot requirement they need the Variance as well.

Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote explained that one of the provisions at that time was that they had to have a document recorded that stated that the ADU was not intended to be utilized as a rental unit. Mrs. Rouleau-Cote went on to say that, State Statutes have changed and that has been lifted but because a Deed Addendum was recorded this would be a housekeeping item to have their property compliant by having a Special Exception in place as well as the Variance. Discussion ensued with regard to the request. Mr. Stuart believed they could vote on each individually.

Mrs. Rouleau-Cote believed that this would clear any issues if someone came in and commented that there was a Deed Addendum recorded that there would be something in the file to let them know that action has been taken in order for this ADU to become compliant.

Mrs. Tourville pointed out that she has some abutters present tonight who are actually live in the ADU which is Miranda Carter, who is the new director at "It's a Childs World."

Mr. Kimball asked about who was living in the unit. Mrs. Tourville stated that it was her daughter but now Miranda who is an employee.

Mr. DiPietro asked if there were no further questions that they could move on to a vote on the Variance Application as well as the Special Exception Application.

Mr. Stuart made a motion to vote on the Special Exception request to allow an ADU as presented for Julie & Michael Tourville, 341 Wilson's Crossing Road, Tax Map 2, Lot 6-3, seconded by Mr. Kimball. Mr. Kimball voted to grant finding all four (4) factors have been met, Mrs. Daoust voted to grant finding all four (4) factors have been met, Ms. Dross voted to grant finding all four (4) factors have been met, Mr. Stuart voted to grant finding all four (4) factors have been met, and Mr. DiPietro also voted to grant finding all four (4) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro moved on to the Variance request whereby Mr. Stuart made a motion.

Mr. Stuart made a motion to vote on the Variance request as submitted to allow an ADU to exceed 750 square feet for Julie & Michael Tourville, 341 Wilson's Crossing Road, Tax Map 2, Lot 6-3, seconded by Mrs. Daoust. Ms. Dross voted to grant finding all five (5) factors have been met, Mr. Stuart voted to grant finding all five (5) factors have been met, Mrs. Daoust voted to grant finding all five (5) factors have been met, Mr. Kimball 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 stated to Mrs. Tourville that she was good to go. Mrs. Tourville thanked the Board for their time and the discussion ended.

New Business/Other Business

Mr. DiPietro informed the Board that according to procedures that it is time to re-elect a Chairman and a Vice-Chairman. Mr. DiPietro stated that he would be happy to remain as Chairman unless someone else wanted to come forward. Mr. DiPietro also mentioned that we will also need to looking at getting other people to join as we have two (2) positions open.

Mr. Stuart made a motion to have Mike DiPietro remain as Chairperson, seconded by Ms. Dross. A vote was taken and, all were in favor and the motion passed.

Mrs. Daoust made a motion to have Kevin Stuart remain as Vice-Chairperson. Mr. Stuart graciously accepted, and the motion was made.

Mrs. Daoust made a motion to have Kevin Stuart remain as Vice-Chairperson, seconded by Ms. Dross. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro also pointed out that the following terms are ending and asked if they would be willing to serve another term and all said yes. The following terms include Mike DiPietro, Shannon Daoust and Kevin Stuart. Mr. DiPietro also wanted to inform the Board that they would like to elevate Mrs. Daoust to a full Board member with the resignation of

Mr. Matte. Mr. DiPietro asked Ms. Royce to inform the Board of Selectmen of their decision.

Minutes

Mr. DiPietro moved on to the approval of the minutes of December 13, 2022.

Mr. Stuart made a motion to approve the minutes of December 13, 2022, seconded by Mr. DiPietro. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro asked if there was any other business to do. Mr. Stuart asked if there were any cases for next month. Both Mrs. Rouleau-Cote and Ms. Royce stated that there was one case for next month which was April 18th.

Mr. DiPietro thanked the Board members for tonight's meeting and asked for a motion to adjourn.

Adjourn

Mrs. Daoust made a motion to adjourn, seconded by Ms. Dross. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8:20 p.m.

The next Zoning Board meeting is scheduled for Tuesday, April 18th, 2022 at 7:00pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.