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June 15, 2009

ZONING BOARD OF ADJUSTMENT

**Christiana 2009-01-CU
Map # 02-041.1
Fecteau 2009-02-CU & V
Map # 05-004.2**

HEARING MINUTES

June 9, 2009

Members present: Joe Perella, Chairman; Joe Spence; Mark Smith; John Altermatt
Others present: Kendra Christiana, Dawn Taylor (mother), Wilda Taylor (grandmother), David Ricklefs; Jim Fecteau, Randy Taplin (father-in-law), Dori Barton; Cathleen Gent (ZA); Linda Ruscitto (clerk)

The meeting was called to order at 7:05 p.m. to hear the Conditional Use application of John and Kendra Christiana of 266 Texas Hill Road to build an accessory dwelling on their property in the village district. Christiana explained that they currently have a single family dwelling (1112 sq ft) on a 1.84 acre lot. They proposed to build an additional 768 sq ft dwelling (accessory dwelling unit) with a separate driveway to house 2 senior family members. The proposed project exceeds the limit of 30% of the principle structure.

Perella suggested the possibility that they build onto the existing structure creating a two-family dwelling which is a permitted use in the village district. Christiana stated that they did not want a 2 family dwelling because it would interfere with their family life; the seniors keep different hours, have the TV volume loud and are smokers.

Perella explained that the board is bound by the Zoning Ordinance and that the accessory in excess of 30% is clearly not allowed; neither was the separate driveway. Christiana mentioned that since their house was relatively small, complying with the restrictions of the ordinance was difficult. Perella stated that the current ordinance did not make allowance for the size of the primary dwelling. It was discussed and decided that perhaps this is an issue that needs to be addressed by the Planning Commission and petitioned to the selectboard to amend the ordinance.

Altermatt asked if there were other options that could be pursued to allow the accessory dwelling. Christiana stated that they had considered the possibility of acquiring additional property so that the lot could be divided, had talked to the Planning Commission and had approached the neighbors regarding a boundary adjustment. However, they planned to wait until they got the decision on the Conditional Use from the ZBA before pursuing this option.

The board decided that the appeal was not appropriate for Conditional Use approval. A motion was made and seconded to deny the appeal; all members agreed. The Christiana hearing concluded at 7:25 p.m.

The board next heard the appeal of Jim & Jessica Fecteau for Conditional Use approval and a Variance to build an addition onto their blacksmith shop in the village district. The proposed project, according to the newly adopted zoning regulations, would be classified as mixed use (light industry and residential) which requires Conditional Use and Site Plan approval. In addition, the proposed expansion would result in an encroachment into the 100 ft set back from the Huntington River which requires a Variance. The proposed addition would be mostly used for storage, allowing the main shop to be more open. It would also allow a separate area for grinding which would keep the shop cleaner and better ventilated.

According to the new Zoning Ordinance that went into effect in March 2009, a Variance is required because of the new requirement in Sec 5.22 which requires a 100 ft setback as measured from the top of the bank/top of the slope of the Huntington River. A site plan (exhibit A), prepared by Arrowwood Environmental dated May 28, 2009, was introduced which includes the existing structures, proposed structure, physical features of the property and all setbacks. Dori Barton, (former Planning Commission Chair) representing Arrowwood Environmental, explained that the physical features of the Fecteau property (riverbank and slope) are very unusual and peculiar, and may be the only such situation in the town. Joe Spence stated that he had examined the site, measuring distances from the river, and found what he felt to be more than adequate distance with good soil. Barton explained that the unique configuration of the Fecteau property required measurement of the setback from the top of a very long upward slope away from the river. Barton also stated that the new regulations placed an encumbrance on the property that did not exist when Fecteau built his shop. There are no options for expansion of the shop outside of the setback area.

The board reviewed the criteria for granting a Variance and found all to be met. A motion was made and seconded to approve the Variance request; all in favor.

Much discussion ensued regarding the numerous changes in the Zoning Ordinance, particularly those dealing with the Fecteau application.

The board then proceeded to the Conditional Use and Site Plan Review. The site plan (exhibit A) was reviewed which showed the 20 x 36 proposed addition on the rear of the existing 24 x 36 blacksmith shop. All Site Plan review standards (sec 4.3.3) and all criteria for Conditional Use (sec 4.2.2) were met and found compliant. No additional conditions will be required.

A motion was made and seconded to grant Conditional Use approval for the expansion as shown in the site plan (exhibit A). Motion passed unanimously.

The meeting was adjourned at 8:28 p.m.

Respectfully submitted June 11, 2009

Approved



Linda Ruscitto, ZBA Clerk

Joe Perella, ZBA chairman

Date: _____