

**UNAPPROVED MINUTES  
Town of Auburn  
Zoning Board of Adjustment  
May 21, 2019**

**Present:** Mike DiPietro, Vice-Chairman, Stephen Carroll, Kevin Stuart & Dennis Vieira, Members of the Board. Dale Phillips, Alternate. Minutes recorded by Patricia Rousseau and prepared by Denise Royce.

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

**Absent:** Mark Wright, Chairman.

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

Mr. DiPietro began by saying that he would be chairing the meeting tonight. Mr. DiPietro introduced the members of the Board and pointed out Shawn Matte who is the newest alternate member of the Board. Mr. DiPietro continued to introduce the other Board members to everyone present tonight.

Mr. DiPietro explained the procedure for tonight's hearing along with the 30-day appeal period and went on to ask Mrs. Rousseau read the case into the minutes for the record.

**Case #19-08**

**Derek & Deborah Hilton**

**168 Appletree Road – Tax Map 17, Lot 64**

**Zoned Residential One**

*Applicant is requesting a Special Exception to permit an Accessory Dwelling Unit; and, a Variance to allow the Accessory Dwelling Unit to exceed the required 750 square feet of living space within the Residential One zone. (Article 4, Section 4.06(3)(m)) (Article 2, Section 2.02(28)(a))*

At this time, Mr. Hilton read his application into the minutes for the record. Mr. Hilton also read the portion for the Variance where he was asking for the Accessory Dwelling Unit to be 1,010 square feet instead of the required 750 square feet. Also, the existing structure will not increase as there will not be any additions added to the home. Mrs. Hilton also pointed out that, the Accessory Dwelling Unit is existing and that they purchased it that way and just want to make it legal.

Mr. DiPietro asked if there were any questions from the Board members. Mr. Vieira asked how many people are living in the house now. Mr. Hilton indicated that no one was living in the home at this time. Mr. Vieira asked how many people will be living in the house. Mr. Hilton said 4 people. Mr. Vieira asked about the septic system upgrade on December 27, 2018. Mrs. Rouleau-Cote indicated that there has been a design done but that the system

itself has not been installed. Mrs. Rouleau-Cote explained that the septic system will have to be installed if the Accessory Dwelling Unit is approved by state law.

Mr. Carroll asked how many bedrooms. Mr. Hilton said 3 with one bedroom in the Accessory Dwelling Unit. Mrs. Rouleau-Cote wanted to bring the Board members up to speed and explained that, before the applicant moved in the previous owner completed the Accessory Dwelling Unit without the benefit of pulling any permits and then sold it to these people. Mrs. Rouleau-Cote also pointed out that there were legal issues with the previous owner with the state electrical inspector and that town counsel was involved as well because there was a lot of work done to the electrical system by someone who was not licensed. Mrs. Rouleau-Cote also mentioned the problem with egress from the bedroom as well for life safety and that they have not gone through the plumbing and wanted to reiterate that, a lot of this work was done without the benefit of pulling any permits but it was part of the building file that there was an ongoing issue with bringing the property into compliance. Mrs. Rouleau-Cote also mentioned that a lot of their presentation to the Board has been that they bought it and it was existing and yes it was but there was a Notice of Violation and an ongoing enforcement going on when they purchased it. Mrs. Rouleau-Cote had no issue with the Accessory Dwelling Unit and explained the Accessory Dwelling Unit being in the basement and talked about the layout and the fact that it is difficult to reduce the size due to the layout. A brief discussion ensued with Mrs. Rouleau-Cote and the Board members with regard to outstanding items such as the electrical, plumbing, decks that needs to be improved and egress for life safety as well as septic system. Mrs. Phillips asked about the egress for the Accessory Dwelling Unit. Mr. Hilton said there is a slider and the bedroom has a window that does not meet life safety for egress. Mr. Hilton said that they would be moving there from Raymond and that his daughter and future son-in-law would be living in the ADU. Mr. Carroll asked about the egress window and Mrs. Rouleau-Cote explained that the window needs to meet building code for egress.

Mr. Carroll asked if they would be voting for two (2) different things and Mrs. Rouleau-Cote explained that they would be voting on the Special Exception to allow them to have the ADU and a Variance to allow them to exceed the 750 square feet to 1,010 square feet. Mr. Carroll just wanted to double check. Mr. DiPietro stated that they could take them up one at a time.

Mr. DiPietro elevated Mrs. Phillips to a full-voting member for tonight's hearing.

