

TOWN OF AMHERST
Zoning Board of Adjustment

July 19, 2022

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1 In attendance: Doug Kirkwood (Chair), Jamie Ramsay (Secretary), Danielle Pray (Vice Chair),
2 Charlie Vars, and Tracy McInnis
3 Staff present: Nic Strong, Community Development Director, and Nicole Stevens, Town Planner
4

5 Doug Kirkwood called the meeting to order at 7:00pm. He explained that the Secretary will read
6 the case. Each applicant will then be asked to present the case. Once completed, the Board will
7 be allowed to ask questions and make comments. Then, the public will have a chance to
8 comment. The input should be specific to what is presented this evening and not reflect the entire
9 project. All questions/comments must be addressed through the Chair. Someone wishing to
10 speak must be recognized by the Chair or are otherwise out of order. Everyone has a right to be
11 heard and everyone should listen to one another. The applicant has a right to due process. He
12 explained that each variance test must be addressed by each applicant. Voting on these tests will
13 then be undertaken by the Board. He noted that an applicant has to pass all five tests outlined in
14 the RSAs and if any test does not get the required number of votes, it fails. Doug Kirkwood
15 asked if there were any questions about the process and, there being none, then introduced
16 members of the Board.

17

18 **PUBLIC HEARING(S)**

19

20 **1. CASE #: PZ15831-052322 – VARIANCE**

21 **Gregory & Gianna Deer (Owner & Applicant); 5 Joseph Prince Lane, PIN #: 008-015-001 -**
22 **Request for relief from Article IV, Section 4.5, Paragraph E.2. to construct an addition**
23 **consisting of a two-story structure and housing a two-bay garage with living space on the**
24 **second floor. The structure will be situated within the side setbacks. Zoned Northern/Rural.**
25 *Continued from June 21, 2022.*

26

27 Jamie Ramsay read and opened the case. This item has been withdrawn by the applicant.

28

29 **2. CASE #: PZ15930-061622 – VARIANCE**

30 **James Zona & Tara Syverson (Owners & Applicants); 12 Main Street, PIN #: 017-006-**
31 **000 – Request for relief from Article 4 Section 4.3, Paragraph 3 to construct a 2-stall**
32 **garage on the south side of the lot within 14 feet of the southern property line. Zoned**
33 **Residential Rural with Historic District Overlay.**

34

35 Jamie Ramsay read and opened the case.

36

37 James Zona explained that a 2-stall garage is needed due to more cars coming onto the property.
38 This will also allow for storage and possibly a workshop on the second floor. There is not much
39 opportunity to place this in other locations on the property, thus it is being proposed within 14'
40 of the southern property line. There is a large hedge between the two properties. He has spoken
41 with the abutter and there are no concerns regarding the placement.

42

43 In response to a question from Charlie Vars regarding if the garage is proposed to be 26'x30' or
44 24'x30' because the plan before the ZBA was different from the plan presented to the HDC, Mr.

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45 Zona explained that the full 26' wide would extend into the nearby garden. He stated that the
46 original plan was for 26'x28', but he is proposing 24'x30' at this time.

47

48 In response to a question from Charlie Vars regarding the heavy row of good-sized trees on the
49 left side line on the plan, Mr. Zona stated that these are within the property line on his property.
50 Mr. Zona stated that he is willing to let his builder deal with being able to side the new structure
51 while being so close to the trees and hedge.

52

53 Charlie Vars asked the applicant to consider moving the structure over slightly by approximately
54 1'. This would make the spacing easier to deal with in regard to the hedge/trees and come closer
55 to the original setback requirements in the Village of 15'. Mr. Zona stated that he would look
56 into that proposal.

57

58 Danielle Pray noted that the applicant went before the Historic District Commission (HDC) in
59 the past for a garage proposal. Mr. Zona stated that he previously went before the HDC for some
60 other work but put off the garage at that time to a future date. He intends to go back before the
61 HDC for this item if approval is received from the Zoning Board of Adjustment.

62

63 In response to a question from Charlie Vars, Mr. Zona stated that he is still trying to determine
64 the history of the house.

