

ZONING BOARD OF ADJUSTMENT

DRAFT MINUTES

APRIL 18, 2012

Chair Larry Prelli called the meeting to order at 7:02 PM.

Roll Call: Larry Prelli (Chair); Mike Hoffman (Vice-Chair), Wendy Anderson, Joan Swenson

Members Excused: David Shagoury (Alternate)

Others Present: Paul Zuzgo, Craig Groom, David Allen (staff)

Groom Variance: Chair Prelli noted that only four board members were present and the applicant has a legal right to a five member board. He asked the applicant if he was comfortable with four. Mr. Zuzgo, the applicant's agent said yes.

Mr. Prelli then asked if the applicant or any board members felt there might be a conflict of interest in this case for any of the Board members. Craig Groom said he was working on a Planning Board committee with Ms. Anderson but did not feel there was any conflict of interest.

Chair Prelli then invited Mr. Zuzgo and Mr. Groom to present their request. Mr. Zuzgo said that Mr. Groom wants to correct a serious safety problem. Currently the driveway drops down sharply from the road to the house. Getting up the driveway in icy conditions is not always possible. Getting out of the driveway on to the road can be dangerous at any time because the driver's line of sight is restricted until he gets to the road. On at least two occasions there have been near-accidents.

Mr. Groom also wants to build a garage for winter storage of his car. There is no place on the property to build a garage except by utilizing some of the road right of way. Any other location would recreate the current safety problems. Mr. Groom has worked with an engineer to develop a plan to raise the terrain next to the road on the east side of the property. This will create a level spot where he can place the garage and a short driveway approximately parallel to the road.

The garage will impinge 10 feet into the 20' setback from the right of way. In this location of North Shore Road there is 9' of right of way between the edge of the road and the property line. Thus, the edge of the garage closest to the road will still be almost 20 from the road.

The existing driveway will be removed and steps will be built from the house to the garage.

Mike Hoffman said that he had visited the site during the day and there was no question in his mind that the current layout of the lot created a serious safety hazard that needed to be fixed.

Larry Prelli said there were many nearby properties where garages or parking areas were less than 20' from the road. Mike Hoffman added that no one would see the site of the new garage as out of character with the neighborhood.

Joan Swenson said she felt the safety of residents and visitors to the house constituted a clear and unnecessary hardship to the property owners. She asked Mr. Zuzgo if there was any other location on the property where the garage could be built. Mr. Zuzgo said the only other location that would not recreate the safety problem was abutting the road at the west side of the lot, but the garage would encroach several feet more into the Town's right of way and would be several feet closer to the road surface. He invited Board members to discuss the request.

He said he saw a clear safety issue. He added it was important to consider the reason for the setback requirement in the ordinance.

Wendy Anderson said she understood the ordinance to have two purposes. One would be keeping structures away from the road for safety reasons. The other would be to leave room for the town to widen the road or put in sidewalks at some point in the future. From her perspective safety was the primary issue related to the request; significantly more important than any other reasons for the ordinance.

Mike Hoffman moved to grant the request of Craig Groom, 163 North Shore Road (Map 108-029 and 108-023) for a Variance from Article XVII.F.2.a to allow the construction of a garage that is less than 20' from the North Shore Road right of way. Joan Swenson seconded. Approved 4-0 with no abstentions.

Retention of ZBA records: David Allen shared with the Board the section of state statute relating to the retention of records. He asked members to review the items relevant to the Zoning Board and come to the next meeting prepared to discuss them.

250th Birthday Town Birthday Party: The Board decided that there was no value in a ZBA presence at the Birthday Party.

Election of Officers: Mike Hoffman nominated Larry Prelli for the position of Chair. Joan Swenson seconded. Approved unanimously.

Mike Hoffman nominated Wendy Anderson for the position of Vice-Chair. Joan Swenson seconded. Approved unanimously.

Minutes: Joan Swenson moved acceptance of the minutes of December 14, 2011 as amended. Mike Hoffman seconded. Approved 3-0 with Wendy Anderson abstaining as she was not present.

The minutes of March 21 were carried over to the next meeting because only two of the Board members present had been at the meeting.

Mike Hoffman moved to adjourn at 8 pm. Joan Swenson seconded. Approved unanimously.

Respectfully submitted,

David Allen,
Land Use Administrative Assistant.

DRAFT!