

Zoning Board of Appeals
Scott Murphy, Chair
Mary Kate Daly
Shannon Greenwell
Al Porro
Michael Sheehan



**Director of Community
Planning and Economic
Development**
Paul Halkiotis, AICP

Assistant Planner
Sarah Dixon Bouchard

November 9, 2021

Minutes

Present: Scott Murphy, Chair
Shannon Greenwell
Michael Sheehan
Paul Eysie
Ben Beutel

Call to Order: The virtual meeting was called to order at 7:05 p.m. by the Chairman, Mr. Scott Murphy.

Public Hearings:

Case #21-23 Shaw Street

David Hern introduced himself as representative for the applicant. He described the subject parcel, a vacant piece of land located adjacent to the owner's lot and residence. The parcel has 70' of frontage where 90' is required, and the applicant requests relief from the frontage requirement in order to render the parcel buildable. He referenced a plot plan that had been submitted to show a possible building envelope that meets all other dimensional requirements, and stated that a structure could be built to satisfy every other requirement, including area for the General Residential District. He stated that a combination of takings of adjacent parcels created the parcel without sufficient frontage, and referenced an ANR plan dated 1966 that showed land division of the parcel.

Mr. Sheehan asked if a sewer taking on the rear of the lot, shown in the 1966 plan, would potentially reduce the area below 10,000 square feet. Mr. Hern replied that the area referenced was a sewer easement and would not impact area calculation.

Mr. Murphy stated that of the three requirements for a variance, he could make positive findings for all but the conditions of the lot and/or structures on the lot. He asked if there was anything unique about the soils, lot shape, or topography of the parcel.

Mr. Hern stated that the lot is narrowly shaped, with an “L” shape in the rear.

Mr. Murphy replied that the L shape did not cause the need for relief. He stated that without this requirement of conditions met, the request would not qualify for a variance.

Mr. Hern described the history of the lot back to 1926, with multiple abutters taking land in the context of no common ownership. He referenced the 1966 plan, where the Planning Board had made a notation that suggests the intention of the lot as buildable.

Mr. Murphy asked when the applicant acquire the lot. Mr. Hern responded 1986, but it has been in the family since before 1966. He stated that the current owners have been left with a lot that is worthless, due to circumstances beyond their control.

Mr. Murphy says that the household gained ownership of the lot after the 1966 plan was referenced, and the lack of required frontage has been unchanged.

Ms. Greenwell asked if the variance were granted, if the applicants would have to return to the Board for approval of the proposed structure.

Mr. Hern replied no, provided all other dimensional requirements would be met.

Ms. Bouchard confirmed this and further clarified the request before the board, not being related to a particular proposed structure.

Mr. Eysie asked for clarification of the lots on the 1966 plan. He speculated that the intent of the Planning Board at that time was to create two buildable lots.

Mr. Murphy asks what the required frontage was in 1966. Mr. Hern replied 90'. Mr. Murphy stated that Planning Board did not have the authority to grant a variance.

Mr. Hern stated that regardless, two lots were created in 1966 and the situation was not created by the current owners.

Mr. Beutel inquired about the frequency in which the Board considers the shape of a lot as a unique condition. Mr. Hern replied that the applicant’s view is that the lot is narrowly shaped.

Mr. Murphy reasserted that the property issue existed at the time of conveyance to current owner, and that although the lot may be narrow, it must be irregular to meet variance requirements.

Mr. Murphy opened the hearing to the public for comment.

Carol Ryan, 24 Shaw Street, stated concerns about the project and overcrowding on the lot.

Patricia Russo, 13 Shaw Street, stated concerns about the project due to height of a structure.

No other comments were received from the public.

Motion:

Mr. Sheehan made a motion to close the hearing. Mr. Eysie seconded the motion. A roll call vote was held and the motion carried 5-0.

Mr. Sheehan stated that he is not inclined to approve the request, and stated that he thought neighbors should be allowed to learn more about any proposed structure. He stated his intent to make a motion to continue the hearing to allow for more discussion between the applicant and neighbors. Mr. Murphy responded that procedurally, his motion had just closed the hearing, but if he desired to reopen for a continuance, he needed to make that motion.

Motion:

Mr. Sheehan made a motion to reopen the hearing and continue to December 6, 2021 at 7 pm via GoToMeeting. Ms. Greenwell seconded the motion. A roll call vote was held and the motion carried 3-2, with Mr. Murphy and Mr. Beutel voting no.

Administrative Updates

Mr. Murphy discussed upcoming meetings and the issue of meeting space. Ms. Bouchard suggested it might be appropriate to poll the Board members on preference to meet in person or virtually. Ms. Greenwell stated that her preference would be to offer a hybrid option. Mr. Murphy stated that prioritizing a hybrid option was his preference but in absence of that availability, he preferred an inperson meeting. Mr. Eysie also stated his preference for in person meetings. Mr. Beutel stated that a hybrid option would be best, but he personally prefers in person meetings.

Mr. Murphy stated that the December meeting would be the last virtual meeting, with in person meetings beginning in January, and that efforts would continue to incorporate a hybrid option.

Approval of Meeting Minutes – none available

Adjournment

Motion:

Mr. Sheehan made a motion to adjourn. Mr. Eysie seconded the motion. A roll call vote was held and motion passed 5-0.

The meeting adjourned at approximately 8:33 p.m.

The next scheduled meeting will be held virtually on December 6, 2021.