

**Minutes of the Zoning Board of Appeals
September 17, 2008**

**Hearing: #08-05
Continuance**

Present: David Perry – Chairman, Joseph Daigle, Terry Girouard, Cheryl Anderson, Donna Brooks

1. David opens continuance at 7:36pm.
 - a. Explains rules of Hearing
2. David turns Hearing to appellant's attorney, Edward J. Richardson.
 - a. Speaks to previous information gathered at past meeting
 - b. Speaks to Town Counsel's letter to Board
 - c. Speaks to Town Counsel's comment as accessory use
3. David breaks in and tells Attorney that we must stay focused on only common driveway issue.
4. Attorney Richardson speaks to Variance.
5. Donna asks why appellant does not want a common driveway.
 - a. Appellant (Bob Raffi) speaks to common driveway
6. David asks Building Commissioner if he has anything to add.
 - a. Speaks to vital access of the lot
 - b. Speaks to non use of driveway by owner of land
 - c. Speaks to new regulations added to our bylaws pertaining to common driveways
 - d. Says he can still refuse to issue permit if we overturn his ruling
7. David asks Mike for clarification of his intent.
 - a. Given
 - b. Advises other issues
8. Discussion by Board of clarification of Mike's intent.
 - a. David speaks
 - b. Terry speaks
 - c. Cheryl speaks
 - d. Mike speaks
9. Attorney Richardson asks to speak.
10. David first asks Board if they have any questions.
 - a. No
11. Attorney Richardson speaks to frontage or inference of necessarily using frontage.
 - a. Building Inspector is right
 - b. Town Counsel is right
 - c. No mention in bylaw that frontage must be used for access
 - d. Each town is different

12. David asks if attorney felt this met the criteria of a Variance.
 - a. Yes
 13. Cheryl asks about Use Variance.
 14. Mike suggests Use Variance.
 15. Donna thanks attorney for well presented program with facts and not drama.
 16. Terry asks Mike for Planning Board's stance.
 17. Mike answers they concur with Town Counsel.
 - a. Suggests a Use Variance
 18. David asks if attorney would like to change his request to a Variance from an overturn.
 - a. Yes
 19. David states his opinion would have been for them to go to the Planning Board.
 20. David entertains a motion.
 - a. No motion made
 1. Request mute
 21. David explains Board's direction.
 22. David asks abutters for their input.
 23. Kevin Salo (abutter) 171 Wilker Road speaks about wetlands on lot and asks if the Town could allow two driveways.
 - a. Answer given and explained
 24. David asks Mike for further input.
 - a. Given
 25. Cheryl asks about easement and density.
 - a. Attorney explains
 - b. Mentions 3 lots had been reduced to two
 26. David asks Cheryl if he should close the Hearing.
 - a. Answers yes
 27. David closes Hearing and explains rules of appeals and time frames.
 - a. Discussion on deed requirements
 - b. Hearing closed at 8:35pm
-
28. Cheryl makes motion to deliberate #08-12.
Terry seconds
Vote – Unanimous

29. Donna makes motion to grant Special Permit with conditions.
Cheryl seconds
Vote – Unanimous
30. Discussion on conditions.
a. No closer to right of way than 14 feet
b. No higher than 5 feet
c. No further set back encroachment
-
31. Cheryl makes motion to deliberate #08-05.
Terry seconds
Vote – Unanimous
32. Discussion on facts.
33. Joe makes motion that section 5.14 common driveway and subsection 5.14.2.5 does not apply and that a Dimensional Variance from 4.2 – Schedule of Dimensional Regulations be granted as applied for with plan.
Terry seconds
Further discussion
Vote – Terry, Joe, and Cheryl
No Vote – David, Donna
34. Further discussion
35. Motion to deny Variance by Donna.
No second
Motion does not carry
36. Cheryl requests to revisit #33 (Joe’s motion)
a. Requests to amend original motion to include Variance for Accessory Use (as per suggested by Town Counsel)
Donna seconds
Vote – Joe, David, Terry, Cheryl to grant
Donna – negative
37. Donna makes motion to adjourn.
Cheryl seconds
Vote – Unanimous at 9:20pm

Respectfully submitted by Joseph Daigle, Clerk