

ZONING BOARD OF ADJUSTMENT

MINUTES

December 1, 2020

APPROVED: 3/2/21

AGENDA: 20VAR10 - VARIANCE – Collin Torrey, 50 Lake St, #113-041
2020 BYLAWS UPDATE

ATTENDING: Alan DeStefano (Chairman via Zoom), Richard LaFlamme (Vice Chair), Larry Denton

ABSENT: Melody Mansur, Ashley Dolloff (alternate), Jackie Elliott (alternate), Lorraine Bohmiller

OTHER: Christina Goodwin (Land Use Manager), Applicant

Mr. DeStefano stated that the Governor’s Emergency Orders allow for meetings to be held both in-person and electronically due to the pandemic. Members of the Board and public are attending in-person, via video or via telephone conference. The meeting opened at 6:00 pm by roll-call vote 3-0 with a quorum.

Mr. DeStefano advised the applicant, that the Board is short staffed for tonight’s meeting and although there is a quorum, all three (3) members would have to agree on the decision for an application or the application would be denied. Mr. DeStefano gave the applicant a choice to continue to another meeting with a full board or continue with this meeting. The applicant chose to move forward with the case.

MINUTES OF NOVEMBER 9, 2020:

L. Denton made a motion, second by R. LaFlamme, to approve the minutes as read. The motion carried by roll-call vote 3-0.

VARIANCE: COLLIN TORREY, 50 Lake Street, Map/Lot #113-041

Ms. Goodwin read the application, abutters notified, where the hearing was advertised, and stated that there were no phone calls or written messages received. The Highway Department submitted a comment regarding a Town storm drain in the corner of the property that the applicant must keep a radius of 10 feet clear around it. The former owner of the property was aware of this, but the new owner was not until he applied for the Variance.

L. Denton made a MOTION, second by R. LaFlamme, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED by roll call vote 3-0.

Mr. Torrey stated that he wishes to keep the shed where it is, but it is in the setback. Mr. Denton asked what the storm drain handled, and Mr. Torrey explained that he has been advised that it is a drain for Kelley Park and his yard. He added that the whole back area of his yard is wetland every spring. When asked, Mr. Torrey said that he keeps tools in the shed. Ms. Goodwin explained that a Violation Order had been issued to the previous owner, who was supposed to apply for a

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Variance, but didn't. Mr. Torrey knew nothing about this until he received the second notice of the Violation Order. Mr. Torrey continued to say that the shed is up against the fence on his property line. Mr. Denton pointed out that it appears to be on cinder blocks. Mr. Torrey confirmed and stated that it is 12' x 8' in size.

Mr. DeStefano had looked at Google and found that the shed was not there in 2016 but shows up in 2017. Mr. Torrey said that this was the chicken coop which is now gone. The shed is under the tree and doesn't show in Google. There is a sand box further into the yard, but it fills with water, also. The water does not go where the shed is located and Mr. Torrey is not sure if they might have filled that area in some before installing the shed.

Mr. DeStefano questioned placing the shed in the indented area of the house and Mr. Torrey stated that the back deck and propane tank are there. With no more questions from the Board, Mr. DeStefano asked Mr. Torrey to address the Variance criteria.

1. Not contrary to public interest – The shed does not block anyone's view.
2. Spirit of the Ordinance – It is not a problem for the current residents.
3. Substantial Justice – It would keep the property as it was when Mr. Torrey purchased it.
4. No diminution of surrounding property values – It creates no damage or obstruction and is covered by a tree.
5. Hardship – The shed abuts the area of the back side of the business next door which is filled with debris and unused. Moving the shed would put it in the middle of the .5-acre piece of property, but most of the land is unusable for this. Mr. Torrey went on to say that he later learned of the storm drain and being unable to use the 10' around it. The commercial space next door has zero setbacks, but he is limited as he is the first residence after the Village Commercial district.

Mr. Denton mentioned that the previous owner never addressed the problem. Mr. Torrey again stated that the commercial business, abutting the area, doesn't care as that area is not useable for them. Mr. DeStefano thought that it was unfortunate that Mr. Torrey is being held to Town requirements for something that someone else did.

Mr. DeStefano called for public input, both for an against. As no public was in attendance either in person, via phone or computer, he closed the public portion of the hearing.

L. Denton made a MOTION, second by R. LaFlamme, to VOTE ON THE VARIANCE IN ONE MOTION. The motion CARRIED via roll-call vote 3-0.

L. Denton made a MOTION, second by R. LaFlamme, to APPROVE THE VARIANCE FOR COLLIN TORREY. Mr. Denton stated that he had no problem with the first four (4) criteria and he felt that the hardship is that there is no other place to move it to. The storm drain creates a problem. Mr. DeStefano thought that they might want to add a condition that, should the shed be removed at any time, another shed would have to meet setbacks.

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L. Denton revised the MOTION, second by R. LaFlamme, to APPROVE THE VARIANCE FOR COLLIN TORREY WITH THE CONDITION THAT, IF THE SHED IS EVER REMOVED, ANY OTHER SHED WOULD HAVE TO MEET SETBACKS. The motion CARRIED by roll-call vote 3-0.

2020 BYLAWS UPDATE:

It was felt that it is hard to address this with the Chair being on Zoom and not a full Board. R. LaFlamme made a motion, second by L. Denton, to continue the bylaws update to the next meeting. The motion carried by roll-call vote 3-0.

OTHER: Ms. Goodwin presented the 2021 Zoning Board schedule for meetings. The Land Use Department has added some verbiage for better directions and re-arranged the order. The Board was okay with it, so Ms. Goodwin will post it.

NEXT MEETING: The next Zoning Board meeting will be held on January 5, 2021 at 6:00 p.m.

With no other business before the Board, L. Denton made a motion, second by R. LaFlamme, to adjourn at 6:45 pm. The motion carried by roll-call vote 3-0.

Respectfully submitted,
Jan Laferriere,
Land Use Administrative Assistant