65

66 Danielle Pray asked the applicant to review the five variance criteria.

67

68 Mr. Zona addressed the criteria.

69

1. How will granting the variance not be contrary to the public interest?

70

We are requesting a variance of 6' feet (14' as proposed, versus 20' in the ordinance)
71 from the southern side property line. The proposed location does meet the 25' minimum
72 distance to the principal dwelling on the abutting lot. The proposed garage would pose no
73 threat to the public safety or welfare. It is well removed from any public access points
74 and is bounded on the southern and western borders with a 25' tall arborvitae hedge. This
75 hedge will not be disturbed.

76

2. How will granting the variance ensure the spirit of the ordinance will be observed?

77

The proposed garage meets the 25' setback requirement to the southern abutting dwelling
78 and the 20' setback requirement to the western property line at the Library. The hedges
79 create a natural barrier.

80

3. How will substantial justice be done?

81

With children getting older and having their own cars, we are in need for additional
82 parking space. We also need more storage. The existing 2-car garage with a separation
83 wall is quite small and can barely fit two vehicles. The proposed 2-stall open garage will
84 provide that additional parking and storage with zero impact to the general public. Our
85 neighbors to the south have stated that this is a reasonable request and support the
86 proposed garage.

87

4. How will the value of the surrounding properties not be diminished?

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88 The 25' tall hedge provides a natural border and privacy screen between the proposed
89 garage and the southern abutters. The garage will actually provide an additional sound
90 barrier between the backyards of both properties. The same rationale (the natural hedge
91 barrier) applies to the Library to the west as well.

- 92 5. Literal enforcement of the provisions of the ordinance would result in unnecessary
93 hardship because:

94 The garage does not violate the general public purpose of the restriction in the proposed
95 location. The property is in fact very similar to others in this area of the Village. Lots are
96 small, or long and narrow. Because of that, there are many instances of primary dwellings
97 or auxiliary buildings which violate the ordinance as written, but not necessarily the
98 intent of the ordinance. It should be noted that the principal dwelling on the southern lot
99 is 11.7' to the property line, 2.5' closer than our requested variance of 14'. In 2020, we
100 proposed replacing the existing 2-car garage with an oversized 3-car garage that would
101 have met the requirements of the ordinance. That proposal was denied by the HDC
102 because of the historical significance of the existing structure. Thus, at that time, it was
103 determined to use extra space within the property. Also, if the garage were to be
104 constructed with the full 20' setback from the southern property line, the garage would be
105 offset from the side of the driveway by that amount and lose significant utility; it is
106 currently in line. It would also impact an existing hardscape flower bed.

107
108 Danielle Pray asked that the applicant describe characteristics of the property which make it
109 different and unique from others around it. Mr. Zona stated that it is very similar to others in the
110 area, which have structures that exist within the setback. Danielle Pray stated that that criteria
111 relies upon the answer. This could relate to why the garage cannot be placed anywhere else on
112 the property.

113
114 Mr. Zona stated that there is no other access on site, other than at the end of the driveway. The
115 only way that the structure could be situated outside of the setback would be to make it a single-
116 bay garage, which is not what he wants, thus, why he is requesting a variance.

117
118 Doug Kirkwood explained that the applicant may want to review the definition of 'unnecessary
119 hardship' in order to better answer the question.

120
121 Charlie Vars asked if the applicant would consider moving the structure another foot back from
122 the left side property line. Mr. Zona stated that he believes he would consider this, but he would
123 need to review the suggestion. Charlie Vars stated that he believes, if the applicant moved the
124 structure one foot away from the property line, he would be able to say that there is a hardship in
125 this case, as the setbacks in the Village were previously 15'.

126
127 Mr. Zona asked if he has to move the structure one foot, to make for a total of 15' from the
128 setback, in order to move this forward this evening. Charlie Vars stated that it would help his
129 vote on this item. Mr. Zona stated that he does not seem to have a choice and agreed to move the
130 structure one foot away from the left property line. He will measure 15' from the abutters
131 property line tomorrow and stake it.

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132

133 In response to a question from Jamie Ramsay regarding where the setback is measured from, Nic
134 Strong stated that this is measured from the structure wall.

