

**ZONING BOARD OF APPEALS
WEDNESDAY, AUGUST 3, 2022
RESOURCE ROOM**

Attendance: Chair Dan Heney, Vice-chair Mike Fitzpatrick, John Bombara, Ronald Forget, Jim Palmer, Ken Frasier building inspector.

Chair Dan Heney called meeting to order at 7:02 PM.

(7:02 PM) (0:12) 7:00 PM Public Hearing Continued from June 1, 2022: Adam Martin (#2022-04) 0 Northwest Main Street

Date of Application: 5/4/2022

Decision Date for Variance: 100 Days of Application (8/12/2022) Extension to (9/12/2022)

Application withdrawn without prejudice

(7:02 PM) (0:35) Motion to accept the request for a withdrawal without prejudice made by Mike Fitzpatrick, seconded by John Bombara. Roll call vote – Dan Heney, John Bombara, Ron Forget, Mike Fitzpatrick, Jim Palmer all in favor.

(7:03 PM) (1:19) Chair Dan Heney asked members to sign the new code of conduct, and to fill out a new contact information form for all the members.

(7:16 PM) (14:00) 7:15 PM Public Hearing: New Caswell Residence, LLC (#2022-05) 17 Caswell Court

Date of Application: 7/12/2022

Decision Date for Variance: 100 Days of Application (10/20/2022)

Request to build a home in a VR district (map 142, parcel 40.1), applicant is present and stated to the board that he would like to get relief of 20 feet into the 200-foot setback to make the house come out of the tree line better, and this will conserve some trees and it will bring it away from a historic brick wall in the back. Mr. Fitzpatrick and Mr. Frasier the building inspector stated that they think there is enough room on the property to not have to go into the 200-foot setback.

(7:22 PM) (20:16) Motion to close the public hearing made by John Bombara, seconded by Mike Fitzpatrick. Roll call vote – Dan Heney, John Bombara, Ron Forget, Mike Fitzpatrick, Jim Palmer all in favor.

(7:25 PM) (23:05) Motion to approve the variance application made by John Bombara, seconded by Jim Palmer. Roll call vote – Dan Heney, John Bombara, Ron Forget, Jim Palmer all in favor. Mike Fitzpatrick opposed.

Discussion:

1. (7:26 PM) (24:10) Application/Checklist Document Requirements – Possible Votes

The board would like to see a certified plot plan as a requirement as part of the variance application process and Mr. Fitzpatrick suggests also adding language showing existing and proposed conditions. Mr. Frasier will make the changes and bring it back to the board to vote on next meeting.

(7:31 PM) (29:17) 7:30 PM Public Hearing: Dermot Collins (#2022-06) 12 Cottage Colony

Date of Application: 7/13/2022

Decision Date for Variance: 100 Days of Application (10/21/2022)

Applicant is seeking side yard relief and backyard relief of dimensional regulations to build a shed in an RA zone district. All abutters have notified by mail and town has the green cards. Attorney Ryan Avery representing Dermot Collins the applicant. With the newly submitted certified plot plan the dimensions need to be adjusted to 17.2 feet of relief for the rear and 22.7 feet of relief on the side yard setback. Due to the size of the lots in that area and the location of the septic this is really the only place for a shed. Mr. Fitzpatrick asked Mr. Frasier what prompted the violation, and Mr. Frasier stated that a complaint came into the office regarding being in the right of way. The board feels that there are other options that can get the shed further away from the sideline and further back from the road. The applicant stated that he will lose a parking spot moving it over. The chair stated that the parking is not the issue for this board and this variance application. The board suggested putting a small retaining wall and moving the shed back. The attorney suggested the members do a site walk to the property and Mr. Fitzpatrick would be happy to do a site visit. Diana Collins stated that the two abutting neighbors have no issue with the shed, one abutter Emma McKenzie 13 Cottage Colony is present and stated she agrees with shed going in as planned and stated that the septic mound is high and would not be a good idea to dig into that to make a retaining wall. Vicki Sullivan 455 NW Main St, who is at the meeting stated she would like to make sure everything is being followed as far as legally granting the variance. Dan Fin from Grafton joined remotely and stated he owns 2 and 5 Cottage Colony and wanted to state for the record that he does not have any issue with Mr. Collins shed. Attorney Avery would like to have the record state that he has some letters from former property owners in this neighborhood regarding Ms. Sullivan and her treatment. The chair Dan Heney has a problem with accepting the letters into the record, and Mr. Fitzpatrick suggests accepting them and sending them to town council. Mr. Fitzpatrick would also like town council's opinion on the change of dimensions to the location and whether that affects what was submitted previously, and if town council could attend next month's meetings. The board would like to do a site walk so they asked the applicant if they would like to continue to next month's meeting.

(8:15 PM) (1:13:22) Motion to continue public hearing to September 7, 2022, at 7:00 PM made by Mike Fitzpatrick, seconded by Jim Palmer. Roll call vote – Dan Heney, John Bombara, Ron Forget, Mike Fitzpatrick, Jim Palmer all in favor.

Discussion:

2. (8:19 PM) (1:17:38) North Brown, LLC

Board reviewed the construction report from the engineer that was provided in their packets. Mr. Frasier stated that they are prepping for the installation of the sidewalks up through the balance of phase 2 and stated that there has not been a lot of activity on the site. There are two properties that are not sided and the affordable that was previously discussed by the board has not had any work done to it. When Mr. Frasier asks for the status, he is told every time the plumber is coming in and has concerns about how quiet the site is. Mr. Frasier recommends that the board has them come in a set some timelines on work being done. The board agrees to have town council at the next meeting and ask that North Brown, LLC show up in person for the next meeting on September 7, 2022.

3. ZBA Application Forms – Possible Votes

4. (8:31 PM) (1:29:45) Approve Minutes: June 1, 2022 & June 22, 2022 – Possible Votes

(8:31 PM) (1:29:58) Motion to approve the June 1, 2022, meeting minutes as written made by John Bombara, seconded by Jim Palmer. Roll call vote – Dan Heney, John Bombara, Ron Forget, Mike Fitzpatrick, Jim Palmer all in favor.

APPROVED 10/5/2022

Mike Fitzpatrick asked if the minute taker could review the June 22, 2022, because there was name referenced that the board had question on.

Upcoming Meetings: September 7, 2022 & October 5, 2022.

(8:34 PM) (1:32:54) Motion to adjourn meeting made by Mike Fitzpatrick, seconded by John Bombara. All members in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary