TOWN OF
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ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Thursday, June 15, 2017
Town Office – Sydney Crook Conference Room
375 Main Street
6:30 PM

MEMBERS PRESENT: Douglas W. Lyon (Chair), W. Michael Todd, Vahan Sarkisian, Katharine Fischer, Ann Bedard, Jerry Coogan (Alt.) and Frank Anzalone (Alt.).

MEMBERS ABSENT: Paul Vance (Alt).

STAFF PRESENT: Lucy St. John, Planning and Zoning Administrator and Kim Hallquist, Town Administrator.

OTHERS PRESENT: Chris Alepa (178 Poor Road), Attorney Susan Hankin-Birke (for Chris Alepa), and Anthony Aloutto (Chris Alepa' builder from New Jersey).

Call to Order: Chair Lyon called the meeting to order at 6:30 pm.

Roll Call: Chair Lyon called the roll.

Chair Lyon provided an overview of the meeting procedures, noting that he had contacted Town Counsel regarding the process for an Appeal of Administrative Decision.

Approval of Minutes

> **IT WAS MOVED (W. Michael Todd) AND SECONDED (Vahan Sarkisian) to approve the minutes of March 7, 2017, as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

Alepa, Christopher Appeal of an Administrative Decision Application and Variance Application. Located at 178 Poor Road. Tax Map 091-004-000. Zoned Residential (R-2) and Shoreland Overlay District.

Attorney Susan Hankin-Birke explained that she is here to represent Mr. Alepa. She explained that her client has been working with the Town since later 2015 and provided a brief overview of various Planning Board meetings, Planning Board site walk and various emails in the file between staff, Mr. Alepa, and his architect Linda Del Nobile Menze from New Jersey. She reviewed the various drawings and sketches provided with the building permit application, stormwater management plan prepared by Peter Blakeman, the survey prepared by Clayton Platt received Oct 24, 2016 and sketches provided to the Planning Board in May 2016.

She explained the issue at hand is the "bump-out" area built on the house, which cantilevers into the setback on the north side (Eliassen side), and which has been shown on some, but not all of the drawing and sketches, and this has led to some confusion on what was granted or not granted when the building permit was approved in Oct 2016. The building permit for the addition to the house was approved in Oct 2016 and since construction of the addition, the cantilever "bump-out" area is now visible to the abutters who raised questions, which is why they are here to address the Board. They do not believe they are in violation of the setbacks, or that a variance is needed. She explained that the house is not situated on the site parallel to the property lines, the house is an existing nonconforming structure, and expansion of the house is in conformance with the provisions of the Zoning Ordinance, Article XX regarding the expansion of non-conforming structures. She referred specially to an email of May 17, 2017 from the architect to staff, which states, that the addition is not closer to the property line than the existing garage and therefore there is no setback issue. Mr. Alepa explained that the "bump-out" is 2 ft. x 13 feet.

Chair Lyon asked for a motion to discuss, motion by Michael Todd, seconded by Vahah Sarkisan. Motion to discuss approved unanimously

Board members reviewed the various sketches and diagrams and offered various comments:

- ✓ The sketches provided to the Planning Board, and the Planning Board minutes of May 24, 2016 state the need to review the nonconforming provisions of the Zoning Ordinance. Furthermore, the Planning Board does not interpret the Zoning Ordinance that is the role of the ZBA.
- ✓ Discussed that two diagrams (A and B) and that the terms "align with" is not the same as "setback" and this is not the same as assuring the setbacks are met.
- ✓ The "bump-out" area is not visible from the abutter's property, as the abutter's property is heavily vegetated.
- ✓ Lots of history with this property, including site walks, meetings and discussion.
- ✓ The language in the Zoning Ordinance regarding conforming provisions is subject to various interpretations, and confusing.
- ✓ The garage setback is the defining setback line for the nonconforming structures on the property, not the nonconforming house.

Chair Lyon opened the public hearing.

- ✓ Anthony Aloutto (Chris Alepa's builder from New Jersey) commented that Chris loves this place, he has work with his architect to submit a plan which meets the regulations, he maintains the integrity of the property and wanted to build a beautiful home for his family, noting it has never been Mr. Alepa's intention to be deceptive in anyway. He noted it has been unfortunate how this has played out, and that Mr. Alepa wants to be a good neighbor. Mr. Alepa concurred.

Chair Lyon commented there are no abutters in the attendance, and closed the public hearing.

Staff noted for the record that the Board has been provided correspondence received from abutter Midge Eliassen and Timothy Condon (submitted comments to staff via email this evening). Tim

Condon email noted he was unable to attend this evening, and he didn't have any comments for the hearing.

Chair Lyon noted that the Mr. Alepa proceeded in good faith, received input from the Planning Board, and throughout the process has provided follow-up information. Mr. Lyon does not support the opinion of staff regarding the appeal of administrative decisions and furthermore does not believe a variance is needed either. Motion:

> **IT WAS MOVED (Doug Lyon) AND seconded by (Vahan Sarkinsan) to reverse the decision of Town staff regarding the need for a variance for a cantilevered addition to the house at 178 Poor Road. Motion approved unanimously.**

The applicant then withdrew the variance application.

Motion to Adjourn

> **IT WAS MOVED (Michael Todd) AND SECONDED (Vahan Sarkisian)) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.**

Meeting adjourned at 7:16 pm

Respectfully submitted,

Lucy A. St. John
Planning and Zoning Administrator
Town of New London