

Zoning Board of Adjustment

January 13, 2022

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 and Kelem Taft.

2. Call to order

John Broker Campbell called the meeting to order at 7:00 PM

3. Approval of Meeting Minutes – December 9, 2021 & March 16, 2021

Todd Hindinger made a motion to approved the minutes of December 9, 2021 as amended. James Cahill seconded it. All were unanimous.

The Board tabled the minutes of March 16, 2021.

4. Cont. 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 at 7:03 PM. Several of the exhibits are multiple page documents. Exhibit #5 is the revised site plan provided by Jessica and Kelem Taft. Exhibit #6 is the original findings of facts with the first page being a letter from Parker & Ankuda dated March 17, 2007. Exhibit # 7 is the minutes of the Selectboard meeting from February 2007. Exhibit #8 is the final approved settlement agreement from Chris Callahan dated March 21, 2007. Exhibit #9 is the Zoning Board of Adjustments draft notice of decision with attachment D dated April 12, 2006. Exhibit #10 is the letter from deForest Bearse with attachment E dated May 12, 2006.

John Broker Campbell asked if there would be any change to the footprint since they are building up. Jessica Taft stated that they are not going up. James Cahill stated that the current deck would be where the new addition would be going. Todd Hindinger asked if the applicants had seen all of the exhibits. The applicants stated that they had not seen any of them. Ryan Gumbart sent them an email with the exhibits attached.

Todd Hindinger stated that the current exhibits are dated from 2006 to 2007. He gave a summary of the contents in the exhibits. He mentioned that a neighbor had gone to the environmental board in regards to the house being built. The applicants wanted to know if the neighbor was still there. Todd Hindinger informed the applicants that it was an abutter, Riscen/Sin. Jessica Taft stated that they had gone to that neighbor and he does not have any issues with the addition. They stated that the neighbor had spoken with Alex Taft, the interim zoning administrator.

Ryan Gumbart stated that the all abutters received a certified letter for the first meeting. He stated that he does have an email from Alex Taft and this abutter. John Broker Campbell stated that there is a summary of findings of facts from the environmental court with the previous owner of this parcel (Wyman) and the neighbors. Todd Hindinger stated that the Selectboard agreed with the decision in regards to the setback, the findings, and the conditions. There already is a legal document on file in regards to the setbacks. Ryan Gumbart shared the site plan on the computer so everyone could see it. The applicants went over the new site plan with the Board. Todd Hindinger wanted to know how accurate are the dimensions. Kelem Taft stated that he used an app on his phone and they are within a few feet. He could not find the pin on the south side due to brush piles from the neighbor and snow & ice. He could not do pin to pin on the back side.

Todd Hindinger stated that the SW and SE dimensions shown on the sketch are 35 ft. The back and north line would meet the setback requirements. He mentioned that it looks like the well is north of your house and the leachfield and replacement field are on the abutters. The mound is to the SE. Kelem Taft stated that the leechfield is on their property, but the replacement is on the abutter's property. John Broker Campbell stated that one of the earlier draft decision variances grants 35 ft to the east and west sides. Todd Hindinger asked if the addition would be a footprint on the south easterly direction. Kelem Taft stated that is true. John Broker Campbell stated that the original dimensions of the original house were stated on the Select Board's decision.

Todd Hindinger stated that on Exhibit #6 there was going to be 792 sq ft for the house, 288 sq ft for the attached garage, and 264 sq ft for the porch for a total of 1344 sq ft. If the house is 39 ft by 26 ft, then it is 1014 sq ft. He wanted to know if it is a rectangle. Kelem Taft stated that it is. John Broker Campbell stated that on condition #1 the total footprint is limited to 1344 sq ft. This is a preexisting small lot and the previous owner was granted a variance for the current structure. The footprint is not changing, but the square footage of the house would change. Ryan Gumbart thought that the setbacks required for RR 3 is as follows; rear setback 50 ft, front setback 40 ft, and side setbacks 25 ft. The minimum lot size is 3 acres. James Cahill wanted to know after the addition what would the setback on the east side be. Kelem Taft was that it would be 35 ft.

Todd Hindinger stated that from the site plan without the lines being accurately shown, it makes it harder to make a decision. With the addition, the new setbacks shown on the

application sketch would be 35 ft on the east, 34 ft on the west, and 39 ft on the north. The applicants would need to have a surveyor find the pins, so they don't break any of the setbacks. The current house does not look built to the current setback requirements. Kelem Taft stated that they bought it as is and they didn't know that the Board wanted to have accurate measurements for this meeting. He stated that they have not seen any of the exhibits for tonight's meeting and it looks like the Board is looking at them for the first time. Jessica Taft stated that they jumped through hoops for the zoning administrator and did the best to their abilities. Todd Hinderger stated that the Board received these documents with different drawings, some done by a surveyor vs. applicants. If the drawings are accurate, then the Board can proceed with what is on the surveys. We need to have these meetings to look at these drawings. Gary Rapanotti did the previous survey and he could do one prior to construction. John Broker Campbell stated that the hearing was continued to get the previous variance and other documents for this property. Todd Hinderger stated that if the Board had a survey, we could make a decision based on that. If there is not a survey, the Board could make a decision that a survey be completed prior to building. John Broker Campbell stated that the Board has 45 days to make a decision on this. The applicants will be notified via certified mail with the decision.

James Cahill made a motion to close the hearing at 7:56 PM. Todd Hinderger seconded it. All were unanimous to close the hearing.

5. Comments:

There were no comments.

6. Discussion of Items for Future Agendas

The Board would like to get a checklist for applications. Then applicants will be prepared for the meeting. The checklist would allow Ryan Gumbart and the applicants to have the necessary documentation.

In future meetings, the Board would like to discuss application thoroughness, follow ups on variances, having regular meetings, decide up a time for the meetings, and deliberative sessions. The Board's next meeting will be February 10, 2022.

7. New Business

8. Adjournment

James Cahill made a motion to adjourn at 8:22 PM. Todd Hinderger seconded it. All were in favor.

Respectfully submitted,

Diana Stillson