135

136 There was no public comment at this time.

137

138 **3. CASE #: PZ15933-061722 – VARIANCE**

139 **Robert Lacroix (Owner & Applicant); 32 Windsor Drive, PIN #: 002-146-004 – Request**
140 **for relief from Article 4, Section 4.3, Paragraph D.3 to construct a garage within the**
141 **property setback boundary. Zoned Residential/Rural**

142

143 Jamie Ramsay read and opened the case.

144

145 Robert Lacroix explained that he is proposing a 2-car garage with a bit of extra space. This is
146 proposed to be set 18.5' from the abutter's property line. Placing it at 20' would locate the
147 structure right next to his existing house.

148

149 Danielle Pray asked the applicant to address the five criteria. Mr. Lacroix stated his answers.

150

151 1. How will granting the variance not be contrary to the public interest?

152 Granting of this variance should not be contrary to public interest. The building will be
153 used as a garage and workshop that will not affect the public. Granting this variance will
154 not threaten public health, safety, or welfare.

155 2. How will granting the variance ensure the spirit of the ordinance will be observed?

156 The spirit of the variance is to build a garage on the property. It will be ensured by
157 making sure the location of the structure is as proposed.

158 3. How will substantial justice be done?

159 The garage on my property should have no bearing on the public and therefore cannot
160 harm the public or other individuals.

161 4. How will the value of the surrounding properties not be diminished?

162 The value of surrounding properties will not be diminished because the garage will not
163 interfere with them or their property. The garage should increase property value and
164 hence increase property values in the area

165 5. Literal enforcement of the provisions of the ordinance would result in unnecessary
166 hardship because:

167 The 1968 property lines do not allow for a lot of space to add onto the side property
168 before encroaching on the ordinance set forth by the town of Amherst. The hardship
169 would come from having to adjust the location of the garage to accommodate the
170 ordinance and have the garage too close to the house.

171

172 Danielle Pray asked what characteristics distinguish this property from others to create a
173 hardship on the applicant. Mr. Lacroix stated that the house is located on the Seaverns Bridge
174 Road side of Windsor Drive. The driveway is located on the left side of the house when looking
175 at the property, and so the garage is also proposed on that side of the lot. There is not much

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176 space, due to the width of the lot and where the house is located on the lot, in order to place the
177 garage. There is also a septic system and leach field located in the back of the lot. He is trying to
178 meet the 50' road frontage setback and is at 50.5' with the proposed garage location. Moving the
179 structure closer to the house will eliminate much of the natural sunlight entering the house, and
180 an existing dog pen. Mr. Lacroix stated that he hated to have to change everything that was
181 already existing for 1.5' in the setback which seemed like so little.

182

183 In response to a question from Jamie Ramsay regarding the distance between the shared property
184 line and the abutter's closest structure, Mr. Lacroix stated that he believes this to be 50-60'. Mr.
185 Lacroix noted that the abutters do not live regularly on the property, and he does not believe they
186 would have an issue with this proposal.

187

188 In response to a question from Charlie Vars regarding why the applicant is proposing a 28' wide
189 garage, Mr. Lacroix stated that he has two cars, and he would like additional space for a
190 workbench along the side and being able to work inside the garage, so he is not confined and so
191 that he does not dent anything. Charlie Vars noted that a 26' wide structure would not require a
192 variance at all and would likely give plenty of room for working.

193

194 Charlie Vars stated that he is unclear how the variance request meets a hardship for the applicant.
195 Other properties in the area have 22'x22' or 22'x24' garages. He does not see a hardship for this
196 property. A 28' wide structure will be within 4'-6' of the existing house. A normal garage is 22'
197 or 24' wide. He asked if the applicant feels this width is necessary. Charlie Vars stated that he
198 did understand the grade of the lot and pointed out that a 28' wide garage will be within 4 - 6'
199 of the existing house. He noted that the proposed garage was close to the same size as the house. He
200 could understand why the applicant wanted some room between the side stairway and the garage
201 but that could be done with a 26' wide garage, especially where it is proposed to be 36' deep.

