

May 15, 2002

Members Present: Edmund White, Katherine Leab, Reese Owens, Bradford Sedito (arrived at 8:00pm), Polly Roberts

Alternates Present: Heman Averill, Bruce Skoog

Guests: Peter Bowman, Melinda Cornell Moran and Kevin Moran, James G. Kelly Esq.

Mr. White opened the meeting at 7:40pm. Recognizing that Mr. Sedito was absent Mr. White asked the secretary to phone Mr. Sedito (Mr. Sedito was needed to sit on ZBA-0209). Mr. Sedito stated that he was in route. The Chairman, Edmund White chose to start with Agenda Item (4), members and alternates were in agreement.

PUBLIC HEARING

Mr. White seated regular members Katherine Leab, Reese Owens, Polly Roberts, himself and alternate Heman Averill.

ZBA-0210, Request of The Melinda Cornell Moran Grantor Trust, 6 Anna Jay Lane, for a variance from Zoning Regulation 11.6.1.b (setback, interior lot), 11.5.1 (coverage), 17.4.a (increase of nonconformity of non conforming building), for addition of a bathroom. Melinda Cornell Moran and Kevin Moran came forward to present the application for this property and also submitted a letter from adjoining property owner Norma Deneault. Mr. White read the letter of authorization, the letter to Zoning Board of Appeals from the applicant and the letter from Ms. Deneault (see file). Ms. Moran explained that the bathroom would connect to the house through an existing window (which would become the entrance to the bathroom) and the entrance to the closet would be through an existing closet in the bedroom. This addition would be on the backside of the house and behind (3) existing trees. Mr. and Ms. Moran stated that they chose this location because of the natural flow of the house and it balances the house with the sunporch on the opposite end of the house. Mr. White asked about a location for a back up septic area. Mr. and Ms. Moran were unsure of this location. Mr. White was concerned about the tight situation and having enough space for a back up septic. The Moran's own an adjoining (second) piece of property with a cottage that can not be separated from the first piece of property, but cannot be used for calculations for this variance because the town lists them as separate pieces. The total increase in lot coverage is 1%. Mr. Owens explained that the Board does not grant variances on the basis of preference when there are viable options and the limit to granting variances when there are alternate issues, cost is not considered a hardship. Mr. Moran explained that they chose this plan because it was unnoticeable from the street, neighbors and their deck. Mr. Owens added that it makes perfect sense but the problem is that it makes the building more nonconforming than the building already is and there is a reasonable option. Mr. White read a letter from Zoning Enforcement Officer, Janet Hill regarding Health Department issues. Mr. Owens added that it would be foolish to grant a variance for a property that the Health Department precluded and testing should be done on the property. Mr. White added that after obtaining the Health Department information the board would have to look at the overall issue of the property being at it's maximum already. Mr. White asked members if they had other questions about this property. Ms. Leab had questions about neighboring properties. Mr. and Ms. Moran explained the locations to Ms. Leab. In closing Mr. White requested that the Health testing be done and located on the maps.

MOTION: to continue the Public Hearing Re: ZBA-0210, Request of The Melinda Cornell Moran Grantor Trust, 6 Anna Jay Lane, for a variance from Zoning Regulation 11.6.1.b (setback, interior

lot), 11.5.1 (coverage), 17.4.a (increase of nonconformity of non conforming building), for addition of a bathroom, was made by Mr. Averill, seconded by Ms. Roberts, by a 5-0 vote.

PUBLIC HEARING - Continued from April 18,2002

Mr. White seated regular members Reese Owens, Bradford Sedito, Polly Roberts, himself and alternate member Bruce Skoog.

ZBA-0209, Request of Peter Bowman, 7 School Street, for a variance from Zoning Regulation 11.6 (side yard setback), 17.4.a (increase non-conformity of nonconforming buildings) and 11.5.1 (lot coverage), for modifications to existing garage and addition of a terrace. Mr. Bowman began with presenting lot coverage figures, the existing coverage is 15.76%, which exceeds the maximum. With the additions of the garage roof and terrace lot coverage would be 17.14%. (An increase of 1.38%) Mr. White inquired about trees on the school side of the garage. Mr. Bowman stated that there was a large tree on the school property and tall weed growth, no trees on his property. The terrace will be brick loose laid in stone (it will service two doors in the rear of the house), the garage remains as submitted at the April meeting. Mr. Bowman stated that the front walk, which is made of asphalt, is never used except to get the mail. All traffic in and out of the house is to the back door and there is a safety (ice) issue in the winter time. Mr. Bowman questioned the boards statement of using impermeable and permeable surfaces in measuring lot coverage. Mr. Bowman is enhancing the appearance of the garage by adding the stone veneer and matching the overhang on the garage. By extending the overhang he is protecting the stone veneer. Mr. Owens stated that the stone veneer is increasing the footprint but is within the overhang so consequently not counted. Mr. White asked for additional comments and questions from the public.

