



Approved 10/26/10

**Zoning Board of Appeals
Meeting Minutes
September 28, 2010**

Members in attendance: Richard Rand, Chairman; Mark Rutan, Clerk; Richard Kane; Chan Byun; Gerry Benson; Sandra Landau, Alternate

Others in attendance: Kathy Joubert, Town Planner; Elaine Rowe, Board Secretary; Erik Mayo, Brad Bumpus

Chairman Rand called the meeting to order at 7:00PM.

Public Hearing to consider the petition of Marci and Erik Mayo for Variances/Special Permit to allow the addition of a garage and master suite to an existing single-family home which will be located on a portion of the lot with less than the required lot width and with less than the required distance from the northwest side property line on the property located at 49 Green Street in the Residential B district, 7:00PM

Chairman Rand informed the board that he is an abutter to the property and will therefore need to recuse himself.

Mark Rutan assumed the role of Chairman for tonight's meeting. Sandra Landau was appointed as a voting member for the hearing.

Erik Mayo discussed his plans for the construction of an addition to his home. He noted that the gross floor area variance requested in his application is no longer needed, but that the remaining items in his application require board approval. Ms. Joubert explained that Mr. Mayo needs two variances; one to reduce the side setback by 8.2 feet and a second to reduce the minimum required lot width by 18.2 feet.

Mr. Mayo explained that his garage is subject to flooding during the spring rainy season. He noted that this past April he had 6 inches of water inside the home and 18 inches in the garage. He stated that, had it not been for the fire department's pumps, he could easily have had two to three feet of water in his home. He explained that the damage his home suffered in April necessitates renovations, so he is seeking permission for the addition to give him more room, relocate the driveway, and install a perimeter drain to help with the flow in an effort to alleviate the flooding problems.

Mr. Bumpus, contractor for Mr. Mayo, explained that the design of the home with the garage under results in water shedding down the driveway and into the house. By placing the garage to the side, it will raise the garage up to a level where the flooding should not be as severe.

Mr. Benson asked how the proposed construction will alleviate the flooding into the room on the lower level room. Mr. Mayo explained that elevating the garage will reduce the flow down the driveway and into the lower level of the house.

Mr. Benson asked if any water rose up in the yard. Mr. Mayo noted that some water rose in the yard, and then rushed into the garage area. Mr. Rutan asked where the proposed drain will drain to. Mr. Mayo noted that the flow will be directed to the back of the house, where there is a natural slope. Mr. Rutan asked if there was any threat that the drains will overflow. Mr. Mayo noted that there may be a possibility of overflow during a 100 or 1000 year storm event, but he feels the proposed drainage will handle it. Mr. Rutan asked if the water being diverted will become a problem for someone else. Mr. Mayo noted that the water will flow to a stream located 75 to 100 feet beyond the down slope. Ms. Joubert confirmed that there is a fairly significant wetland behind Mr. Mayo's home.

Mr. Benson asked if the flooding was the result of surcharging. Ms. Joubert reiterated that the home is a split with garage under, and the flooding is caused by the flow down the driveway and into the garage. Mr. Rutan questioned the location of the driveway in proximity to the property line. Mr. Mayo clarified the location. Ms. Joubert explained that there is a pre-existing common driveway serving this property. She also reiterated that there are significant wetlands in the area with a considerable amount of runoff during storm events, and voiced her understanding that the water problem is caused by runoff and not water rising in the stream or wetlands. Mr. Benson questioned whether the property is located in the flood plain. Mr. Mayo commented that he believes it may be in the 500-year flood plain.

Ms. Landau questioned how close the addition will be to the house on the adjacent property. Mr. Mayo noted that the abutter has voiced full support of his proposal and has signed off on the letter that was provided to the board. Ms. Landau voiced concern that a future homeowner may have issue with the proximity of the addition. Mr. Rutan read the support letter from the abutters (see attached) in which they all indicate that they have no opposition to this project.

Ms. Joubert reiterated that there are two variances needed for this project – one for the side setback and one for the minimum lot width. She noted that it was originally thought that the home was a nonconforming structure, which would limit the increase in gross floor area to no more than 80%, but it has since been determined to be a conforming structure.

Byun Chan made a motion to close the hearing. Richard Kane seconded, vote unanimous.

DECISIONS:

Ms. Landau stated that her only concern is that an 8 foot encroachment is fairly substantial and it appears that the structure will be fairly close to the abutting property. Mr. Rutan reiterated that the abutter on that side of the property had taken the time to sign the letter in approval of the project, so he is comfortable with the board approving it. Ms. Joubert commented that the house will be a little more than 200 feet away from the closest point of the addition.

Mr. Byun voiced his opinion that the unique shape of the property and the placements of the houses on the lots might merit a bit more leeway. Mr. Rutan noted that it appears to be the only logical location for the addition. He also stated that removing the “dug-under” driveway and restoring the land to remove the flow is a positive step.

Richard Kane made a motion to grant a variance as requested, to allow a side setback of not less than 20 feet and a reduction in lot width to no less than 80 feet. Sandra Landau seconded, vote unanimous.

Adjourned at 7:30PM.

Respectfully submitted,
Elaine Rowe, Board Secretary