202

203 Mr. Lacroix stated that the size was chosen partially based on construction needs to utilize sheets
204 of plywood with less waste and partially to allow for his project needs. He noted his plan to
205 restore an older vehicle which would take room to be able to take apart the frame and body and
206 not be climbing over parts. He would also like to have a woodshop area within the garage and
207 wanted the extra space to do that.

208

209 Charlie Vars noted that the applicant needs three positive votes from the Board on each variance
210 criteria item. He does not see a hardship in order to vote positively on the fifth criteria item. He
211 does not understand why the applicant would not simply choose a 26' wide structure and not
212 need a variance at all. This is a legal issue the Board has to decide on. The law requires the
213 applicant to come before the Board to prove there is a hardship that requires the structure to be
214 placed at 18.5' from the property line, instead of the required 20'. He does not believe the
215 applicant has proven this hardship and would like the applicant to understand this while still in
216 open session. The application could fail, and the applicant could simply reduce the size of the
217 structure to 26' wide and move forward. He does not have an issue with any of the other criteria
218 for this proposal.

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220 Jamie Ramsay stated that the setback is established for the protection of the neighboring
221 properties, in addition to the applicant's property. This decision would impinge on the neighbor's
222 property. This could create an imposed hardship on the neighbor in the future. He noted that the
223 ZBA had to protect the Zoning Ordinance unless there was good cause shown while
224 acknowledging that the applicant was perfectly within his rights to request the variance.
225

226 Tracy McInnis stated that the proposal could affect the neighbor's water table or flooding on the
227 property. She asked about moving the structure over 1.5' or reducing the width. There needs to
228 be a true hardship, as though there is not another place on the property to place the structure.
229

230 Mr. Lacroix stated that moving it over will affect the existing set of stairs on the deck, likely
231 leading to their removal or relocation. He stated that an extra 1.5' is not a lot. This is a tight area
232 to the house, and he would prefer to have more space between the garage and house. He noted
233 that there is a big tree close to the deck. Mr. Lacroix stated that he did not want the area to be
234 confined and grow mold and mildew due to the lack of sunlight. He stated that if he could have
235 avoided the need for the variance by avoiding the 20' setback he would have done so, but 28'
236 wide seemed better for fitting things inside the garage. He stated that he put a lot of thought into
237 the size and location for the proposal and that he had a hard time understanding the hardship
238 criteria.
239

240 There was no public comment at this time.
241

242 **Jamie Ramsay moved to enter into deliberations. Tracy McInnis seconded.**
243 **Voting: 5-0-0; motion carried unanimously.**
244

245 **CASE #: PZ15930-061622 – VARIANCE**

246 **James Zona & Tara Syverson (Owners & Applicants); 12 Main Street, PIN #: 017-**
247 **006-000 – Request for relief from Article 4 Section 4.3, Paragraph 3 to construct a 2-**
248 **stall garage on the south side of the lot within 14 feet of the southern property**
249 **line. Zoned Residential Rural with Historic District Overlay.**
250

251 **Jamie Ramsay moved no regional impact. Charlie Vars seconded.**
252 **Voting: 5-0-0; motion carried unanimously.**
253

254 Charlie Vars stated that the HDC application indicated the structure would be 26', but the plot
255 plan states that it will be 24'. The applicant seemed to agree to moving the structure back 1' from
256 the property line, for a total of 15' from the setback. He would like these two items noted as
257 conditions if the application is approved.
258

259 Doug Kirkwood addressed the five variance tests.

- 260 1. The Variance will not be contrary to the public interest.
- 261 • C. Vars – true, this proposal will not change or alter the character of the
 - 262 neighborhood. It will be seen from both roads but is buffered by the tree line.

