

ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Recorded by Janice Pack

May 22, 2019

Members Attending: Gil Morris, George Rainier, Sheldon Pennoyer, Loren White, Steve Atherton, Craig Pettigrew

Meeting opened at 7:00 PM

Gil called the meeting to order and explained the way this process would go. It was noted that Craig would be a non-voting member for Case 2019-03.

Public Hearing, ZBA Case 2019-03, for the property at 8 Slip Road asking for an Equitable Waiver of Dimension Requirements from Article A.c Section III of the Zoning Ordinance to permit an existing building to be renovated to return to use as a multi-family dwelling of 4 units, and for a Variance from Article A.b Section III of the Zoning Ordinance to permit an existing structure on .2 acres to be renovated as a 4-family building.

Gil read the application for the Variance, and the facts supporting it. Loren clarified which property this was. George stated that the Planning Board had given approval of their site plan to put 4 units in there.

Heather Peterson presented information stating the future plans for the 4 apartments proposed for that building including their sizes. She said that the village currently has many multi-use properties on small lots. There would be no change to the existing footprint. She thinks this is in keeping with the village and would be much better for the Town. Craig asked if it had always been 4-units, and Heather said before the latest fire, it had been a 3-unit building although according to the tax card, it was only a duplex. Steve asked about input from the Planning Board, and Heather said they had Site Plan Approval, although they require the parking to be behind the building. She shared the details on the plan. George said it had come up during the Planning Board meeting that no work could be done until the Code Enforcement Officer had been through the building, and John Wheeler confirmed their next step would be to meet with an engineer. Sheldon said it was nice that someone wanted to do something with that building.

There were no other comments from the applicant or the public.

George moved to close the public portion of the meeting, Loren seconded this, and all were in favor; motion passed. The Board proceeded to go through the application and discuss the 5 steps needed for this variance to pass.

There was a question as to whether or not the 3rd unit that had been pre-existing was legal, but Gil said at this point, it didn't really matter.

1. "Granting the variance would not be contrary to the public interest" The Board felt that 1.5 acres was not really feasible in the downtown area. Loren asked for clarification of whether or not the 1.5 applied to an existing structure or new construction. Gil said because the building

hadn't been used, it had to revert back to a single family. **Sheldon moved to approve Item #1 as written; Steve seconded. All were in favor; motion passed (5-0).**

2. "If the Variance were granted, the spirit of the ordinance would be observed" Steve noted that you probably weren't going to find anyone who did not want the building to be beautified and used again. **Sheldon moved to approve Item #2 as written; George seconded. All were in favor, motion passed (5-0).**
3. "Granting the variance would do substantial justice" The Board had a few comments, and Craig read from the Zoning Ordinance where it applied to this, as the building has not been used for over a year. **Sheldon moved to approve Item #3 as written, George seconded. All were in favor; motion passed (5-0).**
4. "If the variance were granted, the values of the surrounding properties would not be diminished" George said the lot directly behind that was owned by the town; it is a vacant lot. Sheldon said the question of enhancing the surrounding area is answered Yes and it would *enhance the area*, not diminish the values of the surrounding properties. **Steve moved to approve Item #4 as written. Sheldon seconded. All were in favor; motion passed (5-0).**
5. "Unnecessary Hardship" Loren said there is a particular part of that which he does not agree with. If it were stricken, it would be more acceptable to him. Craig said that for the use of the building, is putting 4 units in there good for the Town? Yes, it would be. But it's not the only possible use. **Sheldon moved to approve Item #5 as written with the insertion of "not" before "more desirable". Steve seconded this. George said it was actually not a unique property. All were in favor; motion passed (5-0).**

As all 5 items were Approved, the Variance was granted.

Moving on to the request for an Equitable Waiver of Dimensional Requirements, Gil read the Application to permit an existing building to be renovated. This noted that the applicant had met with the Code Enforcement Officer regarding this plan to renovate. Heather shared the site plan, and noted that for lots smaller than 1.5 acres the setbacks were to be no less than the build to line for the front setback. The side setback where Greenfield Corner Properties abuts is less than 20'.

There were no further comments from the public. The Board deliberated and Sheldon felt that granting the waiver would be in the best interests of the town. **George moved we approve the waiver, Steve seconded.** Loren said his gravest concern for John as the property owner, is that this property could become compromised for its maintenance needs by the abutter. The abutter could deny him to do roof work, etc.; without a good neighbor, it could become an issue. This would be out of the control of the Town. **Vote: All were in favor; motion passed (5-0).**

Both applications were approved.

This portion of the public hearing was closed, and a 5-minute break was taken.

At 8:09 PM, Sheldon recused himself. It was noted that Craig would be a voting member for Case 2019-04. The **Public Hearing for ZBA Case 2019-04** was opened on behalf of Sheldon and Penelope Pennoyer for the property at 81 Fletcher Farm Road asking for an Appeal from an Administrative Decision, Article H Section III of the Zoning Ordinance and an Application for a Variance from Section III H of the Zoning Ordinance to permit the construction of a wood shed and sauna within the required 100' front yard setback.

Sheldon said Mike Borden had denied his building permit and advised him to go before the ZBA for an appeal.

Gil read the letter from Sheldon describing the situation, and the Board decided to go right to the Variance as if the Variance was granted there would be no need for an Appeal. He read the Application for the Variance.

Gil then opened it up to the applicant to present his case. Sheldon noted that Mike had determined that he could not build the woodshed there if it was not attached to the house. When they renovated the house, Peter Hopkins had determined that he could build it there. He pointed out the details in the photographs which show different setbacks and show where the 12' x 44' wood shed would be located. The dimensions came from an old survey done by Bill Bean. Loren asked if the Town maintained his road; Sheldon said they do. George asked if the only problem Mike had was with the detached accessory dwelling not being 100' back. This was confirmed. George asked how far the house was set back; Sheldon said 19.5' from the edge of the road.

Gil closed the public portion of the hearing, and the Board went through the application one item at a time.

1. "Granting the Variance would not be contrary to the public interest" George **moved to approve Item #1, and Steve seconded. All were in favor; motion passed (5-0).**
2. "If the Variance were granted, the spirit of the ordinance would be observed" George **moved to approve Item #2, Loren seconded. All were in favor; motion passed (5-0).**
3. "Granting the Variance would do substantial justice" George **moved to approve Item #3, Craig seconded. All were in favor; motion passed (5-0).**
4. "If the Variance were granted the values of the surrounding properties would not be diminished" George **moved to approve Item #4; Steve seconded. Motion passed (5-0).**
5. "Unnecessary hardship" George **motioned to approve Item #5, Craig seconded. All were in favor; motion passed (5-0).**

The Application to permit the building of a woodshed in the setback was Approved.

Craig moved to grant the Appeal for Administrative Decision. George seconded. All were in favor; motion passed (5-0).

This concluded the public hearing.

OTHER BUSINESS

The Board reviewed an invoice received from the Ledger-Transcript for noticing, and this was approved.

The Board reviewed the minutes from their last meeting held on April 30, 2019. Gil noted on line 41 that his class schedule is Tuesday and Thursdays. **George moved to approve the minutes as amended, and Sheldon seconded. Motion passed (5-0).**

Having no further business to discuss, **George motioned to adjourn the meeting, and Sheldon seconded. All were in favor, motion passed (5-0), and the meeting adjourned at 8:47 PM.**