

APPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
May 23, 2023

Present: Mike DiPietro, Chairman. Kevin Stuart, Vice-Chairman. Patrick Bergeron, Member. Nick Pappas, Steven Kimball, Allie Broom & Jeremy Wirths, Alternate Members. Minutes recorded and prepared by Denise Royce.

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

Absent: Shannon Daoust & Jill Dross, Members.

Mr. DiPietro called the meeting to order at 7:00 p.m. At this time, Mr. DiPietro explained the procedures for tonight's hearing and introduced the Board members to everyone present at tonight's hearing. Mr. DiPietro explained that the Board had three (3) cases before them tonight. Mr. DiPietro informed everyone that Mrs. Rouleau-Cote was also present tonight for tonight's meeting.

Mr. DiPietro pointed out that we had two (2) members absent tonight and therefore elevated both Mr. Kimball and Mr. Pappas to full voting members for tonight's hearing. With that said, Mr. DiPietro asked Ms. Royce to read the case into the minutes. Ms. Royce read the first case into the minutes for the record.

Case #23-08
Rodney & Deborah Jackson
51 Calef Road – Tax Map 5, Lot 45-6
Zoned Rural

Applicant is requesting a Variance from Article 4, Section 4.04(4) to allow the installation of an 8-foot by 16-foot shed to be within 15-feet of the setback from property line in a Rural zone.

Mrs. Jackson read her application into the minutes for the record. Mr. DiPietro asked Mrs. Rouleau-Cote if she had any questions. Mrs. Rouleau-Cote asked Mrs. Jackson how close to the property line would the new shed be. Mrs. Jackson believed it would be 15 feet. Mrs. Rouleau-Cote commented that, after speaking with Mr. and Mrs. Jackson she understood that the shed would be about 4-feet from the property line, and you would be within the 15-foot setback. Mrs. Rouleau-Cote explained that the reason she was asking was because the size of the shed would be under 200 square feet, which a 15-foot setback would be allowed but she believed it would be 6-feet from that setback.

Mr. DiPietro asked if there was a plan showing the location of the shed. Ms. Royce answered no. Mrs. Rouleau-Cote presented the Board with an old plan showing the house and the Board asked Mrs. Jackson to point out the location on the plan. Mrs. Jackson stated that the new shed would be longer but not any wider and that the back of the shed would be no closer than the existing shed was located. Discussion ensued with regard to the size of the shed and the location of the shed.

Mr. Kimball pointed out that they were enlarging the non-conformance so therefore they need a Variance. Mrs. Jackson said yes and stated that the existing shed is 6-feet by 10-feet. Mrs. Jackson further explained that they would be widening the shed and would be moving it forward, but the back of the shed would be where the old one is now. Mr. Kimball explained why they need a specific dimension in order to make a motion. Mr. DiPietro asked if the Board would be comfortable with granting relief by saying that it can be no closer to the property line than the existing shed even though it is enlarging the shed. A brief discussion ensued between the Board members and Mrs. Jackson.

Mr. DiPietro asked if there were any further questions for the applicant. None were noted. Mr. DiPietro asked if there were any abutters or interested parties who would like to speak. Mr. Olkovikas of Calef Road did not believe there would be any impact to the neighborhood at all as you can't even see it from the road. Mrs. Durand of Calef Road also indicated that it would not have any impact to the neighborhood at all. Mr. DiPietro thanked the abutters for their comments.

Mr. Stuart asked Mrs. Jackson if they would be building the shed themselves or buying it from somewhere. Mrs. Jackson stated that they would be buying it from Reed's Ferry. Mr. DiPietro believed that they could move forward with this one seeing it would have to be inspected by Mrs. Rouleau-Cote.

Mr. Stuart made a motion to vote on the Variance application with the restriction that the new shed be no closer to the property line than the existing shed for 51 Calef Road, Tax Map 5, Lot 45-6. Seconded by Mr. Bergeron. Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. Pappas voted to Grant finding all five (5) factors have been met, Mr. Kimball voted to Grant finding all five (5) factors have been met, Mr. Bergeron 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 the Variance was granted and that they would receive a Notice of Decision from Ms. Royce. Mr. DiPietro also informed the applicant that there was a 30-day appeal period where abutters or interested parties could appeal the Board's decision. Mr. DiPietro thanked the applicant and the discussion ended.

**Case #23-09
Daniel & Gina Conley
66 Juniper Circle – Tax Map 8, Lot 25-12
Zoned Residential Two**

Applicant is requesting a Variance from Article 4, Section 4.04(4) to allow the installation of a 10-foot by 16-foot shed to be closer than 60-feet from structure to structure in a cluster subdivision in a Residential Two zone.

Mr. Conley read his application into the minutes for the record. Mr. Conley explained that it was the only location that would be set into the slope and would match the existing house. Mr. Conley added that he and his direct abutter have been trying to replant trees because when the builder built the houses on Juniper Circle, he pretty much clear cut all the trees. Mr. Bergeron also believed that it would be hard to maintain 60 feet from structure to structure, which is the requirement in a cluster subdivision. Mr. Stuart asked Mr. Conley if he started digging it out in the location, he wanted to place the shed. Mr. Conley said no that he wanted to wait and get approval first. Mr. DiPietro asked if there were any other questions for the applicant. Mr. Stuart asked if there was an exact distance mentioned. Mr. Conley stated that he wrote it on the plan showing no closer than 10 feet from the house and no closer than 10 feet from the property line. Mr. Conley believed that if he hit ledge that it would only go closer to his house. Mr. DiPietro asked Mr. Conley if he could maintain no closer than 10 feet. Mr. Conley said yes. Mrs. Rouleau-Cote explained to the Board members that the setback was not from property lines but from structure to structure in a cluster subdivision. Discussion ensued with regard to the distance. Mr. Kimball believed that Mr. Conley would still need to keep the shed on his own property and could say to maintain distance to abutter but no closer than 10-feet from property line. Mr. Kimball stated that he was comfortable with how it was submitted. Mr. DiPietro also agreed with Mr. Kimball. Mrs. Rouleau-Cote pointed out there was an angle, and it may not be 10-feet from the back of the shed and suggested that they say 10-feet from his existing house and not the property line because it's supposed to be 60-feet from structure to structure.

Mr. DiPietro asked if there were any further questions. None were noted. Mr. DiPietro asked if there were any abutters or interested parties. None were noted.

Mr. Kimball made a motion to vote on the Variance application as submitted for 66 Juniper Circle, Tax Map 8, Lot 25-12 and as presented tonight. Seconded by Mr. Stuart. Mr. Pappas voted to Grant finding all five (5) factors have been met and believe it was the best place to put it on the property, Mr. Kimball voted to Grant finding all five (5) factors have been met and make note of the unique provisions of the property and the shape of the lot and the terrain, 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 and noted the unique provisions of the property as well as the slope and shape of the lot, 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 he was good to go and reiterated that there was a 30-day appeal period, and he would have two (2) years to complete the project.

Mr. DiPietro asked Ms. Royce to read the next case. Ms. Royce read the case into the minutes.

Case #23-10
John & Lisa Palmieri
235 Chester Road, Tax Map 21, Lot 16
Zoned Residential Two

Applicant is requesting a Variance from Article 4, Section 4.04(4) to allow the installation of a 3-season room with deck above to be within the side setback in a Residential Two zone.

Mr. Palmieri read his application into the minutes for the record. Mr. Palmieri explained that the 3-season room would be no closer than 23-feet from the property line and would be equal to the front of the house. Mr. Palmieri explained that the previous deck was rotted out and unsafe and therefore was removed when they were residing the house. The 3-season room would be replacing an existing deck and would be placed within the same footprint as the old deck. Mr. DiPietro thanked the applicant for his presentation.

Mr. DiPietro pointed out that they have a dimension from property line of 23-feet and would be within the same footprint. Discussion ensued with regard to the decks. Mr. Stuart asked if the existing decks were still there. Mr. Palmieri stated that it was torn down when they were re-siding the house and the previous owner used wood that just rotted and was very unsafe. Mr. Stuart asked if they would be putting it on something. Mr. Palmieri stated that they would be putting it on Sono tubes and the 3-season room would have a deck above with rubber between the roof and the floor above so no water can get in. Mr. Stuart asked if the closest point would be in the same footprint as the previous deck. Mr. Palmieri stated yes. Discussion ensued with regard to distance from property line.

Mr. DiPietro asked Mrs. Rouleau-Cote for comment. Mrs. Rouleau-Cote began by saying that the previous deck did seek previous Variance approval back in 2011 and at that time there was some question about the side property line. Mr. DiPietro asked if there were any interested parties or abutters. None were noted. Mr. DiPietro stated that if there were no further questions that he would entertain a motion to vote on the application as presented.

Mr. Stuart made a motion to Vote on the Variance application as presented with the 3-season room and deck be no closer than 23-feet from the side property setback for 235 Chester Road, Tax Map 21, Lot 16. Seconded by Mr. Bergeron. Mr. Pappas voted to Grant finding the previous deck was not any bigger, Mr. Kimball voted to Grant finding all five (5) factors have been met and the new structure will be an improvement, 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, 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 reiterated the 30-day appeal period and thanked the applicant for having a complete package and the discussion ended. Mr. DiPietro thanked everyone that presented tonight and moved on to approval of the minutes for April 18th.

Minutes

Mr. Bergeron made a motion to approve the minutes of April 18, 2023, seconded by Mr. Kimball. A vote was taken and, the motion passed.

New Business/Other Business

Mr. DiPietro asked if there was any other new business. None were noted at this time. Ms. Royce informed the Board that they have no cases so far for June but that the deadline was June 1st. Mrs. Rouleau-Cote commented that she does have one case that she's been trying to get before the Board so we may have one case in June.

Mr. DiPietro wanted to talk about the number of Variances for sheds that the Board has been receiving and thought that by putting a change into the regulations that it would help. The Planning Board included in the regulations with regard to sheds 200 square feet or less could be 15-feet from the property line. Mrs. Rouleau-Cote pointed out that we do our best and try to make them comply with the regulations.

Mr. DiPietro thanked everyone and stated that he would entertain a motion to adjourn.

Adjourn

Mr. Bergeron made a motion to adjourn, seconded by Mr. Pappas. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:45 p.m.

The next scheduled meeting is scheduled for Tuesday, June 27th, 2023 at 7:00pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.