

**TOWN OF FALMOUTH
BOARD OF ZONING APPEALS
TUESDAY, JUNE 24, 2008**

These minutes are not verbatim

MEMBERS PRESENT: Kevin McCarthy (Chair), Jim Thibodeau, Fred Jay Meyer, Dennis Keeler

MEMBERS ABSENT: Rich Bayer, Willie Audet, Stan Given.

The meeting opened at 6:36 pm.

Minutes:

May 28, 2008 – Jay Meyer moved to approve the minutes as amended, Dennis Keeler seconded. Minutes approved 3-0. (Thibodeau abstained)

Completeness of applications:

Al Farris testified that the Whitmore application is not complete. Information has been added since its submission, but it is still not complete. The Keefe application is also not complete: it is missing a letter from the homeowners association, approving the proposed deck. Some information has been added to it as well, but it is still incomplete.

Kevin McCarthy felt that the Keefe application could be heard, subject to subsequent receipt of the letter. The Whitmore application is missing a lot of information that the Board needs to see, and on which to base their decision. He asked the Board how they would like to proceed.

Al Farris said that it isn't unusual for the letter from the homeowners association to be unavailable prior to the hearing, and this is not an unusual application; the Board has approved a number of these. The builder for both these applications is here.

Dennis Keeler asked if it is just a permissive letter.

Al Farris said it is.

Dennis Keeler didn't want to see a letter come back with conditions attached.

Kevin McCarthy said that the Board could make the decision subject to those kinds of conditions, but in his experience the letters are usually "yes we approve" or "no we don't". With the other application there is virtually no information in there. The Board did receive a plot plan with some dimensional calculations tonight, but that didn't address all his questions.

Jay Meyer recused himself from discussion about the Whitmores as he is a friend of theirs.

Dennis Keeler asked Mr. Farris about his communications with the builder about the Whitmore application.

Al Farris called the contractor on 6/12 to inform him that the application was incomplete and to request more information. The only dimensions available at this time are what are on the plot plan. There don't appear to be any front or side setback issues.

Kevin McCarthy said it was not fair to the applicant, the Board or the public to consider an application that doesn't have the information the Board needs to approve it.

Jim Thibodeau said he has always supported complete applications. It is a little different with the application that is just missing the letter, he thought the Board could give it a conditional approval, but he was not in favor of hearing the other application.

Dennis Keeler agreed with Jim. In the Whitmore application the questions on the section 8.3 questionnaire are not fully explained.

David Means, the builder who submitted the applications, explained that he was told by Mr. Farris that he didn't have the setbacks listed and he has since provided those. He wasn't aware that there was anything else missing.

Kevin McCarthy explained that the ordinance has a detailed discussion of what is required. Mr. Means said that it is a very straight forward application; there really is not much happening with this project.

William & Kathryn Whitmore-Are requesting Conditional Use under Section 6.2 for an addition at 3 Hammond Rd. Parcel# U02-023, zoned, "RA".

Jim Thiboedau moved to deem the Whitmore application to be incomplete for the purposes of the Board's review.

Dennis Keeler seconded.

Dennis Keeler clarified that this vote does not preclude the applicant from returning. He thought they could provide the applicant with guidance regarding what they should provide in the future. He suggested the applicant sit down with Mr. Farris to determine what else he needs to submit.

Motion carries 3-0. (Meyer abstained)

Agenda Items:

1. **Thomas G. Ahlers**- Is requesting Conditional Use approval under Section 6.2a for demolition of a garage and an addition to a garage at 8 Hartford Ave, Parcel# U04-015 zoned "RA".

Kevin McCarthy explained that this is under 6.2a; it is a nonconforming lot.

Al Farris confirmed that and noted that it is nonconforming due to minimum lot size.

Jay Meyer noted the specs provided; he stated that the Board is not approving the construction specifics, just the conditional use.

Public comment period opened: no public comment.

Jim Thibodeau moved to approve the conditional use under 6.2a.

Dennis Keeler seconded.

Application approved 4-0.

