The ZBA met for its regular monthly meeting and three public hearings at 7 PM. Present were Susan Peters, Paul Delphia, Mary Langen, Michelle Knapp, and Susan Phillips-Hungerford and alternate Neil Sandford.

Minutes from ZBA Meeting on January 25, and March 22, 2018
The board reviewed the minutes. In the January minutes, Michelle pointed out that the word “to” need to be added to make a sentence understood and the word “it” needed to be added in another sentence. Susan Phillips-Hungerford moved to accept the January 25 minutes as amended. Paul seconded the motion and it was approved unanimously.


Application for a Special Exception for Timber Home Properties, LLC 253 Brush Brook Rd, Map 8, Lot 39
At 7:15 PM Susan Peters opened the public hearing. Susan explained the guidelines for the public hearing. Several people attended the public hearing. See the enclosed public hearing list. Susan introduced the board members. The secretary read the public notice and where it was posted. He also shared that all of the abutters’ certified cards have come back and some written notes were mailed back to the board as well.

Karen Niemela shared how she and husband purchased the property from the town. It was advertised as having a living unit over the garage. She said the living unit (apartment) is about 600 square feet, just enough for one person. They have renovated the apartment and have rented it out. The rental income is a way to help support their renovation of the main house. The property is 1.5 acres, and since the apartment was not listed on the tax card, they are seeking a special exception for an accessory living unit. Presently it is the primary living unit but looking down the road they felt they should apply for a special exception in preparation for the future. She went down through her application point by point. This existing accessory living unit has been in existence for many years and the size of the property is grandfathered. The code enforcement officer shared that an egress needs to be added out the back, which they are prepared to do if the special exception is granted.

Susan shared the letter of recommendation from the Planning Board. The code enforcement officer favors it being granted as does the Conservation Commission. Susan read short letters from Patrick Brown and Fred Giamo, two abutters who wrote in favor of the board granting the special exception. Susan Peters asked what the hazardous waste was and Karen replied that there was oil and paint in the garage. At 7:33 Michelle moved to close the public hearing, seconded by Mary Langen.
motion passed. The board decided not to review the application point by point since everything had been read and thoroughly explained. Mary Langen moved to approve a special exception under Article 4, Section N.2.b to allow an accessory living unit in the existing garage located at 253 Brush Brook Rd, Map 8, Lot 39, to contain an accessory living unit with full kitchen facilities as per the Dublin Zoning Ordinance. Paul seconded the motion. The motion passed unanimously. Karen asked when the tax card would be updated and the secretary answered that he would pass this approval on to the town administrator who would notify Avitar.

Susan Phillips-Hungerford resumed her seat and Neil stepped down for the next hearing and further business at 7:45 PM.

**Variance Applications from Howard Shafman for the property at 1533 Main Street, Map 8, Lot 24**

Susan reviewed the rules of procedure for the public hearing. Susan explained the difference between a special exception and how the variance application must meet five different criteria.

Chair Susan Peters opened the public hearing at 7:57 PM for the variance from Article IV, Section N.2. Susan Phillips-Hungerford asked for clarification of what was granted by the Board in December 2017. The secretary brought out the file and Howard explained the earlier approvals were for two living units in the house and three living units in the barn. In prior years, commercial uses consisting of a coffee shop and hair salon were approved by special exception. Howard explained how the septic system is not large enough to support the coffee shop so they need to convert the area that was the coffee shop into two more bedrooms. Mary Langen asked what would be the final configuration. Howard stated the end result would be 10 bedrooms (three bedrooms in the main house together with a one-bedroom accessory apartment; and five apartments in the barn with a total of six bedrooms). An art gallery and photographic studio have both closed, and the only remaining commercial business would be one small food concession on the first floor of the barn.

Susan asked if anyone wanted to speak for or against the application. No one responded. When invited to speak on the application, Christopher Parker asked how eight apartments would affect the value of his abutting property as well as whether the apartments would be accessed over the right of way across his property from Gowing Lane. He also expressed concern about exterior lighting, and his desire that it would not impact his property. His concerns were listened to carefully and Mr. Clifford explained that the fire chief required that the right of way be left open for fire equipment. Christopher Parker requested that use of that driveway be discouraged by a sign that states “For emergency vehicles only.” Christopher thought the deed was changed when the coffee shop was put in to remove the right of way.

Howard explained the quality of the rental units and prospective tenants to allay Christopher’s concerns. Christopher is concerned over what may happen down the road in 20 years. Susan Peters explained that the ZBA may not have authority to limit a right of way, but in considering the variance application the Board gives serious consideration to the concerns of abutters. Howard explained his purpose and plan to have high quality units with people who will rent for a long period of time.

At 8:41 PM Michelle moved and Susan Phillips-Hungerford seconded the motion to close the public hearing. The motion passed.

At 8:43 Susan Peters opened the second public hearing for the variance from Article XII, Section E.1(b) since there would be more than four living units in the barn. Susan explained that all the points under the previous application also apply to this variance application as well. The board discussed the reason why a variance is needed.
Howard observed that in this area the greatest need is for rentals for single professional women and he expected that this would also be the need in Dublin. They tend to keep the property up and rent for a longer period of time. At 8:52 PM Susan Phillips-Hungerford moved to close the public hearing. Paul seconded and the motion passed.

The secretary noted that in 2009 the property was granted a special exception and variance to allow a coffee shop and two businesses. The board discussed what could be done in the future since past variances may or may not be adjusted. They were not sure whether they should grant these variances without legal advice. Susan Phillips-Hungerford pointed out a court case where a variance went away from not being used within a certain amount of time. Susan Peters felt that since the new variance would be for the same space she doubted whether the earlier variance could be used for the same space.

The Board determined the following five points which are the criteria for granting a variance.

1. Granting the variance would not be contrary to the public interest.
   The board discussed and noted that it will not change the traffic pattern or amount of use from what is already approved for that property.

2. If the variance were granted, the spirit of the ordinance would be observed.
   The board noted that the spirit of the ordinance calls for more small rental units in town and multiple uses for small businesses are encouraged in the Master Plan.

3. Granting the variance would do substantial justice because:
   The public good would be gained by small rentals and since it is near to the store nearby, activity in the area would not be substantially changed.

4. If the variance were granted, the values of surrounding properties would not be diminished because:
   The value of surrounding properties would not be affected since what is already is there would not be substantially changed and if anything the improvements could increase values.

5. Unnecessary Hardship:
   The unique history and location of the property would hinder its legitimate use if the variance were denied. There is not an alternate use that the board could see as being a better use.

Susan Phillips-Hungerford moved to grant a variance from Article IV, Section N.2 to allowed two additional one bedroom apartments within the existing footprint of the barn at 1533 Main Street bringing the total living units to four one bedroom and one two bedroom living units in the barn subject to all state and local codes that apply. Mary seconded the motion and the motion passed unanimously.

Susan Phillips-Hungerford moved to grant a variance from Article XII, Section E.1(b) to allowed two additional one bedroom apartments within the existing footprint of the barn at 1533 Main Street bringing the total living units to four one bedroom and one two bedroom living units in the barn subject to all state and local codes that apply. Mary seconded the motion and the motion passed unanimously.

The secretary requested the board to request a dedicated laptop for his use. The board discussed this request and decided that conferring with the Planning Board and making a joint request based on best computer practices in other towns would be most effective.
Michelle moved to adjourn at 10:05 PM. It was seconded by Susan Phillips-Hungerford and the motion passed.

Respectfully submitted,

Neil R. Sandford
ZBA Secretary