Mr. Carroll commented that he did not have a problem with it and would vote on it. Mr. DiPietro asked if there were any further comments. None noted. Mr. DiPietro stated that, he would entertain a motion to vote first on the Special Exception to allow the ADU.

***Mr. Vieira made a motion to vote on the Special Exception to permit an Accessory Dwelling Unit from Article 4, Section 4.06(3)(m) as presented tonight for Case #19-08, 168 Appletree Road, Tax Map 17, Lot 64. Seconded by Mr. Carroll. Mr. Vieira voted to grant as all factors have been met, Mrs. Phillips voted to grant, Mr. Carroll voted to grant as he believed all factors have been met, Mr. Stuart voted to grant***

***as all factors have been met, and, Mr. DiPietro also voted to grant finding all 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 presented from Article 2, Section 2.02(28)(a) to exceed the 750 square feet requirement for an ADU to be 1,010 square feet for Case #19-08, 168 Appletree Road, Tax Map 17, Lot 64. Seconded by Mrs. Phillips. Mr. Vieira voted to grant as he believed all five (5) factors have been met, Mrs. Phillips 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 also believed all five (5) factors have been met, and, Mr. DiPietro also voted to grant finding all five (5) factors for the Variance have been met. A vote was taken and, all were in favor and the motion passed.***

Mr. DiPietro wanted to reiterate what he said earlier about the 30-day appeal period where interested parties may appeal the ZBA decision.

With that said, Mr. DiPietro thanked the applicant and moved on to the next case.

**Case #19-09  
Alan & Carrie Cote  
488 Pingree Hill Road – Tax Map 2, Lot 32  
Zoned Rural**

*Applicant is requesting a Variance to construct an addition to existing home. Addition will be within 125-foot Level One Wetlands and Watershed Protection Buffer. Reduce Buffer to 110-feet within the Rural zone. (Article 5, Section 5.08(1)(a))*

Mr. DiPietro noted that the Conservation Commission has reviewed the plan for the addition and the reduction in the wetland buffer and did not have any issues with what is being proposed. Mr. Cote began reading his application into the minutes for the record. Mr. Cote explained that the kitchen is very small and that they now have grandkids and would like to expand the kitchen. Mr. Cote went on through the criteria for the Variance request and concluded by asking if the Board had any questions.

Mr. DiPietro noted that there was a plan in the file which showed 112 feet and asked Mr. Cote if he wanted to change it to 110 feet. Mr. Cote said yes that he would like to keep it at 110 feet just to give them some wiggle room. Mrs. Rouleau-Cote stated that they discussed this with the Conservation Commission. Mr. DiPietro noted that it was in the Conservation Commission meeting minutes as well. At this time, Mr. DiPietro asked Mr. Cote to write on the plan to show 110 feet as opposed to 112 feet and to initial it as well and that it would also be in the meeting minutes.

Mr. DiPietro asked if anyone had any questions for the applicant. None were noted. Mr. DiPietro asked for a motion to vote on the application as presented for the addition to be 110 feet from the wetlands.

***Mr. Vieira made a motion to vote on the Variance application as presented tonight as amended with the addition being 110 feet from the Level One wetland for Case #19-09, 488 Pingree Hill Road, Tax Map 2, Lot 32. Seconded by Mr. Stuart. Mr. Vieira voted to grant, Mrs. Phillips voted to grant, Mr. Carroll voted to grant with the amendment down to 110 feet, Mr. Stuart voted to grant as he believed all five (5) factors have been met and the Conservation Commission has given their approval for this as well, and Mr. DiPietro also voted to grant and agreed with everyone else. A vote was taken and, all were in favor and the motion passed.***

## **Minutes**

***Mr. Stuart made a motion to accept the minutes of April 30, 2019 as written, seconded by Mr. Carroll. All were in favor, and the motion passed.***

Mr. Wright thanked Mrs. Rouleau-Cote for her input. Mrs. Rouleau-Cote commented that Conservation Commission did a great job on the report. The Board members all agreed with Mrs. Rouleau-Cote.

## **Other Business**

Mr. DiPietro asked if there was any new business. None were noted.

Mrs. Rouleau-Cote wanted to remind the Board that the June hearing date was June 18<sup>th</sup> and that there were already a few cases for that meeting.

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

## **Adjourn**

***Mr. Vieira made a motion to adjourn, seconded by Mrs. Phillips. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:30 p.m.***

**The Zoning Board of Adjustment is scheduled for June 18, 2019 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.**