

**Minutes for Zoning Board of Adjustment
May 27, 2010**

Roll Call

Present for the hearing were Chairman Landers, Vice Chairman Donahue, Skinner, and Ruttenberg. Michele Braun was present as Clerk. Members of the public present included Tony and Dee Demas, Carle and Bobbi Underhill, and Krista Pettrey.

Approval of Minutes

A motion to approve the minutes for the March 25, 2010 Hearing was made by Donahue and seconded by Landers. **The motion failed to pass 2-0-2.**

The Hearing began at 7:03 pm.

Chairman Landers stated the following:

1. All meetings of the Board of Adjustment shall be open to the Public.
2. The Officers of the Board of Adjustment may administer oaths to the witnesses.
3. All witnesses will be "Interested Persons" to the appellant. "Interested Persons" are owners of property abutting that of the appellant.
4. All testimony by "Interested Persons" and materials shall be germane to any issue under appeal.
5. All Hearings shall be open to the public and the rules of evidence at such hearings shall be the same as set forth in Title 3§810.
 - a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in superior courts of this state shall be followed.
6. The Board of Adjustment shall render its decisions, which shall include "Findings of Facts".

Hearing 100527-1: Krista Pettrey has applied for Conditional Use Approval to construct a 10x16 bedroom addition to her home at 372 Water Street, which is located in the Special Flood Hazard Area.

The Underhills expressed concern about whether granting a variance was the same as granting an easement, and whether it would encroach on their property. The Board assured the Underhills that it was not and would not, and invited them to review the plan.

Landers designated the site visit report by Rebecca Pfeiffer "Exhibit A". The Exhibit includes the following conditions:

1. The bedroom must be connected by only one doorway. Only the addition would need to be elevated one foot above Base Flood Elevation.
2. Any foundation supports will need to be anchored using flood resistant materials such as pressure-treated lumber or stainless or galvanized steel.
3. Building utilities (wiring, plumbing, ductwork) should be elevated above the Base Flood Elevation.
4. Fuel tanks must be anchored.
5. A FEMA Elevation Certificate (Form 81-31) is required at the completion of construction.

[Mr. Smith arrived during this hearing.]

Ruttenberg moved to approve the variance and conditional use requests, including the Comments in Exhibit A as conditions of the permit; Donahue seconded the motion. **The motion passed 5-0-0.**

Hearing 100527-2: Anthony Demas has applied for a variance for the 20x20 woodshed constructed on his property at 327 Bear Farm Road closer to the road than the regulations allow.

Landers remarked that there was room on the site to put the structure in a location where it would conform to the regulations, and he observed that the structure had already been built, without a permit.

Ms. Braun provided a site plan, showing all structures and boundaries on the property, in the possession of the town in connection with a recent subdivision of the property.

Landers read the variance criteria from the zoning regulations, and noted that there was no hardship in this case, that the applicant caused the non-conformity himself, that the property was already adequately developed, and that there were no unique physical circumstances to prohibit the applicant from building a conforming structure.

Demas stated that the structure was located primarily for his convenience in bringing firewood into his home.

Landers and Skinner both commented that Bear Farm Road is seeing a lot of development, and is likely to be upgraded as development continues, especially as it is a through-way to Moretown. They noted the importance of adhering to the regulations to manage growth into the future.

Mrs. Demas noted that the structure currently holds eight cords of firewood for next winter's heat.

Donahue moved to deny the request, and to grant the applicants one year to remedy the violation; Smith seconded the motion. **The motion passed 5-0-0.**

Other Business

The Board noted that when the Planning Commission has a draft of the revised regulations, the ZBA would like an opportunity to review them.

Smith moved to adjourn at 8:10 pm. **The motion passed 5-0-0.**

These minutes are subject to approval at the next regular meeting; however, they are substantially correct.