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- 263 • J. Ramsay – true, the lot is generously sized for a lot in the Historic District but does
264 not necessarily have excess space in a practical location which is the case with many
265 properties in the District. The proposal poses no threat to the public welfare.
266 • D. Pray – true, the 6’ intrusion into the 20’ setback will not alter the character of the
267 locality or affect the public health, safety, or welfare.
268 • T. McInnis – true, , the proposal will not alter the character, the public interest, safety,
269 or health.
270 • D. Kirkwood – true.
271 **5 True**
272
273 2. The Variance is consistent with the spirit and the intent of the Ordinance.
274 • J. Ramsay – true, the proposal will not change the nature of the neighborhood in any
275 way. There is no prior precedent for this item, and this is a fairly typical request in the
276 Historic District and Baboosic Lake area. The applicant has a right to ask for
277 additional space to park cars and for storage space.
278 • D. Pray – true, the spirit is observed. The public health, safety, and welfare are not
279 implicated in the 6’ space needed to build the garage.
280 • T. McInnis – true, the natural barrier of the trees will protect this from the public
281 view.
282 • C. Vars – true, the proposal does not take away from the character or appearance of
283 the Historic District.
284 • D. Kirkwood – true.
285 **5 True**
286
287 3. Substantial justice is done.
288 • T. McInnis – true, there is a need for more garage space on the property for more
289 cars, which will improve the look of the property as opposed to leaving them in the
290 driveway.
291 • C. Vars – true, there is no more loss to the public in denying the application, than gain
292 to the individual in this case.
293 • J. Ramsay – true, the property owner has a right to enjoyment of property, to use it to
294 its best practical purpose without impinging on the neighbors. The applicant has
295 demonstrated this.
296 • D. Pray – true, this is a balancing analysis. The applicant should be able to use his
297 property in a way that outweighs any loss to the public through this proposal.
298 • D. Kirkwood – true.
299 **5 True**
300
301 4. The values of the surrounding properties will not be diminished.
302 • D. Pray – true, there is no evidence that the value of surrounding properties will be
303 diminished, and the applicant answered the values would probably not be diminished.
304 The applicant has satisfied the burden of this item.

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- 305 • T. McInnis – true, the proposal could create an additional sound barrier. It will likely
306 increase his property value, and thus others as well.
307 • C. Vars – true, he did not see any effect on surrounding property values or a
308 detrimental effect to the neighborhood.
309 • J. Ramsay – true, the garage will be a benefit to the neighborhood, as some cars will
310 be parked in the garage instead of the driveway. Most properties nowadays do have
311 garages and they keep stuff out of sight.
312 • D. Kirkwood – true.

313 **5 True**

314
315 5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary
316 hardship.

- 317 • J. Ramsay – true, there is no other practical location on the property to properly place
318 the structure. This is not an unusual issue in the Village. The owner has a right to
319 desire storage for vehicles and equipment. The applicant has agreed to move the
320 proposed structure a bit to meet prior setback regulations of 15'. This is a practical
321 solution.
322 • D. Pray – true, this property has some unique features including that this is a corner
323 lot, with no access on the Main Street side. An existing row of hedges along the
324 driveway alleviates some concerns of the general purposes of the ordinance for
325 privacy and spacing. There is no fair and substantial relationship between those
326 purposes and the proposal. The garage is a reasonable use of the property, as most
327 residences have them and the applicant has a need for additional space.
328 • T. McInnis – true, denial would pose a hardship on the owner. The request is a
329 reasonable one to enjoy the property. There is no other reasonable place on the
330 property to place the garage.
331 • C. Vars – true, the proposed use is reasonable, and the proposed location is the best
332 place on the property for it. There is no adverse effect to the remainder of the
333 neighborhood, including the Library. This will have minimal impact on the other
334 surrounding properties and intersection.
335 • D. Kirkwood – true.

336 **5 True**

337
338 **The Chair stated that the application, as it passed all of the tests, is granted, as**
339 **submitted. It was noted that the following conditions are placed on this approval:**

- 340 • **The width of the proposed garage will be 24 ft as shown on the Meridian survey**
341 **plan.**
342 • **Moving the garage one foot closer to Main Street to the North.**

343
344 **CASE #: PZ15933-061722 - VARIANCE**

345 **Robert Lacroix (Owner & Applicant); 32 Windsor Drive, PIN #: 002-146-004 –**
346 **Request for relief from Article 4, Section 4.3, Paragraph D.3 to construct a garage**
347 **within the property setback boundary. Zoned Residential/Rural.**

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**Danielle Pray moved no regional impact. Jamie Ramsay seconded.
Voting: 5-0-0; motion carried unanimously.**

Doug Kirkwood asked if there was any general discussion. Jamie Ramsay stated that the proposal is a large structure. If there was willingness on the applicant's behalf to reduce the size, a variance may not be necessary. This is a deep structure and may overpower the house. Typical garage structures are 22'x22', 22'x24' or within those dimensions.

