

PUBLIC HEARING AND BUSINESS MEETING
DRAFT 4/27/10

Call to Order – 7:00 PM: Chairman Dittami called the meeting to order at 7:06 p.m.

Roll Call A. Dittami, Vice Chairman; J. Deleire, P. Young, Member;
L. Ruest, Administrative Assistant

Not Present: M. Farinola, D. French, Members; T. Parker, P. Robart, Alternate
Members; K. Kelley, Building Inspector

Public Hearing

Case # 10-03: Application from **Jason and Lynn Bagley** requesting a variance to the terms of Article III, Section 8.4.1, and asks that said terms be waived to permit a 16' x 26' addition less than 100 foot from the wetlands buffer in Zone A on property located at 110 Kensington Road (Map 1, Lot 10)

Chairman Dittami explained to those present that there were only three members present for this meeting. Three members present represents a quorum, however, the decision would need to result in three concurring votes. A. Dittami asked applicant Jason Bagley if he wished to address his application this meeting or continue it to the next meeting where a full Board of five members could be present. J. Bagley decided to continue this meeting.

Chairman Dittami noted for the record that the Department of Transportation was not notified as an abutter. He suggested that the Department of Transportation be provided with a copy of the decision in order to address this. Board members agreed. If it is determined that there is an objection on the State's part, the Board will need to hold a hearing again. He also identified that the application documents did not include a drawing with sufficient information to address the request for relief to the wetland buffer. J. Bagley provided an updated drawing to Board members this meeting.

J. Bagley stated that he is looking to add a 26' x 16' master bedroom addition to his home in order to increase living space and remain in town. He explained that he has three bedrooms and uses the area of his basement as a home office. This addition would allow him to use one of the bedrooms as an office in the future.

Discussion took place with regard to sideline setbacks and property lines. The topography was noted to be sloping to the rear to the area of the stone wall at the back property line. J. Bagley noted that the back left corner of his lot is wet and identified the side line setbacks as 42' on one side and 26' remaining on the side of the proposed addition. The lot is 30,056 square feet or .69 of an acre. Twenty-five foot sideline setbacks apply.

Discussion was opened to questions of the Board. J. Deleire inquired as to the plan. He noted that the Conservation Commission was unable to substantiate the amount of encroachment in the wetland buffer since no documentation was provided showing the wetlands delineation. J. Deleire inquired as to whether an engineer assisted with the drawing presented this meeting. J. Bagley stated that an engineer friend helped him draw the sketch. J. Deleire concurred with the

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Conservation Commission's concern of actual setbacks and questioned whether the Board can rely on a plan without a stamp.

A. Dittami noted that the sketch provided fits within the application procedure. He suggested that a condition be placed on the approval requiring the Building Inspector to assure wetland boundaries are verified before the issuance of a building permit. If deemed necessary, the Building Inspector can require a sophisticated survey. J. Bagley reported that ZBA Member M. Farinola visited his property, walked to the rear, and stated he didn't feel there were any wetlands.

Hearing no further questions of the Board, A. Dittami opened discussion to the public. Hearing no comments or questions, A. Dittami closed the public hearing.

MOTION: To approve the application from Jason and Lynn Bagley for variance to the terms of Article III, Section 8.4.1, to permit a 16' x 26' addition as shown on the plan presented this meeting subject to the provision that the wetland delineation be verified and that setbacks be verified by the Building Inspector to be consistent with said plan.

MOTION: D. DELEIRE
SECOND: P. YOUNG

J. Deleire stated that the request is not contrary to the public interest in light of the fact that the addition is going to enhance the neighborhood and residence. The spirit of the ordinance is observed in the fact that it appears to only encroach three feet. Substantial justice is done and the values of the surrounding properties are not diminished as this proposal would increase the value of the residence and neighborhood. It is not felt that there would be an impact on value. If not granted, there would be hardship on the applicant as there is not enough space to satisfy family requirements. It is felt that the spirit of the ordinance is satisfied because additional run-off from the addition does not impact the wetland. No other comments were heard.

VOTE: UNANIMOUS

A. Dittami noted that a copy of this decision letter will be provided to the proper officials as well as the Department of Transportation.

Chairman Dittami asked the applicant to tell the Board of his experiences through the application process. J. Bagley stated that the Building Inspector told him what to fill out and what not to fill out on the application. He explained that later he was contacted by the Administrative Assistant informing him of missing information. He noted his appreciation of both employees taking time to work with him as he was unfamiliar with the process before the Board.

Review Of Minutes Of The Previous Meeting

MOTION: To approve the minutes of the March meeting with one spelling correction.

MOTION: A. DITTAMI

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SECOND: J. DELEIRE
UNANIMOUS

Other Business

ZBA Work Session: A. Dittami explained that he plans to conduct a three-part work session with the Board in conjunction with the following:

- I. ORGANIZATION AND MEMBERSHIP
 - A. Establishment of the ZBA
 - B. Membership
 - C. Organization of the Board

- II. POWERS AND DUTIES
 - A. Appeals of Administrative Decisions
 - B. Variances
 - C. Special Exceptions
 - D. Equitable Waivers of Dimensional Requirements
 - E. Other Powers

- III. PROCEDURES OF THE ZBA
 - A. Application of the ZBA
 - B. Notice and Public Hearing
 - C. Issuance of Decisions
 - D. Rehearing and Appeal

A workshop for the first category, Organization and Membership, was planned for this meeting; however, A. Dittami indicated that this matter will be brought to the May meeting in advance of the second category session to allow the full Board to participate. He noted that Zoning Board counsel Mark Beliveau will be attending to assist the Board.

Comments or Questions from the Floor: No comments or questions were heard.

Adjournment

MOTION: To adjourn the meeting at 8:00 p.m.

MOTION: A. DITTAMI
SECOND: P. YOUNG
UNANIMOUS