

May 23, 1978

There was a meeting of the Board of Adjustment on Tuesday, May 23, 1978 at the Town Hall at 7:30 P.M. to hear the petition of Guy A. Jr. and Freda R. Hulett for a variance to construct a car port seven feet from the rear lot line on their property on West Street.

The roll call was as follows:	A. George McLean, Chairman	- Present
	Eugene Bried, Vice Chairman	- Present
	Carole Webber	- Present
	Patricia Thomas	- Present
	Robert B. Flanders	- Absent
	James Dennison, Alternate	- Present
	Catherine C. T. Dik, Alternate & Clerk	- Present

Also present were Mr. and Mrs. Guy A. Hulett, Jr. and Emery So Doane. The meeting was called to order at 7:30 P.M. and the Chairman recounted the order of procedure. The Clerk read the petition and displayed a plot plan, which was placed on file, and reported that notices were sent by certified mail, return receipt requested, to the petitioners, all abutters and those within 200 feet and that receipts were received from all except one. The Clerk contacted that person by telephone and made certain that the notice had been received and they were aware of the hearing. (The receipt was delivered to the Clerk after the decision was given.)

The petitioners had nothing more to add to present their case, but the Board had questions to ask. Mr. Dennison asked how the new two-car garage could be built two feet from the side line, and it was explained that it took the place of an old garage which was already there and so the "grandfather" clause allowed it. He asked why the carport could not be placed 20 feet from the rear lot line, and the reply was that the sewer right of way required 50 feet for construction and this would not leave enough room for snow removal and parking for their tenants. The carport is merely to house their camper and will not be used in the winter. Asked if the snow could be pushed to the south of the driveway toward the sewer line they claimed it would be too difficult. Mr. Dennison asked if it could be placed on the other side of the sewer line, and the answer was it would be too close to the brook after allowing

for the required 50 feet. It was brought out that Mr. McCormack, the abutter on the rear, lives in California but rents the property here, that he had received a notice, but had made no objection. Mr. Hulett remarked that this is the most suitable site we can find that is most convenient for them.

Mr. Doane pointed out that the 50 foot right of way reverts to 20 feet after construction is completed. One can drive over it, but cannot build on it or plant trees. He feels that there is a hardship due to the sewer construction.

The Chairman asked if there were any further questions, and as there were none he declared the hearing closed at 7:45 P.M.

The Board then met in executive session, and the Chairman called on each member for his opinion.

Mr. Dennison feels that 20-foot set back is meant for privacy and fire protection, but after looking at the property those considerations are not overwhelming--the neighbors are not at this hearing; no objections. The thing that gives him any hesitation is the possibility of setting a precedent for many similar requests. We want to be sure we have not established a precedent for people who really have no solid reason.

Mrs. Thomas feels that every situation is different so we do not really establish a precedent. Mr. Dennison's reply: It should not be, but often is a strong argument.

Mr. Bried thinks they have jumped the gun. The footings are in, gravel in. Then they found they could not go ahead. He does not think the snow reason is a good one. It can be pushed to one side. The reason they want the variance is because it is already started.

Mrs. Webber said the McCormack house is not very close so really not a serious consideration. She has no objection to having it near the property line. For only a carport she does not object.

Mr. McLean said that we have here the problem of an old-time family

who went ahead and poured the foundation and think, therefore, they should have what they want. But if we follow the variance requirements he sees no reason why they should have a variance.

Mrs. Dik remarked that she was not serving on the Board that evening, but would like to say that granting such a variance merely perpetuates the crowded condition in the Precinct that is so prevalent.

Mrs. Thomas does not think it is detrimental to the property; in fact is an addition. Therefore, she

MOVED: That the variance be granted to erect a carport seven feet from the rear lot line because a hardship has been created due to the shallowness and narrowness caused by the proposed sewer line through the property.

SECONDED: By Mr. Bried

The Board then returned to open session and

VOTED: In favor: James Dennison
Eugene Bried
Carole Webber
A. George McLean
Patricia Thomas

In opposition: None

The Board then returned to executive session and the Chairman suggested that some member of the Board be responsible for checking at the Town Hall to see that all abutters and those within 200 feet (with correct mail address) are properly listed, the reason being that if there is an appeal the decision could be invalidated because of an omission. Mr. Dennison agreed to try it and see how much time it takes.

The matter of publishing the decision in the paper was then discussed. It is ~~nowhere~~ required in the state statute or the Zoning Ordinance but we have been doing it under our by-laws as a good public relations matter. Mr. Bried

MOVED: That we do not publish notice of decision in the Transcript any more.

SECONDED: By Mr. McLean

VOTED: In favor: Mr. Bried
 Mr. McLean
 Mrs. Thomas

 In opposition: Mr. Dennison

 Undecided: Mrs. Webber

The motion will be brought up for a second reading at the next meeting as required by the by-laws.

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Catherine C. T. Dik

Catherine C. T. Dik, Clerk