Danielle Pray stated that she is less concerned with the size of the structure, as with the encroachment into the setback. The applicant could build this size garage if he so chose if it were not within the setback. The Board is focused on the variance regarding the setback.

Charlie Vars stated the applicant could build 26'x40' if he wanted to and not encroach on the septic or the setback. He noted that that this will be a large structure and he is concerned it will not look very good. Danielle Pray stated that this is not the Board's concern. The Board's concern is regarding the extra 1.5' of setback relief being requested.

Jamie Ramsay stated that the aesthetics should not be a consideration of the Board. This is about the proposed footprint of the structure and location thereof.

Doug Kirkwood stated that previously the setback was 15', but it is not anymore. Thus, this is useless information. Jamie Ramsay agreed that this is being considered only under the current Zoning Ordinance.

Doug Kirkwood stated that he does not believe the unnecessary hardship item has been proven.

Tracy McInnis stated that Jamie Ramsay brought up being able to enjoy one's property during discussion of the last application. She stated that the applicant may need the depth within the garage in order to do certain projects. She noted that the applicant also has existing stairs coming off the back porch and it will be difficult to maneuver around those if the structure is moved closer to the house. This could be considered a hardship, although the applicant may not have presented it as well as he could have.

Doug Kirkwood addressed the five variance tests.

1. The Variance will not be contrary to the public interest.
 - J. Ramsay – true, this is not an imposition on the public interest. The proposed garage will be well setback from the street, similarly to the house.
 - D. Pray – true, the 1.5' encroachment will not alter the essential character of the neighborhood and it does not threaten public health, safety, or welfare.
 - T. McInnis – true.
 - C. Vars – true, the proposal does not alter the character of the neighborhood.
 - D. Kirkwood – true.

5 True

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2. The Variance is consistent with the spirit and the intent of the Ordinance.
 - D. Pray – true, the proposal does not affect or threaten public health, safety or welfare and only slightly impacts general setbacks and sight lines to abutting properties.
 - C. Vars – true.
 - T. McInnis – true.
 - J. Ramsay – true, the public health, safety and welfare is not impacted.
 - D. Kirkwood – true.

5 True
3. Substantial justice is done.
 - T. McInnis – true, the proposal will allow the applicant to do as he wishes inside his garage without impeding on the public.
 - C. Vars – not true, the proposal is not doing substantial justice to encroach on the setback.
 - J. Ramsay – not true, the proposal to build the structure is reasonable as enjoyment of property is reasonable, but the request is for relief from the zoning ordinance when there are other avenues available, although with some willingness of the applicant needed to change the size of the building in one direction.
 - D. Pray – true, this test is a balancing analysis. The applicant’s intended use for the garage is consistent with the residence and proposed uses. The applicant would like room for a woodshop and vehicle work. There is no general public purpose that outweighs the applicant’s use and enjoyment of the proposed structure.
 - D. Kirkwood – true.

3 True, 2 Not True
4. The values of the surrounding properties will not be diminished.
 - C. Vars – true, the garage would not reduce the value of surrounding properties.
 - J. Ramsay – true, it is unusual to see structures without a garage in Amherst, so this might raise the value of surrounding properties.
 - D. Pray – true, no evidence was submitted that it would diminish values and the applicant stated that it would not.
 - T. McInnis – true, this will likely increase the value of the applicant’s property, and thus the value of surrounding properties.
 - D. Kirkwood – true.

5 True
5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
 - D. Pray – true, the applicant spoke of the location of the house on the lot being a unique feature. This would lead to the garage needing to be built on either side of the property, either one of which would lead to an encroachment. This is not an unreasonable request, with only 1.5’ of encroachment. If the garage was built to only

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435 26' wide, this would be more of a hardship on the applicant than any benefit that
436 could be gained to the public. There are no issues with the public health, safety, and
437 welfare purposes of the ordinance in allowing for the extra 1.5' into the setback.
438 Other purposes include creating open space, which the encroachment does not affect;
439 regulating distances, which the 1.5' encroachment does not affect as there is 50-60'
440 between this and the next property; adding to the general attractiveness of the
441 property, which the 1.5' will not change; reducing fire hazards by providing greater
442 distance between homes, which the 1.5' will not affect; and regulating density, which
443 the 1.5' will not affect. The proposed use is a reasonable one, as the applicant wants
444 space for a woodshop and to work on cars. The applicant could build other structures
445 on the property which would not be as attractive. The proposal is reasonable.

- 446 • T. McInnis – true, there is no public hazard from the 1.5' requested. The original
447 property setbacks were 15' and they are now 20'. The applicant's requested uses will
448 require the additional space proposed. The house is located in the middle of the
449 property and there is nowhere else to place the garage.
- 450 • C. Vars – not true, the house is located to the right of the center of the lot. The
451 applicant could place stairs from the deck in another location. This is not an
452 unreasonable request except that the proposed width cannot be proven as a hardship
453 as the ordinance is written. The hardship has not been established.
- 454 • J. Ramsay – not true, there are two ways the applicant can resolve this issue without
455 requiring a variance. One is to reduce the width of the garage to 26' from 28,' this is
456 still wider than most garages. The 15' setback requirement is no longer under
457 consideration, as the current zoning requires 20'. The applicant is requesting a 10%
458 relief from this requirement. If the garage is granted relief as requested, he is unclear
459 what would happen if a mistake was made, and it was placed even closer to the
460 property line. This is not a consideration at this point, but a relief sought at that point
461 would fall on deaf ears. The applicant has not proven a hardship.
- 462 • D. Kirkwood – not true, it does not make any difference that the zoning ordinance
463 was once set at 15'. The requirements have changed, and so that cannot be part of the
464 Board's consideration or reasoning.

465 **2 True, 3 Not True**

466
467 **The Chair stated that the application, having failed one test, is denied.**

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469 **Charlie Vars moved to exit deliberations. Tracy McInnis seconded.**

470 **Voting: 5-0-0; motion carried unanimously.**

471
472 OTHER BUSINESS:

473
474 **1. Minutes: April 19, 2022, May 17, 2022, & June 21, 2022**

475
476 It was noted that a majority of the members of the Board had not reviewed several sets of the
477 minutes, enough to vote on them.

July 19, 2022

APPROVED

478

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Doug Kirkwood moved to consider all of the outstanding minutes at the beginning of the next meeting. Danielle Pray seconded.

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Voting: 5-0-0; motion carried unanimously.

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Tracy McInnis noted that there has been a lot of chatter on the Town Facebook page regarding concerns with pets and people with PTSD while neighbors are lighting off fireworks. She asked if something can be implemented, so that people can place a sign on their property to alert others as to when they will be lighting off fireworks, so that people can prepare. Jamie Ramsay stated that people can attempt this, but it will not be up to the Town to enforce. Tracy McInnis stated that this could be similar to a permit to light off fireworks. People could pick up the signs at the Fire Department to fill out. Danielle Pray stated that this might be an item for the Board of Selectmen or Planning Board, but she does not believe this would be legal or enforceable. The Board of Selectmen is currently working to update the sign ordinance. Doug Kirkwood stated that the Board of Adjustment is a quasi-judicial body. It has no purview regarding writing the ordinances. It can only request that the Planning Board consider amendments. Tracy McInnis stated that this could be a nice, neighborly thing to do.

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Danielle Pray stated that anyone can place any sign on private property. Tracy McInnis stated that this was not true 19 years ago when she was yelled at to remove a small sign on her property. Danielle Pray stated that this would likely not be the case today.

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Jamie Ramsay moved to adjourn the meeting at 9:00pm. Tracy McInnis seconded.

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Voting: 5-0-0; motion carried unanimously.

503

Respectfully submitted,

504

Kristan Patenaude

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506

Minutes approved: November 15, 2022