2. **Anne & Geoffrey LaFond**-Are requesting Conditional Use approval under Section 6.2a for a garage shed addition at 77 Waite's Landing Rd. Parcel #U05-019, zoned "RA".

Al Farris explained that this lot is nonconforming due to lot frontage. It also exceeds minimum lot square foot requirements but it meets all the setbacks.

Public comment period opened: no public comment.

Jim Thibodeau moved to approve the conditional use under 6.2a.
Jay Meyer seconded.

Application approved 4-0.

3. **Marcus & Rebecca Jaynes**-Are requesting Conditional Use under Section 6.2a for an addition for a deck at 23 Providence Ave, Parcel# U04-059, zoned, "RA."

Al Farris said this lot is nonconforming due to lot size, but it meets the setbacks.

Public comment period opened – no public comment.

Dennis Keeler asked about some numbers on the plot plan, and Mrs. Jaynes explained that those are the distances to the tree.

Dennis Keeler moved to approve the conditional use under 6.2a.
Jim Thibodeau seconded.

Application approved 4-0.

4. **Kenneth & Rosemary P. Smaha**- Are requesting Conditional Use under Section 8.3 for a Single Family Dwelling to be built at 11 Glen Rd & 14 Underwood Rd, Parcel# U18-036 & -037, zoned "RA".

Mr. Ken Smaha explained that the demolition of the existing cottage was already approved. He indicated the site of the second cottage to be removed.

Kevin McCarthy commended the applicant on the application submitted.

Public comment period opened – no public comment.

Dennis Keeler disclosed his friendship with the applicant, and asked the chairman if he was okay with Mr. Keeler remaining on the board
Kevin McCarthy said he didn't have a problem with it.

Dennis Keeler asked Mr. Butler to discuss the application.

Mr. Bruce Butler, an architect, described the nature of the neighborhood; they are mostly small cottages, and the design of the house is structured to look like two small cottages joined by a connector in the middle. The materials will be either shingles or clapboard, the windows will be cottage-style with divided lights to be compatible with the neighbors. He described the floor plan of the proposed structure.

Dennis Keeler asked for a discussion about the elevations.

Mr. Butler described which elevation faced Underwood and which faced the water. He explained that they looked at the view corridor of the abutter as it would be impacted by the

construction and designed this project so that it would not impact the view from the abutter up the hill.

Mr. Smaha described what each photo in the application was.

Mr. Butler showed how they scaled the eye level of a person sitting in the abutter's home to show the view corridor and how they designed the proposed home so as not to impact the view. He discussed the issue of water runoff on the property – they are talking about level spreaders, a flattened area that allows the water to slow down and collect, in conjunction with French drains. These will be used to minimize rain from overloading the system.

Kevin McCarthy asked, in regards to the view from the uphill abutter's house, if the roofline of the proposed house will be higher than the existing cottage.

Mr. Butler said that it will be a hip roof coming back away from the edge of the house.

Kevin McCarthy observed that there is another house after the cottage, which seems to have more of an impact on the view than this one will.

Mr. Smaha said that was correct.

Jay Meyer asked if the dotted line on the plan is the new roofline.

Mr. Butler said that was correct, but on the plan A202 it shows that the window relative to the roof doesn't line up with the roof at that point.

Jay Meyer asked if that is the only window of that abutter that will be impacted.

Mr. Butler said that there is a lower window, and there is a basement window.

Jay Meyer asked if the view from the basement window is already obstructed.

Mr. Butler thought it was safe to say so.

Kevin McCarthy asked if the abutter was opposed to this.

Mr. Smaha said no; they met with him in the beginning, and showed him they are trying to design away from impacting the view.

Jim Thibodeau asked if they explained to the abutter that there will be some obstruction of view on one side and an improved view on another side.

Mr. Butler said they showed the abutter the plans.

Jay Meyer said there seemed to be a small bathroom window that would be obstructed.

Mr. Butler said he was not sure how much view there is this time of year with the trees fully leafed out, and that the project may improve the year-round view, as some of the trees will have to be removed for the foundation.

Mr. Smaha also pointed out that the other house that was torn down was there.

Kevin McCarthy clarified that this application is under 8.3, but the Board has to approve 6.9 first.

