The ZBA met for its regular meeting and public hearing at 7:02 PM. Present were Chair Michelle Knapp, Mary Langen, Paul Delphia, alternates Bill Gurney and Neil Sandford. Michelle appointed Bill Gurney and Neil Sandford as full members for this public hearing.

Michelle opened the public hearing for Martine and John White variance application. Neil read the public notice and shared that all abutters were notified by certified mail and all the cards were returned so proof that everyone was notified.

Michelle explained the sequence of the hearing. John White presented the proposal with large colored photos. He explained their reason for needing a change including deteriorating steps and the need for another entrance with small steps on the side. He explained that the house was built after receiving a variance for being within the 35 foot setback. The new construction will be 20 feet from the lot line. Paul asked about the entrance to the bulkhead and John explained that the porch would have the ability to open up. Mary inquired about distances. Neil asked how far the present structure is from the property line and John answered 20 feet and showed the drawing with it demarked. Neil asked whether the new porches would be any closer and John answered that it would be slightly farther from the lot line.

Michelle proceeded to go through the five points required to grant a variance. John presented his application as follows. (only highlights given, see application for full answers)

1. **Granting the variance would not be contrary to the public interest because:**
   a. Proposed renovation eliminates the hazard of an existing entry way that does not meet the code. Riser height exceeds the maximum allowed.
   b. Proposed renovations do not substantially alter the already non-conforming structure.
   c. Proposed renovations do not alter the essential character of the neighborhood.

2. **Spirit of the Ordinance will be observed because:**
The renovations do not have a further effect on the setback because they do not substantially deviate from what is already there. It does not make the structure any more non-conforming.

3. **Substantial justice would be accomplished because:**
The renovation would improve the streetscape by removing a deteriorating, non-conforming entryway/porch and the replacement would be much more aesthetically pleasing and more sympathetic to the house itself.
4. **The values of surrounding properties would not decrease** since the house would look better and be more sympathetic to the spirit of the neighborhood. It looks like the back of the house, so this would make it look more like the front of the house.

5. **Unnecessary Hardship**—Because of the special conditions of the property which are unique because of its small lot size and set-back distance, the setback distance restriction does not serve any substantial purpose in this situation.

Michelle asked for anyone in favor or opposed. There was no one who wished to speak in favor or opposed. John and Martine were obviously in favor. Michelle read a letter from Susan P-H, Susan Peters and Larissa Blitz.

Susan Peters shared a concern whether granting a variance on top of the original variance would set an unhealthy precedent since other properties within the setback were grandfathered and others were denied approval to rebuild in the setback.

Larissa Blitz wrote opposing the application on the basis because she felt they did not meet the five variance requirements. The previous owners were turned down by a previous ZBA board. John responded and corrected some inaccuracies in Larissa’s letter concerning the rear deck which was just resurfaced, not added to. Mary asked about the distance to the lot line of the rear deck and it is more than the 35 foot setback. John pointed out that these new porches are on the opposite side from this abutter so could not be seen from their property.

Lawrence Foy asked whether porches counted in the setback so Michelle read the ordinance which stated specifically that steps are not included. Lawrence explained the history of someone caring for someone in need and that was why a variance was originally granted in 1977. In 2002 the owners wanted to build out from the back and were not approved. He expressed concerns that further requests might come in the future.

John explained what changes he has made to the landscape which is not in the purview of the ZBA. At 7:43 PM, Bill moved and Paul seconded a motion to close the public hearing. The motion passed. The board members looked at the letters more carefully. A 2002 letter opposing a variance was referred to by Larissa Blitz so board members looked at it.

The board reviewed each point.

1. **Not be contrary to the public interest**—Mary pointed out that visually it would be much better and therefore support the public interest. It would improve the essential character of the neighborhood. It would make the building much more attractive and safe.

2. **The spirit of the ordinance would be observed** because it would not be any more non-conforming as the ordinance requires.

3. **Substantial justice** would bring the existing entryway which is not up to code, compliant with the building codes. This improvement would make the house aesthetically pleasing and more fitting to the character of the neighborhood. The use would not change and adversely impact the neighbors.

4. **The values of surrounding properties would not be diminished.** This improvement would make the house look more like the front of a house rather than the back. The entries would be much more presentable. The impermeable ground cover would not be impacted.

5. **Unnecessary Hardship**: Whenever there is a structure within the setback, approval from the ZBA is required. The hardship is due to the present lot size and present configuration of the building.
Mary asked Paul about his concerns about parking. Paul thought that any approval should include a provision that parking area not be changed. Mary did not think the board had that authority for a private residence. The consensus after discussion was that making this kind of restriction is not something the ZBA can address.

The board next worked to craft a motion in the affirmative. Bill moved and Mary seconded a motion to grant the variance from Article VIII Section B.3 to permit the construction of two decks within the 35 foot setback to match the architectural plans dated March 6, 2018 drawn by Susan Phillips-Hungerford for the property located at 51 Old Common Rd.

Mary moved to accept the motion as written. Paul seconded and the motion passed with Bill and Neil abstaining.

The board considered the application from Timothy Mulverhill for a home business and determined that the application is not complete. If the workers are just occupants of the home it is a home occupation and does not need approval. The secretary will contact the applicant to see if he wants to proceed with this application. The board discussed what is needed if the applicant decides he wants to proceed and the secretary will refer him to the application checklist.

The secretary presented the new Master Plan 2017 and the board members reviewed their copies. Discussion ensued about the demographics and the need to attract young families to town.

The meeting scheduled for September 27 is canceled and the next meeting will be October 25, 2018 unless there are no applications to consider.

The secretary presented the need to change the fees. Bill moved to change the newspaper notice fee to $100 and the administrative fee to $60 starting October 1, 2018. Mary seconded and the motion passed.

Michelle moved to adjourn at 8:42 PM. It was seconded by Bill and the motion passed.

Respectfully submitted,

Neil R. Sandford
ZBA Secretary