

**ZONING BOARD OF ADJUSTMENT**  
**April 18, 2016**  
**FINAL MINUTES**

**1. Call to Order**

The session was called to order by Chair Laura Davies at 7:00 pm.

**2. Introductions**

Members present Rick Thielbar, Clerk, John Hauschildt, Laura Davies, Chair, Robert Prior and Kevin Baum. Staff present: Jennifer Dionne, Recording Secretary. Members of the public were present as well.

**3. New Business**

**The application of Laura Barker for an Equitable Waiver of Dimensional Requirements to permit an existing structure (Barn) that encroaches the required minimum rear yard setback and the adjacent property (Tax Map Parcel #18-3) to remain as situated. The subject property is located at 62 Beech Hill Road in the RU-Rural Zoning District. Tax Map Parcel #18-2. Case #17-14.**

Laura Barker, 62 Beech Hill Road appeared before the Board. It should be noted that the applicant also owns the property that the barn is encroaching on. It was recently brought to her attention that the barn may encroach on the property line, and the barn has been in this location for over 10 years. The applicant has animals, they had missed a step with the conservation commission on approval by mistake. They had all the federal and state requirements but had missed this conservation step. The conservation commission had granted her conditional approval. She would like to maintain the two-separate parcels, she is following the recommendation of Doug Eastman and Dave Sharples on this application. Mr. Baum asked why the Barn didn't need a permit when built and it was confirmed it was because it was built as a temporary structure. It was designed to be temporary, but due to problems with the structure being this way, they added a tin roof. It has a dirt floor, no foundation, etc. Mr. Prior asked what would happen if she sold one of the properties. It was explained that no one would want the structure as is, it would be relatively easy to dismantle and dispose. Mr. Baum had concerns because he does not believe this meets the requirement for an equitable waiver. Ms. Barker said she did speak to a town official and that was who told her she did not need the permit. Ms. Davies felt the difference was that since they do own both parcels it's different. Ms. Davies said that if they were to grant this and they were to pass ownership, would they be causing any problems. Mr. Baum said if it was sold it would be sold with an encroachment or the building would be demolished or a lot line adjustment could be done. Mr. Hauschildt asked why haven't they done a survey or adjust the lot line. Ms. Baker explained she has a time frame she needs to meet and this was the route suggested by Mr. Sharples. Mr. Hauschildt didn't know why the lot line adjustment would be difficult, Ms. Baker said that was not what was recommended to her. Mr. Baum asked if any enforcement action had commenced. It was confirmed it had not.

**Susan Drew, 75 Beech Hill:** This does not affect her property, but she had a few questions. It started as a temporary structure, but has it been a permanent structure for 10 years if it started this way. Also, can they still change lot lines if its conservation land. It was explained you can change the lot line, but the

conservation area does not change it would just now be on both lots. It does not affect her property but she was curious as to how this would be handled. Mr. Prior explained that the application states they have been paying property taxes for over 10 years, which is how this could meet the 10-year stipulation.

Mr. Baum asked Ms. Barker to address the property tax and temporary structure. Ms. Barker said after it was built it quickly became apparent they would need to add the roof; the tin was added in around 2005-2006 so they've been paying taxes for 10+ years.

The Board closed the public session and entered deliberation. Mr. Baum struggles with this, there is very little harm from this. He does not want to make this a bigger deal than it is but he is struggling because there is an easy fix since the applicant owns both properties. Ms. Davies does not feel the lot line is an easy thing due to the encumbrance. Mr. Baum did feel it came within the language from roman numeral 2 in the ordinance. It clearly comes in within this provision. Mr. Prior agreed with this as did Ms. Davies. Ms. Davies felt the fact that they own both lots is where the confusion came in. She does not have a problem with this she just wanted to make sure there would not be any future legal problems from this. Mr. Prior did not think so, but the applicant could also seek out the more permanent solution with the lot line adjustment in the future if she wanted. Mr. Thielbar was also in favor of this.

**MOTION:** Mr. Prior moved to grant the request for an equitable waiver of dimensional requirements, to permit the existing structure on Tax Map Parcel 18-2 and 18-3 to remain as situated, Mr. Thielbar seconded. The motion passed unanimously.

**Approval of Minutes:**

**March 21, 2017:**

Edits to the 3/21/17 meeting were discussed at length, and the edits were made in the minutes directly.

**MOTION:** Mr. Hauschildt moved to accept the minutes as amended. Mr. Prior seconded. The motion passed unanimously.

**Adjournment**

There being no other business before the Board this evening, Mr. Prior moved to adjourn at 7:39PM, seconded by Mr. Baum seconded, and the vote was unanimous. The session was adjourned by Ms. Davies.

Respectfully submitted,

Jennifer Dionne  
Recording Secretary