Al Farris said that was correct.

Kevin McCarthy explained that was because it is a tear down and rebuild on a nonconforming lot, and both lots are being combined.

Al Farris said that it makes it more conforming, but it is still nonconforming.

Mr. Smaha asked what was approved last year.

Al Farris said it was the same thing, 6.9 and 8.3.

Jim Thibodeau asked about the lot coverage of the existing two dwellings before the first one was torn down.

Mr. Butler explained that the house was torn down before he did the calculations, not even the foundation was remaining.

Jay Meyer observed that the drip edges all looked to be at the 10 foot setback.

Mr. Butler said they were designed to be one foot outside the foundation, on the setback.

Al Farris, in response to Jim Thibodeau's question on lot coverage, said that, according to the tax records, the footprint of the building that was torn down was 633 square feet, and the existing house has 496 sq feet.

Jim Thibodeau thought that this is on a steep embankment, and would substantially increase, at least visually, the lot coverage, and they will be increasing the impervious surface. He asked if the drainage was designed by an engineer, and if they are increasing the peak rate of runoff. He wondered if they have considered this, and what information they could provide.

Mr. Smaha didn't think the footages are that much different.

Mr. Butler explained that the intent is that the person that they hire to engineer the project would be a civil engineer and a structural engineer.

Jim Thibodeau was satisfied if they hire a civil engineer to do a drainage plan and submit it to the CEO.

Dennis Keeler asked what a level spreader is.

Al Farris explained that it is essentially a level place of ground with a lip that slows the water down and allows the water to soak into the ground.

Kevin McCarthy asked to what extent that is an issue for residential construction. The Ordinance only talks about significant drainage problems. He wondered to what extent the CEO gets involved with drainage in a residential construction.

Al Farris said that he gets very involved with a steep slope area, and a neighborhood with narrow streets especially. The Codes office is equipped to deal with this.

Jim Thibodeau commended the applicant on the application, his efforts to consider his neighbors, and his efforts to consider issues such as drainage and hire an engineer.

Jay Meyer moved to approve the application under 6.9 and 8.3, as depicted on the plans submitted, subject to a drainage plan being submitted to the satisfaction of the CEO.

Dennis Keeler seconded.

Application approved 4-0.

5. **Noah Wuesthoff** –Is requesting Conditional Use under Section 8.3 & 6.9 to tear down and rebuild a single family dwelling at 20 McKinley Rd, Parcel# U-1-041, zoned "RA".

Kevin McCarthy announced that a letter was submitted by an across the street abutter, with concerns about impact to his water views.

Mr. Wuesthoff, the applicant, is currently a resident on Andrews Ave. The existing house at 20 McKinley is a ranch. It is not in very good shape, the basement is leaking, and it is therefore not conducive to renovating. The plan is to tear down the current home and build a 1.5 story home to replace it. The initial plan was for a 2 story home, but after looking at the neighborhood, Mr. Wuesthoff felt that a 1.5 story home was more appropriate for the neighborhood. There are many 1.5 story homes in the area, many of which have been recently renovated. He tried to be considerate of the neighbors, and build a home that is in keeping with the area.

George Theborge presented the 6.9 criteria. Criterion A limits it to a single family dwelling, B limits it to 50% lot coverage, C limits it to 10 feet away from all property lines, and D limits it to 20 feet away from any structures on abutting lots. The applicant is asking for the Board to

approve the plan with some parameters: a limit of 38% lot coverage, a front setback of 22 feet, a rear setback of 40 feet, and side setbacks of 10 feet. He discussed the photos provided that showed the impacts on the water views from the abutting home at 22 McKinley Rd. Mr. Wuesthoff is limiting his plans in consideration of his neighbors.

Mr. Wuesthoff said he contacted the neighbors that he thought would be the most affected: the neighbors directly across the street, the abutter directly behind the home as well as the neighbors across the street behind the home. There was a problem contacting the owner of the abutting home at 22 McKinley, but he left a message with the owner, and they have not contacted him. He had never approached Mr. Macgregor, the abutter who submitted the letter to the Board, but he left a message on their machine yesterday, and met with him last night and showed him the sketch. Mr. Macgregor was concerned that a view from his bedroom window over the house at 20 McKinley would be impacted.

