

Zoning Board of Adjustment

December 9, 2021

Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, James Cahill, and John Broker Campbell. Ryan Gumbart, land use administrator, was also in attendance.

The audience members were Jessica Taft, Kelem Taft, and Alexander Taft.

2. Call to order

John Broker Campbell called the meeting to order at 7:02 PM.

3. Public Hearing: Setback variance application by Jessica and Kelem Taft addition at Parcel ID 05-01-20, Rural Residential Reserve (RRR-35) zoning district

John Broker Campbell opened the hearing by reading the warning. The Board members have no conflict of interest or any exparte communication. Todd Hindinger made a motion for Jessica and Kelem Taft to have interested party status. James Cahill seconded the motion. All were in favor of the motion. Jessica and Kelem Taft have interested party status and affirmed.

Kelem Taft stated that they would like to extend the basement wall 12 to 15 feet for an addition. They would add on a bedroom and extend the basement. They currently enter on the second floor. The house has two levels; the basement and the main level.

Ryan Gumbart stated that the house does not meet the setback requirements. Jessica Taft stated that it does not meet the requirements on 3 out of the 4 sides. She stated that the lot size is .33 acres. Alexander Taft, Zoning Administrator prior to Ryan Gumbart, worked with Jessica Taft on the application and the necessary documentation. He stated that there are minimum setback requirements and the applicants would not meet those with this addition.

Todd Hindinger asked if the warnings were posted in the required places. Ryan Gumbart stated that they were posted at the post offices and the town office. The abutters were notified with certified letters. Jessica Taft stated that one of her neighbors mentioned it to her.

Exhibit #1 was the tech variance applicant dated December 9, 2021. Exhibit #2 was the pdf for 479 South Mountain Road (site plan with new addition). Exhibit #3 was the application for a variance at 479 South Mountain Road with a brief written description at the bottom (2 pages). Exhibit #4 was the public notice.

John Broker Campbell stated that there are 5 criteria for granting a variance. He reviewed them with everyone. The issue is the inability due to the lot size to meet the necessary setback requirements. Todd Hinderger stated that this is a non-conforming structure and there are criteria for buildings like theirs. He stated the question is how can you make it bigger within the Bylaws.

Jessica Taft stated that it was built in 2007. They purchased it from Jaime Wyman in 2013. John Broker Campbell was not on the Board when the variance was granted to Jaime Wyman for this lot. Ryan Gumbart does not have a copy of the previous variance for the Board tonight. He shared the site plan with everyone via the computer. Kelem Taft went over the site plan with the Board. The top right of the site plan is north. He pointed out that the driveway is in the upper left hand side of the plan. He used a hunting application to create this site plan. The parcel of land is triangular shaped. The new addition would be 15 feet back. He does not know the pre-existing dimensions. He stated that the site plan is almost to scale. The top right point is 8.9 yards and the lower corner is 8.5 yards to the adjacent property.

John Broker Campbell stated that the applicants are not meeting the set back requirements on the right side. Kelem Taft stated that there currently is a deck where the proposed new addition would go. The deck is on blocks. Their front door is 149 yards from the road. James Cahill wanted to know how far their closest neighbor is from them. Kelem Taft said their closest neighbor is about 70 yards from them diagonally through the woods. He stated that he has found two (the NE & NW ones) out of the three boundary pins. The third pin is somewhere in the pricker bushes.

James Cahill asked them if they had thought of different ways to build the addition. Kelem Taft stated that the septic and leach filed is located in the bottom section of the triangular lot. They have spoken to and seen a few carpenters about this addition. Since the home has a cathedral ceiling, it would not be structurally sound to build up. Todd Hinderger asked them if there were any houses to the SE or south. Jessica Taft stated that there are none. Alexander Taft stated that he heard from Arthur Risen, an abutter, and he has no concerns. Todd Hinderger asked if he was the closest neighbor. Jessica Taft stated that he is and is located diagonally from them to the north.

John Broker Campbell stated that this hearing could be continued so the Board may look at the original variance. Jessica Taft stated that their second child is due in April, so they would like to start building as soon as possible. She stated that it is already out of compliance and it looks like an easy fix to her. Todd Hinderger stated to the applicants that the hearing could be closed. The Board could deliberate and come up with a decision. Kelem Taft stated that they would like to continue the hearing. Todd Hinderger stated that if a variance is granted, the Taft's would have up to two years to build. The Board would like to have the septic system put on the site plan, the third pin located, the actual dimensions of the house, and the distance

between the pins. The Board would also like Ryan Gumbardt to provide them with a copy of the previous variance for this property.

Todd Hindinger made a motion to continue the hearing on January 13, 2022 at 7:00 PM. James Cahill seconded it. All members were in favor of continuing the hearing.

4. Comments:

There were no comments

5. Approval of Meeting Minutes – March 16, 2021

John Broker Campbell made a motion to postpone the approval of the minutes till the January 13, 2022 meeting. James Cahill seconded it. All were in favor of postponing the minutes.

6. New Business

John Broker Campbell stated that he would like to see the Board meet more often. The Board could engage with the Planning Commission and work on the checklist that they had started with the previous zoning administrator. The checklist would be the minimum standards for the applicants on the application. deForest Bearse has been hired to help Ryan Gumbardt organize the zoning materials. The Board would like the checklist on the next meeting's agenda and Ryan Gumbardt send them any updated Zoning Bylaws.

7. Adjournment

Todd Hindinger made a motion to adjourn at 8:09 PM. James Cahill seconded it. All were in favor.

Respectfully submitted,

Diana Stillson