

**UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
December 19, 2023**

Present: Mike DiPietro, Chairman. Kevin Stuart, Vice-Chairman, Jill Dross, Shannon Daoust & Steven Kimball, Members. Minutes were taken and prepared by Denise Royce.

Absent: Jeremy Wirths & Allie Broom, 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. 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 #23-21
Brian Drelick
Miriam Chapman
32 Tanglewood Drive – Map 4, Lot 19-8
Zoned Residential One**

Applicant is requesting a Variance from Article 4, Section 4.06(6) to allow the construction of a 14-foot by 18-foot shed to be within the 30-foot side setback in a Residential One zone.

Mr. DiPietro asked the applicant to read his case into the minutes for the record. Mr. Drelick read his application into the minutes for the record. At this time, the Board reviewed the attachment that showed the shed location to be 3.8 feet from the side property line.

Mr. DiPietro commented that the Board is looking at the shed to be 3.8 feet from the side setback. Mr. DiPietro indicated that it sounded like it would be a hardship to place it somewhere else on the lot. With that said, Mr. DiPietro asked the Board if they had any questions for the applicant. Mr. Stuart asked Mr. Drelick about the wetlands on the property and asked if the other side had wetlands. Mr. Drelick said yes, there were 3 acres that were zoned wetlands. Mr. DiPietro pointed out that an abutter sent in a letter in support of what Mr. Drelick was proposing to do. Mr. Drelick stated that she would be the only one that would see it. A discussion ensued with regard to the location of the proposed shed on the property and the topography of the property along with the wetlands

that are shown on the septic plan. The septic plan showed the location of the well and the septic system on the property.

Mr. DiPietro asked if there were any other questions for the applicant? Mr. Kimball stated that he had an issue with the shed being only 3.8 feet from the property line as it did not leave a lot of space to get around the shed. Mr. Drelick stated that he needed to be able to access the backyard and therefore could not place the shed closer to the house. Mr. Kimball commented that there may be another homeowner that may have an issue with the shed being so close to the property line. At this time, Mr. Drelick showed the Board members photos on his phone of the property and the proposed shed location.

Mr. Moulton of Rockwood Terrace, who arrived late and pointed out that he won't be owning the home forever and asked why he couldn't move it closer to the house. Mr. Drelick commented that there were a lot of wetlands between his property and Mr. Moulton who owns the property behind Mr. Drelick on Rockwood Terrace. Mr. Moulton pointed out that Mr. Drelick has 5 acres, and he could move it somewhere else on the property. Mr. Drelick reiterated that there were a lot of wetlands on the property of which he needed to maintain the distance from the wetland buffer which is shown on the plan. Discussion ensued with regard to moving the shed elsewhere on the property. Mr. Drelick again stated that he would need to bring in more fill as the land slopes in that area behind where he would like to place the shed and that's why he would like to place the shed in the location shown. Mr. DiPietro believed it was a tough lot and the developer placed the house where it is because of the wetlands which is why quite a bit of the lot is unusable. Mr. DiPietro stated that the reason the lot is 5 acres is because a lot of the land is unusable otherwise the developer would have developed it because it's a 2-acre zone and the lot is very wet. Ms. Dross asked if he could shift the shed a bit forward. Mr. Drelick stated that his camper is parked in that location.

Mr. DiPietro stated that if there are no more questions for the applicant that he would entertain a motion to move on this application. Mr. Kimball moved to enter into deliberation.

Mr. Kimball made a motion to enter into deliberations. Seconded by Mr. Stuart. A vote was taken, and the Board entered into deliberations at 7:26pm.

Mr. Kimball began by saying that he was concerned with the request to be 3.8 feet from the property line and that he did not like going less than 10 feet from the property line and therefore did not see an extreme hardship. Mr. Kimball went on to say that the voters set the standard and they expect it to be upheld unless they provide them with relief. Mr. Kimball also added that they need to meet all five (5) criteria of the Variance. Ms. Dross agreed with Mr. Kimball and believed that if he can shift the shed to be 10 feet from the property line it would be better. Mr. Stuart appreciates the applicant's efforts and believes that aesthetically a good plan. Mr. Stuart agreed that based on the evidence that the hardship criteria is the only one that is not met. This is a very significant encroachment into the setback as it is a good size shed and maybe a smaller shed would be able to fit better and there were other options. Mr. DiPietro found it hard to measure hardship in

feet and believed it would be difficult to place the shed other than where he is proposing and believed the applicant had a tough lot and that the house is tucked in to one side of the lot. Mr. Stuart did not believe there was a magic number but believed there were other options. Mrs. Daoust thought there would be more flexibility as it's a shed and not a secondary garage in which case they would view it differently. Mrs. Daoust also pointed out that there have been a lot of sheds that were placed within the side yard and the rear of the property. Mrs. Daoust mentioned the garage that was granted on Cottage Ave.

Mr. DiPietro asked if there were any further comments.

Mr. Stuart made a motion to exit deliberations. Seconded by Mr. Kimball. A vote was taken, and the Board exited deliberations at 7:35pm.

Mr. DiPietro pointed out to Mr. Drelick that he's heard the Board's comments during deliberation and would give him a second to ask questions about the Board's comments. Mr. Drelick asked what the dimensions that did not require a Variance. The Board informed Mr. Drelick that it was 120 square feet.

Mr. DiPietro stated that if there were no further questions that he would entertain a motion to vote on this application. Mr. Drelick asked the Board if he were to move it to be 10 feet away from the property line would he have to do another application. Mr. DiPietro informed Mr. Drelick that he could amend his application to be no closer than 10 feet. A brief discussion ensued regarding Mr. Drelick amending his application. Mr. DiPietro indicated to Mr. Drelick that it appears the Board would possibly approve his application if he amended his application to say no closer than 10 feet. Mrs. Daoust also pointed out that he could go smaller, and you can make it bigger as long as it's 10 feet from the property line. They are not voting on the size of the shed as they are only voting on the distance from the property line. With that said, Mr. Drelick asked to amend his application to be 10 feet from the property line. Mr. Kimball added that it goes with the spirit of the ordinance and allows enough room from the neighbors' property.

Mrs. Daoust made a motion to vote on the Variance as amended by the applicant to be no closer than 10 feet from the side setback for Case #23-21, 32 Tanglewood Drive, Tax Map 4, Lot 19-8. Seconded by Ms. Dross. Ms. Dross voted to GRANT finding all five (5) factors have been met with the applicant's amendment to be 10 feet from the side setback, 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 explained that the request has been granted and informed the applicant that he would be receiving a notice of decision from Ms. Royce. Mr. DiPietro also explained that he had two (2) years to complete the shed. Mr. DiPietro went on to inform Mr. Drelick that there was a 30-day appeal period as well. Mr. Drelick commented that the next thing

would be to obtain a building permit from the Building Inspector. At this time, Mr. Drelick thanked the Board for their time and the discussion ended.

Mr. DiPietro moved on to the approval of the meeting minutes for October 24, 2023.

Minutes

Mr. Stuart made a motion to accept the minutes of October 24, 2023, as written, seconded by Mr. DiPietro. 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 23, 2024. The Board asked Ms. Royce when the deadline would be for January. Ms. Royce believed it was the beginning of January. There were no known applications coming before the Board at this time.

Adjourn

Mr. Stuart made a motion to adjourn, seconded by Ms. Dross. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:47 p.m.

The next scheduled meeting is scheduled for Tuesday, January 23, 2024 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.