MOTION: to close the Public Hearing Re: ZBA-0209, Request of Peter Bowman, 7 School Street, for a variance from Zoning Regulation 11.6 (side yard setback), 17.4.a (increase non-conformity of nonconforming buildings) and 11.5.1 (lot coverage), for modifications to existing garage and addition of a terrace, was made by Ms. Roberts, seconded by Bruce Skoog, by a 5-0 vote.

MEETING

Mr. Sedito has no problem with this application, the lot coverage is a modest increase, he feels the use of the garage is changing but overall he has no problem with it. Ms. Roberts also has no problem with this application, she understands the need for the walkway and terrace, the modifications to the garage are a big improvement. Mr. Skoog had little to add except he thought the terrace could have been smaller. Mr Owens doesn't object to the changing of the shape of the roof on the garage, but feels the walls don't need to project (but he does understand the logic about wanting them too). Given the fact that this building is 4' to the lot line the simple choice is to project them a foot or project them to cover the veneer, his position is to cover the veneer and don't project them a foot, it's unnecessary. He accepts the path and the desire for a terrace, feels it's bigger than it needs to be. Mr. Owens doesn't feel that it would reduce the effectiveness of what's proposed if it were trimmed to it's least non conforming condition. He is not in favor of the variance. Mr. White agrees with Mr. Owens, the proposal is not a lot over and he understands why Mr. Bowman wants to do the garage. He thinks the garage will look great and much larger. The size of the terrace is over stepping, perhaps reducing the front walk to off set the terrace. He is not in favor of the project as presented. Mr. White reread the legal notice and called for a vote.

MOTION: to deny ZBA-0209 Request of Peter Bowman, 7 School Street, for a variance from Zoning Regulation 11.6 (side yard setback), 17.4.a (increase non-conformity of nonconforming buildings) and 11.5.1 (lot coverage), for modifications to existing garage and addition of a terrace by a 3-2 vote.

Mr. Sedito, Ms. Roberts, and Mr. Skoog voted to approve.

Mr. White and Mr. Owens voted to deny.

PUBLIC HEARING

Mr. White seated regular members Katherine Leab, Reese Owens, Bradford Sedito, Polly Roberts, himself.

ZBA-0211 Request of William C. Bausch, 24 School Street, for a variance from Zoning Regulation 11.3 (minimum lot size), for lot line revision. James G. Kelly Esq. was present to represent Mr. Bausch. The Chairman, Mr. White read the authorization and application letter (see file). Mr. Kelly presented a notice sent to Emily A. Dexter of 13 Moody Bridge Road a property owner within 200' of the applicant's land. The property at 13 Moody Bridge had been recently sold and Atty. Kelly hand delivered notice to the new owners (Ms. Dexter). Atty. Kelly explained the existing property lines for 24 and 32 School Street as well as the proposed lot line revision to board members. Atty. Kelly went on to explain his understanding of the procedures for lot line revision. Atty. Kelly was sent to ZBA for a variance by the Zoning Commission. The only known issue Atty. Kelly believes he has is minimum lot size. He asked members to assume that under the soil based zoning regulations both lots are non conforming. He went on to explain that most of the land above both properties is extremely sloped and ledge based, the soil down close to the road he believes to be "B" soils. Atty. Kelly spoke in reference to the Health issues, neither properties is seeking a permit for anything, so it is his belief Health sign off is not needed. Atty. Kelly stated that Mr. Bausch is fully aware of the coverage risks he takes in seeking this lot line revision. Mr. Owens questioned Atty. Kelly as to whether Mr. Bausch's lot is presently a non conforming lot. Atty. Kelly is assuming it is a non conforming lot. Mr. Owens questioned how ZBA or Zoning understand whether a lot is conforming with out a soil analysis. Atty. Kelly voiced his opinion on lot line revision regulations. There was much discussion and concern about making a conforming lot (24 School Street) into a non conforming lot and the definition of minimum lot size. Atty. Kelly came before the ZBA assuming that the lot (24 School Street) is a non conforming lot to avoid the expense of a engineer to calculate the conformity or non conformity of the lot. It was very unclear among members if this is a variance issue. (What are they varying?). Atty. Kelly would assume the board is varying a lot that is non conforming. Mr. White asked if there was any hardship? Atty. Kelly has issue with the definition of hardship and feels that any property that is preexisting/non conforming is a hardship. Atty. Kelly is requesting a variance under 18.1.2 because he was told by Zoning that he is seeking a lot line revision between two lots that do not conform with existing minimum lot size and will not conform after. Mr. Owens is still concerned with creating a non conformity where non exists now.

MOTION: to continue the Public Hearing Re: ZBA-0211 Request of William C. Bausch, 24 School Street, for a variance from Zoning Regulation 11.3 (minimum lot size), for lot line revision, was made by Mr. Owens, seconded by Ms. Roberts, by a 5-0 vote.

MOTION: to accept the minutes of the April 18, 2002 meeting as submitted, was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

Ms. Roberts distributed a copy of the Town of Warren, Zoning Board of Appeals application to all members. She asked members to look it over and discuss it at a future meeting.

MOTION: to adjourn was made by Mr. Owens, seconded by Ms. Roberts, by a 5-0 vote at 9:30pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary