

## **Minutes of Zoning Board of Appeals Meeting/Public Hearing**

**November 4, 2021**

ZBA Members present: Denise LeDuc, Michael Lucey, Lee Manchester(associate) and Louise Spear.

Public: Dillon Lagoy, Meghan Lagoy and Tabitha Smith

1.Meeting called to order at 5:50 p.m. The late start was due to the late arrival of ZBA member Lucey.

2. Amended minutes from 10/1/21 meeting were approved unanimously.

3. Lee Manchester (acting chair) opened the public hearing at 5:52. He made a number of announcements:

- a. Reading of legal notice for public hearing.
- b. Outlined order of public hearing.
- c. ZBA chair Louise Spear has recused herself as she is an abutter.
- d. Site visit conducted on 10/6/21.

4. Presentation by Applicant- Mr. Lagoy explained that an addition to his existing garage would be most feasible if it extended straight back from the existing garage but this placed it partially in his side setback (20 feet) as the back corner would be only 12 feet away. The exact location of his property line is unclear but he assumed it to be the middle of the stone wall on that side of his property. He was able to find two pins but their location was not consistent with the assumed property line.

5. Questions from the ZBA - Members asked if Mr. Lagoy had been able to locate a survey or find any additional information about his side line. Mr.Lagoy replied that no further information was available. ZBA member asked if the applicant had

talked to the Building Inspector about his plans and Mr. Lagoy said that the BI had advised him that a variance would be needed because the back corner of the lot was too close to the side line.

6. Comments from the Public - Abutter Tabitha Smith spoke in favor of granting the variance. ZBA Chair Manchester noted that abutter Foster had written to say that he "had no issue with the granting of a variance." He also noted that the Planning Board had written to say that they had no objections to the project.

7. The Public Hearing was closed at 6:10 and the ZBA then went into deliberations about the request. The side lot requirement of 20 feet was reviewed as well as the requirements for granting a variance under Section 7.122 of the Zoning Bylaw. Chair Manchester expressed that this case did not meet all of the requirements as there were no "circumstances relating to the soil conditions, shape or topography especially affecting such land" (Section 7.122 b.) and that the ZBA had no discretion to waive this requirement. Applicant Lagoy was unhappy as he said he had not understood that he needed to meet all 4 requirements under 7.122. The ZBA urged Mr. Lagoy to see if he could gain greater clarity about the location of his side property line as it could be that this project did not need a variance. Mr Lagoy left the meeting at this point. The ZBA voted unanimously ( vote was 3-0) with ZBA member Spear abstaining) to deny the request for a variance.

8. Meeting was adjourned at 6:59.

*Minutes were approved on ~~Feb~~ Feb. 23, 2022*