**ZONING BOARD OF APPEALS**

MINUTES

Public Hearing – Regular Meeting

**February 16, 2017**

7:30 P.M. Main Level Meeting Room

**MEMBERS PRESENT:** Ms. Roberts, Mr. Bowman, Mr. Wyant, Mr. Peterson

**MEMBERS ABSENT:** Mr. Catlin

**ALTERNATES PRESENT:** Ms. Kaplan, Mr. Wildman, Mr. Horan

**STAFF PRESENT:** Mr. Ajello, Ms. Pennell

**OTHERS PRESENT:**  Mr. Brian Neff, P.E.

**PUBLIC HEARING:**

Ms. Roberts called the meeting to order at 7:30 p.m.

**ZBA-1025: Request of Keith Angell/47 West Shore Road/Request for Variance from**

**Section 11.6.1.C - Minimum Front and Rear Yard Setbacks:**

Mr. Angell submitted an email dated February 16, 2017 requesting his application be withdrawn, which did include the patio and the shed. Mr. Angell will resubmit application for the shed only.

**MOTION:** To Close the Public Hearing for ZBA-1025/Request of Keith Angell/47 West Shore Road/Request for Variance from Section 11.6.1.C - Minimum Front and Rear Yard Setbacks. By Ms. Roberts, seconded by Ms. Kaplan, passed 5-0 vote.

**ZBA-1027: Request of Malcolm MacLean/22 Nichols Hill Road/For Variance from Section 11.6.1, Minimum Setback and Yard Dimension, Section 12.1, Wetlands and Watercourse Setback and Section 17.4 Nonconforming Structure.**

Seated: Ms. Roberts, Mr. Bowman, Mr. Wyant, Mr. Peterson, and Alt. Wildman.

Mr. Brian Neff, P.E., presented this application. Mr. Neff gave a brief history of this property and the wood framed garage/barn which according to the Town Tax Assessor records was constructed in 1860. He noted that the garage/barn is located only 8.6 ft. from the front property line and non-conforming to the 50 ft. front setback required by Zoning Regulations. Mr. Neff noted that the hardship in enlarging the garage/barn is based upon its non-conforming location established prior to Zoning Regulations, and its being bound on two sides of wetlands.

Mr. Neff presented Soil Erosion and Sediment Control Plan dated 12-23-16, sheet 1 of 1 prepared by Mr. Neff, Proposed Floor Plan A.01 dated 08-03-15 prepared by F&H Architectural Design & Consulting, LLC, Existing Floor Plan EX.01 dated 08-03-15 prepared by F&H Architectural Design & Consulting, Proposed Exterior Elevations A.02 dated 08-03-15 prepared by F&H Architectural Design & Consulting LLC and Existing Conditions Exterior Elevations dated 08-03-15 prepared by F&H Architectural Design & Consulting, LLC.

Mr. Neff stated that the garage/barn is to be demolished and rebuilt on the existing footprint with the roof peak height raised from 12’-8” to 18’-10 ½” to provide for 8 ft. high sliding doors at the garage bay entrance (and allowing for larger vehicles to be garaged), installation of electric garage door hardware and to provide limited unfinished attic space for general storage. Mr. Neff noted that there are no other garages, barns or sheds on the property which could be utilized for storage. He noted this storage space would be accessed by a ladder. Ms. Roberts inquired as to the existing garage door height vs. the proposed height. Mr. Neff stated that the existing door height is less than 7 ft. and proposed height is a full 7 ft., allowing for an automatic door hardware to be installed. Mr. Neff noted that the applicant would like an automatic garage door installed, along with the outer barn style sliding door for aesthetic purposes.

Mr. Neff informed Commission members that Inland Wetlands has approved this application. He noted that the foundation will remain the same and footprint will not be changed. The current foundation is a stone mortar with a concrete slab in the garage area. Mr. Neff stated the wood structure would be demolished.

Ms. Roberts pointed out another shed down on the property map that can be utilized for storage. Mr. Bowman stated that if this garage/barn was in a different location he would not have any issues with this plan. However, this is located very close to the road and would appear too tall. Mr. Bowman stated he sees no hardship that justifies the increased building height. Mr. Neff stated the hardship is mainly due to the location so close to the front property line and being close to the wetlands. Mr. Neff noted that the hardship is due to the location and there not being any other suitable locations on this property to relocate garage, as well as no easily accessed storage facilities.

Ms. Roberts stated that this existing building is 26 ½ foot wide and there appears to be plenty of storage available with this single car bay. Mr. Neff noted that the applicant would like a higher pitched roof line and aesthetically the proposed design is something they do desire.

Mr. Neff asked the Board members if the applicant was to withdraw this application, keep the same basic one story structure and change the roof lines of the existing building to make more of a slope on the roof and eliminating the storage. Mr. Wildman and Mr. Ajello discussed necessary buildings codes that will require more substantial rafters, which would raise the height at least 2 ft., as well as necessary changes to the foundation. Mr. Bowman supported Mr. Neff’s suggested changes of holding the existing plate line and changing the pitch of the rafters, which still would allow for some above storage. Ms. Roberts stated that applicant should look into what is needed for the foundation, including a ramp in front of the garage door to keep water away from the door and keeping a modest increase in the height of the building.

Mr. Neff stated he would withdraw the application. He stated he would discuss the suggested changes from the Board members with the architect and applicant. Ms. Roberts suggested that if Mr. Neff felt there would be enough time to make the changes necessary, that he can request a continuance to the next scheduled meeting to present the revised plans. Mr. Neff stated this would be possible and agreed to a continuance.

**MOTION:** To continue ZBA-1027 Request of Malcolm MacLean/22 Nichols Hill Road/For Variance from Section 11.6.1, Minimum Setback and Yard Dimension, Section 12.1, Wetlands and Watercourse Setback and Section 17.4 Nonconforming Structure. By Ms. Roberts, seconded by Mr. Wyant, passed 5-0 vote.

**MOTION:** To accept the January 19, 2017 meeting minutes as submitted. By Mr. Wyant, seconded by Ms. Kaplan, passed 5-0 vote.

**OTHER BUSINESS:**

Ms. Roberts announced to the Board that she will be stepping down from her position as Vice Chairman after the April 20, 2017 meeting.

**ADJOURNMENT:**

**MOTION:** To adjourn the meeting at 8:00 p.m. By Ms. Roberts, seconded by Mr. Wyant, passed 5-0 vote.

Submitted by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Donna Pennell, Land Use Clerk

 February 23, 2017