Public comment period opened, specific to the view issue:

Ann Reese, 14 McKinley Rd., indicated her home on the map. Hers is the first home away from the water that is a two story home; she has water views from two bedrooms upstairs. She has no information on how high the new home will be compared to the old so that she can determine what impact there will be on her views. She provided the Board with photos of the water view from her home.

Judith Harrington, 16 McKinley Rd., corrected that each time Mr. Wuesthoff has referenced 22 McKinley Rd. he really was referring to 18 McKinley. She thought there was not enough information here to describe how far out they are coming in front, and if they are coming out more than three feet it would obstruct her view.

Mr. Thebarga said they did an analysis of the potential view impacts of the proposed plan on Mr. Macgregor's home. He passed papers to the Board showing the results of his analysis. The current ridgeline is 17 feet high; they are proposing to go up to 27 feet. The section 8.3 criterion says there shall be no significant adverse impacts on water views. In section 6.9, the intent in the ordinance is to review this issue. His position is that, with the modest increase in height, this is in keeping with that criterion. With regards to 16 McKinley, the proposed home is going two feet closer to the road, and with the blocking effect of 18 McKinley, he didn't think this will impact the view at 16 McKinley. His position is that most of the homes get their views from looking down the road, not over the roofs of the other homes. Also, he felt that to limit all the homes on the street to a single story in order to prevent any impact on the water views from one bedroom would have a significant economic impact on the property values of the neighborhood.

Kevin McCarthy asked Mr. Thebarga for his reaction to Ms. Harrington's concern about the house moving three feet closer to the street.

Mr. Thebarga said the house is actually only moving two feet closer, it shows three feet closer in the illustration just so it would show up in the photo.

Ms. Harrington asked if that meant that it will come out to where the front steps are now.

Mr. Thebarga said that it will actually be a foot less than the front steps; the steps are three feet out from the current building.

Jim Thibodeau was concerned about the view from Ms. Reese's second story window, as well as the view from 13 McKinley. He would like to see more analysis on the vertical impact of the view shed. He asked if there were any time constraints on the applicant.

Mr. Wuesthoff said there weren't really. He does have a builder lined up that has a window of time available, and the builder would like to get started. He didn't know if he would lose that builder if this gets delayed. He understood the concern of the neighbors, and he wanted to be reasonable with them.

Jim Thibodeau said he didn't know what the real impact would be. He would like the application to come back with that one little piece and those two neighbors satisfied. He was in favor of tabling for that one piece of information.

Mr. Thebarga said that they would offer a height restriction of 28 feet, 10 feet higher than the ranches, which they felt was reasonable, and under the 37 foot maximum. Also, he wasn't sure the Board wants to make the determination that all those homes would be limited to single story homes forever in order to prevent a limited impact on water views.

Dennis Keeler asked about the photo submitted by Ms. Reese; he wondered if that is from the bedroom window.

Ms. Reese explained that two of the photos are from one bedroom window, and two are from the other. They are very similar views.

Dennis Keeler asked if the roof in the photo is Ms. Harrington's home.

Ms. Reese said it is.

Dennis Keeler asked about the chimney in the photos.

Ms. Reese thought that was Ms. Harrington's home.

Dennis Keeler thought that Mr. Wuesthoff's proposed renovation would be more to the left of the views available. The views seem to look out over the road, not over the homes between her and the water. He didn't see these three views as being impacted, but didn't have the information to identify if the fourth view would be impacted.

Mr. Wuesthoff pointed out that, on the photos provided by Mr. Thebarga, which show Ms. Reese's home, the views are mostly down the street and over the front yards. His house would be behind the three views from Ms. Reese's home, but maybe the one view would be affected. The question is if raising the roof by 9-10 feet would significantly impact the view.

Jay Meyer observed that the submission included some rough floor plans, but no elevations and no true layout detail. He asked how firm the plans for the house are.

