**ZONING BOARD OF APPEALS**

MINUTES

Public Hearing – Regular Meeting

**November 17, 2016**

7:30 P.M. Main Level Meeting Room

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

Mr. Peterson

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

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

**OTHERS PRESENT:**  Mr. and Mrs. Jay Hubelbank

Mr. Catlin called the meeting to order at 7:25 p.m.

**PUBLIC HEARING:**

Seated: Mr. Catlin, Ms. Roberts, Mr. Bowman, Mr. Wyant, Mr. Peterson

**ZBA-1023: Request of Jay and Laurie Hubelbank/236 Woodbury Road/Request for Variance from Section 11.6.1 Minimum Setback and Yard Dimensions:**

Mr. Hubelbank presented the plans for this application, which included drawings by Michner Contractors dated 10/03/16, #1-A, #2-A and A2 survey by Michael Alex dated October 2016.

Mr. Catlin asked how the garage would be accessed. Mr. Hubelbank explained that on the garage side facing the house there will be a single door and a single window. He stated that on the opposite side which faces the street will have two windows. Mr. Catlin asked how the rear attached storage would be accessed. Mr. Hubelbank said only from a door inside the garage. There would be no exterior access. Mr. Hubelbank stated their home is a saltbox and the garage will match this saltbox style as well, having clapboard siding.

Mr. Hubelbank discussed the reason for the location of the garage, explaining all other options were not possible. With respect to Commission members referring to other possible locations for garage, Mr. Hubelbank explained the septic system and reserve, wetlands/stream and ledge were all reasons why their suggested locations are not possible.

After some discussion, Mr. Catlin had Mr. Hubelbank draw the stream/IW (intermittent watercourse) location on the map, which is quite close to the house. Mr. Catlin suggested that the survey should have reflected this watercourse as it is likely wetland, making the proposed location the only option.

Mr. Catlin asked if there were any further questions. None were noted.

**MOTION:** To close the Public Hearing for ZBA-1023: Request of Jay and Laurie Hubelbank/236 Woodbury Road/Request for Variance from Section 11.6.1 Minimum Setback and Yard Dimensions. By Mr. Wyant, seconded by Ms. Roberts. Passed 5-0 vote.

Mr. Peterson stated this is a challenging property and understands the hardship. He is in support of this application. Mr. Wyant also was in support of this application. He did want to verify that all abutting neighbors were properly noticed, which was confirmed they were. Ms. Roberts stated that she understands the difficulty of this lot. She stated it is an interior lot that is wooded, which will allow for a good buffer with respect to the garage. Ms. Roberts supports this application. Mr. Catlin agreed with Ms. Roberts and sited the land based hardship of this application. He stated this is the most practical location for the garage and also supports the application. Mr. Bowen concurred with the Commission members, adding that should the applicant choose to install lighting on the garage, that consideration be given to where the lighting shines with respect to neighbors.

**MOTION:** To approve ZBA-1023: Request of Jay and Laurie Hubelbank/236 Woodbury Road/Request for Variance from Section 11.6.1 Minimum Setback and Yard Dimensions to construct a garage per drawings by Michner Contractors dated 10/03/16, #1-A, #2-A and A2 survey by Michael Alex dated October 2016, with the following conditions: 1.) Any change to the approved site plan will void the variance.

**CONSIDERATION OF MINUTES:**

**MOTION:** To accept the October 20, 2016 meeting minutes as amended. By Ms. Roberts, seconded by Mr. Wyant, passed 5-0 vote.

A correction to be noted was that in sections of the minutes, Mr. Eliot Johnson was referred to as Mr. Eliot and should read Mr. Johnson. A final correction is on page 4 under “Adjournment”, Ms. Roberts is referred to as Mr. Roberts and should be Ms. Roberts.

**OTHER BUSINESS:**

Mr. Catlin referred to public right of ways that cross properties in which coverage is involved that was discussed in previous meetings. He met with Mr. Solley, Chairman of the Zoning Commission, who felt that when he has further information.

Mr. Wildman informed the Commission that Mr. Dan Leab, Kathy Leab’s husband, had recently passed away. A card for Mrs. Leab was distributed for members to sign. Commission members expressed their appreciation and gratitude for Mrs. Leab’s service to the Commission. They respectfully send their condolences to Mrs. Leab and family members.

**ADJOURNMENT:**

**MOTION**: To adjourn the meeting at 7:40 p.m. By Mr. Wyant, passed 5-0 vote.

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

Donna Pennell, Land Use Clerk

November 23, 2016