

Zoning Board of Adjustment meeting minutes for September 11, 2012

Present: Chair John Smith, Louie Major, Mike McGrath, Dorianne Almann, Todd Page and CDC Kathryn Lynch. Applicants were present; no members of the public were present.

7:00 pm Chair John Smith called the meeting to order and read the Public Hearing Notice for an Area Variance application #0912, of Article VII Section Three, submitted by Mark Herman-May, map 46 lot 38, 33 Brattleboro Rd. Mark Herman-May explained to the Board that he would like to add on to the existing enclosed porch. His home is four feet from the property line so Rodney Lawrence explained to him that he would need a Variance for the deck because it would be built well within the set back. Mark Herman-May explained that he has no room for entertaining, no yard. The Parish Priest, abutter told Mark Herman-May that he gives his blessing for the construction. Pictures of the property were passed out to the Board. With no opposition to hear from Chair John Smith closed the public portion of the meeting and asked for questions from the Board. Dorianne Almann asked if the deck would be enclosed, (no). Would the existing stairs be used because the construction of them is fantastic, (the existing stairs moved over to export onto the existing walkway).

Chair John Smith asked for further comments or questions, hearing none the Board worked on the Finding of Facts, listing two. 1. Area Variance requested from Article VII Section Three. 2. Construction of the deck will be within the setback of the property as sketch shows.

Dorianne Almann made a motion to adopt the Finding of Facts, seconded by Todd Page, unanimous and individual “aye” votes to adopt the Finding of Facts, motion passed.

Board members then worked on the Statement of Reasons and determined:

1. There would not be a diminution in value of surrounding properties as a result of the granting of this variance because: the deck would enhance the neighborhood in a positive fashion.
2. The granting of this variance would be of benefit to the public interest because: since the deck will be on the side of the home next to the driveway.
3. Since:
  - a. the following special conditions of the property make an area variance necessary in order to allow the development as designed: downtown area has small lots, homes were built close the property lines prior to local zoning, existing home has little outdoor space.
  - b. the same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden because: no land to build on, no land to purchase.
4. By granting this variance substantial justice would be done because: to allow resident the ability to entertain outdoors in decent weather.
5. The use contemplated by petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance because: the ordinance was designed to prevent undue burden to the resident.

Lewis Major made a motion to approve the Statement of Reasons, seconded by Dorianne Almann, motion passed.

Todd Page made a motion to grant the variance seconded by Dorianne Almann, motion passed.

Board Business:

Mike McGrath made a motion to approve the minutes dated May 8, 2012 as amended, seconded by Dorianne Almann, motion passed.

CDC Kathryn Lynch told the Board that she would be attending the Law Lecture Series for the following three Wednesdays. Selectmen John Smith told the Board that the Selectboard was considering removing the Yard Sale Ordinance. Mike McGrath made a motion to recommend the Selectmen rewrite the Yard Sale Ordinance, seconded by Dorianne Almann, motion passed.

Todd Page made a motion to adjourn, seconded by Dorianne Almann, motion to adjourn unanimous.

Respectfully submitted by,

Draft of minutes until approved and signed

CDC Kathryn Lynch