Mr. Wuesthoff said they are quite firm. If he receives approval tonight the house will look like the front elevation. The sizes and locations of the rooms are determined, at most it will come out an additional two feet in the one off-set segment, 6 feet wider at one point, and no further back than the 40 foot setback.

Jay Meyer said that the Board is approving an envelope, and he wasn't sure how much freedom the applicant would need within the envelope.

Mr. Wuesthoff said that the envelope is concise; they've made an effort to do that. If the builder suggests the building be moved a foot over, to get access to the backyard, he felt he would have to listen to his builder.

Mr. Thebarga said the architects are looking at the interior layout; if we keep within the building envelope, they can move around the jogs, etc. on the floor plans. Also, if the Board approves the plan of the building, anytime the applicant wants to change the footprint or design he would have to come back. That's why they want to approve an envelope, not the plan.

Jay Meyer asked about impact on the views from the backyard.

Ms. Harrington said that, as long as it stays at the 40 feet, it would not be an issue.

Jay Meyer asked how much effect it would have to narrow the building by two feet.

Mr. Wuesthoff said they wanted the extra feet to provide architectural interest, so it wasn't flat across the front. He was willing to consider that, but he was concerned about the drip edge. Jay Meyer was more concerned about the distance from the street than the height issue.

Kevin McCarthy said they are not extending any closer than two feet to the street, but are they willing to not extend any closer than the existing house.

Mr. Wuesthoff said that, if that is the difference between moving forward or not, he would seriously consider it.

Kevin McCarthy asked about any legal restrictions in the area that prohibit structures or vegetation in this area.

Mr. Thebarger said it was unlikely since this area was developed in the 1940's.

Kevin McCarthy observed that the owner has the right to plant 40 foot spruce trees on the property without any input from anyone. He felt the applicant has gone to great lengths to consider everyone's interests in this application, and done a great job in being sensitive to those issues. He asked for confirmation that coming out two feet would not be an issue for Ms Harrington.

Ms. Harrington said that was correct. Two feet would not block her view.

Jim Thibodeau said the applicant has done a great job designing the envelope, and for him, giving them approval on the horizontal placement is not an issue; the way it is is great. The only piece that he is concerned about is the vertical impact on water views. He didn't feel comfortable going forward, with the letter here but the abutter not here.

Dennis Keeler asked if Jim Thibodeau was proposing tabling based on a need for more information, or based on them resolving the issue with 13 McKinley.

Jim Thibodeau said it was based on more information. He thought there was not enough information to relate to Ms. Reese's concern.

Kevin McCarthy asked him to clarify if he was specifically suggesting tabling.

Jim Thibodeau said he was not specifically suggesting tabling; he was suggesting either conditional approval based on working with those two abutters, or tabling.

Jay Meyer was concerned about approving with a condition based on the approval of the neighbors. He thought that was a very difficult situation to place the applicant in.

Dennis Keeler moved to approve the application under 8.3 and 6.9 for the purposes of discussion. MOTION AMENDED to include the conditions of a 22 foot setback from the front property line and a building height of 28 feet.

Jay Meyer seconded both original motion and the amendment.

Dennis Keeler heard from Ms. Harrington's testimony that if the building is limited to the 40 feet in back and the two feet in front, her concerns are addressed. From Ms. Reese's issue, he sees three of the four photos receiving no impact from the renovation, and even though there is no indication of the impact of the fourth view, he would not see that as a significant adverse impact on the views from the house. Regarding Mr. Macgregor, he is across the street and a few houses down; the test is whether it is significant. There will be an impact, but in light of the responsibility of the proposal, he felt that this is not significant.

Kevin McCarthy observed that the Board tends to focus on the view impact, but there are several other conditions of the ordinance that have to be satisfied.

Jay Meyer mentioned that the existing home on the site has been poorly maintained and any renovation will be an improvement, so the property values will not be negatively impacted.

Kevin McCarthy felt the application sufficiently addressed the other conditions of the ordinance, but the water views are dependent on the discussion of the Board. This application will have an affect; the question is whether it is a significant adverse impact. He didn't see this as having a significant adverse impact, and in the interest of moving this along and allowing the applicant to do what he pleases with his property within the confines of the law, he was not in favor of the Board sending the applicant to get more information to satisfy one neighbor down the street. He felt that the applicant has done a sufficient job to address the concerns of the neighbors and the provisions of 8.3, and he was ready to approve the application.

Jay Meyer said that if the applicant was willing to live with a 28 foot height limitation that would be a good idea to include in the motion.

Kevin McCarthy would suggest a limitation of two feet closer to the road and a 28 foot height limitation.

Dennis Keeler amended his motion.

Jim Thibodeau said he was concerned about the height, but about 50% sure that the height will not have a significant impact, and due to the lateness of the submission of the abutter's letter, he was willing to go forward.

Application approved 4-0.

6. **Barbara Keefe**-Is requesting Conditional Use under Section 6.2c for a deck at 63 Applegate Ln. Parcel#U16-002-023, zoned "RA".

Al Farris explained that the deck is being built above an existing patio. There is 50 feet between the proposed deck and the adjacent building.

Public comment period opened – no public comment.

Al Farris stated that he is still missing a letter from the condo association approving the building of the deck. That would have to be received prior to a building permit being issued.

Kevin McCarthy observed that, if it is approved, it would have to be conditional on receipt of this letter.

Dennis Keeler said that, if not for the simplicity of this application, he would not consider the drawing to be sufficient. He would like scaled drawings showing the house, for example.

David Means, builder, represented the applicant.

Jim Thibodeau moved to approve the conditional use under 6.2c with the condition that a letter of approval from the Homeowners Association is provided to the Codes Office, and the letter have no conditions in it. At Kevin McCarthy's suggestion, the motion was **AMENDED TO ADD** that the conditions neither be contrary to the ordinance, nor require any further review by any Town approval boards.

Jay Meyer seconded the motion and the amendment.

Mr. Means said he dropped off the letter, which did include some conditions. The applicant has been approved by the Homeowner's Association. One of the conditions was that she get a permit, another was that it cannot be attached to the building.

Kevin McCarthy explained that his suggestion about the conditions was only to prevent any conditions that would need discretion from the CEO. He assumed the conditions would be something the CEO could easily verify.

Dennis Keeler asked if notice was given to the other dwelling units.

Mr. Means said that the applicant had to go before the Board of the Homeowners Association.

Al Farris said the Town sent out notices of this meeting as well to all abutters within 500 feet.

Application approved 4-0.

7. **Steve Dunwoody**-Is requesting a Disability Variance for accessibility to his house at 25 Whitney Rd. Parcel #U01-084-B, zoned "RA."

Mr. Dunwoody provided the board with some additional information.

Public comment period opened – no public comment.

Jay Meyer thought this application could be considered under 6.2b, the squaring-off provision; it is within the front setback, and is no closer in the back.

Al Farris thought the rear deck extends closer to the rear line than the existing.

Mr. Dunwoody explained that there is a small back deck there already. He indicated on the plans what is existing and what is proposed.

Al Farris observed that it is within the front setback. It could be under 6.2b.

Jay Meyer thought the decks are fairly wide, and he asked how that will assist Mr. Dunwoody's use of the property.

Mr. Dunwoody said that, as it is, the deck is so small it would become an issue if he even put anything like a stool on it. His concern is safety.

Dennis Keeler asked Mr. Farris for confirmation that a variance is not needed in the front.

Al Farris confirmed that and said that it is not needed in the rear either. As Jay Meyer pointed out it could be a 6.2b.

Jim Thibodeau moved to approve the application for decks under 6.2b for purposes of discussion.

Dennis Keeler seconded.

Kevin McCarthy asked if the existing deck was approved under a disability variance.

Al Farris said it doesn't appear to have been. The building permit for that deck was issued in 1989, and apparently there was no action taken by the Board.

Jay Meyer thought it was better to approve under 6.2b rather than a disability variance.

Application approved 4-0.

8. **Peter and Susan Hall-** Are requesting Conditional Use under Section 6.10 to rebuild a garage & 6.2b for an addition to the dwelling at 18 Just A Mere Rd, Parcel # U01-149, zoned "RA".

Greg Yost, of Hanley and Yost Custom Builders, representing the owners, explained that they are doing a two-step process. The 6.2b application consists of a 4x10 addition off the previously approved addition to the house connecting the existing house to the garage, so the garage becomes attached, and then step two is to rebuild a portion of the garage that meets the required setbacks, add a second floor, half-story, and squaring off the garage in the back.

Kevin McCarthy said the previous application was the demolition of the garage and a rebuild. He asked if this includes the demolition of the garage.

Mr. Yost said it does include the demolition, but they are maintaining the part of the garage that is within the 10 foot setback. He explained that they did a redesign; the problem was with the roofline expanding to accommodate the gable facing the road. Now they are maintaining a shed portion of the roof so the line of the existing roofline within the 10 feet of the property line stays the same.

Jim Thibodeau asked if this has been done before this way; the ordinance doesn't discourage this, but it seems counterintuitive to what the ordinance requires. He wondered if they are circumventing something in the ordinance.

Al Farris said that yes, people have done this before. Rich Bayer referenced an application on Providence Ave. that was very similar to this one. Lots of these older homes are like this, with a detached garage too close to the property line, and the garages are too small for a car to get in. In that Providence Ave. application the Board got an opinion from the Town Attorney that it was reasonable to do this.

Dennis Keeler asked if the application approved last month approved the 10x14 addition on the back of the house and the 4x5 addition on the entryway.

Al Farris said that was correct. This effectively attaches the garage, by approval if not in fact.

Kevin McCarthy disagreed – he said the 10x14 addition approved last month does not attach the garage to the house.

Al Farris withdrew his previous statement and said that Kevin McCarthy was correct.

Kevin McCarthy asked if they need to approve an extension of the 14x10 area over to the garage.

Al Farris said that was correct.

Kevin McCarthy said the first application that should be acted on is to connect the previously approved addition to the garage.

Al Farris said the Board needs to approve the portion of the rebuild of the existing garage.

Kevin McCarthy thought they need to get the garage attached to the house first. The applicants can't knock down and rebuild the garage as an accessory structure; it would have to be rebuilt within the current envelope. They first need to approve the extension of the 10x14 addition to the garage.

Al Farris agreed.

Dennis Keeler observed that once you do that, it is no longer an accessory. He wondered what can be done with it, once it is no longer an accessory structure.

Al Farris said that, once it is no longer an accessory structure you can expand it under 6.2b. Under 6.10 it needs approval because some of it is within the 10 foot setback, and cannot be altered, which is the shed roof structure.

Kevin McCarthy said the first step is to approve the connection under 6.2 b.

Jay Meyer asked if the next step is a single step, the rest can be done under 6.10.

Al Farris said that 6.2b allows the garage to be connected and expanded, and 6.10 allows it to be rebuilt within its current envelope.

Kevin McCarthy suggested that each application be voted on separately. He thought that they could approve a 4x10 piece connecting the previously approved addition to the garage. Dennis Keeler observed that they can do that because it does not move further to the line than the approved 4x5 addition to the entryway.

Dennis Keeler moved to approve the application to extend the existing 10x14 portion an additional 4x10 feet so as to connect to the existing garage under section 6.2b.

Jim Thibodeau seconded.

Application approved 4-0.

Kevin McCarthy said the next step would be to approve the expansion of the newly approved structure, provided that the new structure does not extend any closer to the side line and the rear line. He wondered if they have to mention the roof.

Al Farris said that the roof, as it has been redesigned, will fall within those parameters.

Dennis Keeler asked if the roof will not go up within that 10 foot setback.

Al Farris said that they are turning the ridgeline of the roof.

Jay Meyer observed that the roof was shown in the plans.

Kevin McCarthy said it is in the front elevation.

Jay Meyer moved to approve an expansion of the now connected structure pursuant to 6.2b and 6.10 as depicted in the plans submitted with the application, such that there is no expansion within 10 feet of the sideline.

Jim Thibodeau seconded.

Application approved 4-0.

Meeting adjourned 9:39 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary