

**Ashland Zoning Board of Adjustment
Meeting Minutes
Thursday, February 9, 2023**

CALL TO ORDER: Charlie Bozzello, Chair, called the meeting to order at 6:36 PM

MEMBERS PRESENT: Mardean Badger, Charlie Bozzello, Alan Cilley (alternate)

OTHERS PRESENT: Sue and Paul Hicks, abutters, Jeremiah Conkey, contractor for Northern Heritage Construction LLC and agent for the Chulacks,

Charlie Bozzello as Chair of the Board, appointed Alan Cilley, alternate as a voting member of the Zoning Board for this meeting.

DISPOSITION OF MINUTES

The Board reviewed the minutes of their Thursday December 8, 2022, meeting. Alan Cilley made a motion to accept the Thursday, December 8, 2022, meeting minutes as amended. Mardean Badger seconded the motion. The motion passed on a 3-0 roll call vote.

PUBLIC HEARING FOR CHULACK APPLICATION FOR VARIANCE FOR RELIEF FOR SETBACKS TO EXPAND FOOTPRINT OF EXISTING DWELLING ON PROPERTY AT 243 RIVER STREET

Charlie Bozzello opened the Public Hearing at 6:40 PM. He advised Mr. Conkey that a Zoning Board is made up of 5 members. The current Zoning Board is made up of 3 members. Mr. Conkey could proceed with a three-member board or request a 5-member board. With a three-member board the vote needs to be three votes in the affirmative for the Application for Variance to be accepted and approved. Mr. Conkey advised that he would proceed with the three member board.

Charlie Bozzello made a motion to accept the application as presented. The vote was as follows:

Mardean Badger: No. The application is not complete until the narrative is submitted as part of the application process. With the narrative being presented to the board at the time of the scheduled meeting makes it difficult to read and absorb the narrative as well as vote on the application at the same meeting. This application narrative was submitted at the last minute. The narrative needs to be submitted with the rest of the application and ahead of the scheduled meeting to give board members time to read the entire narrative before the meeting.

Charlie Bozzello: Yes. The application should be accepted as presented.

Alan Cilley: Yes. The application should be accepted as presented. However, this narrative was submitted at the last minute.

The final vote was that by majority vote the application was accepted as presented.

Charlie Bozzello made a motion to open the Public Hearing. Alan Cilley seconded the motion. The motion passed on a 3-0 roll call vote in the affirmative. Charlie Bozzello opened the Public Hearing at 6:55 PM.

Jeremiah Conkey, contractor for Northern Heritage Construction LLC and the agent for the applicants made a presentation to the board about the Application for variance for relief for setbacks to expand the footprint of the existing dwelling on property at 243 River Street. He made the following points:

- The applicants propose to relax the present setbacks to allow for a 12' x 30' addition to the existing dwelling.
- The proposed side setbacks would be 45'; side setbacks would be 5.7'; the front setback would be 10.75'
- A DES permit has been approved for the project through 2026.
- The proposal is to expand the present kitchen, add a bedroom on the first floor; move the present bathroom wall toward the road.
- The dwelling was built in the late 1960s; the current owners have owned the property for the past 4-5 years but are not the original owners.

Charlie Bozzello asked if there were any members of the public who would like to speak in favor of the proposed application for variance. Paul and Sue Hicks spoke in favor of the application for variance. They made the following points:

- The applicants are not able to go upstairs; want to remain living on the first floor.
- The applicants are good neighbors; make life better; are constantly improving their property.
- Expanding the kitchen area would make it easier for the couple to cook.
- The husband is a large man; the proposed bathroom improvements would make the bathroom facilities easier to use.
- The proposed changes would have very little impact on the setbacks.
- To make the present stairwell safe and up to code would mean eliminating 2/3 of the present living space.
- The stairwell is steep, and their neighbors fear personal injury to the wife.
- The current A frame dwelling with addition will remain to provide a useful dwelling for the present residents but also for future buyers; the addition will make the property more desirable; demolition and rebuild of the dwelling would be extremely expensive; the current dwelling is a two-story A frame structure.
- The edge of the addition will come within 10' of the road; plans are for converting the present gravel patch to grass and move the driveway and parking area to the rear of the dwelling.

No members of the public were in attendance in opposition to the application for variance.

Mardean Badger advised Jeremiah Conkey that any properties across the street from the 243 River Street property are considered abutters and need to be notified of any application and Public Hearing.

These final points were made:

- The applicants are asking for setbacks variance to improve the useability of the property.
- The property is similar to other properties in the neighborhood.
- The property will be substantially improved.

Mardean Badger made a motion to close the Public Hearing. Charlie Bozzello seconded the motion. The motion passed on a 3-0 roll call vote in the affirmative. The Public Hearing closed at 7:15 PM.

The board proceeded to discuss the application. They made the following points:

- Mardean Badger: The variance will not be contrary to the public interest. The setbacks are in line with other properties. The setbacks do not make it uniquely different from other properties

- in the neighborhood.
- Charlie Bozzello: The permanent dwelling needs to be improved as a town property. This is a legitimate request by the applicants. The property needs sound development.

Variance

Criteria

1. The variance will not be contrary to the public interest.

Badger – Yes Bozzello – Yes Cilley – Yes

Mardean Badger: I do think that the property is consistent with other properties in the neighborhood. It does not draw attention to the addition. It presents no other difficulties to the addition. Water and sewer capability makes it easier. I vote yes to criteria 1.

Charlie Bozzello: The property is not contrary to the public interest. The property's improvement is in line with other properties in the neighborhood. I vote yes to criteria 1.

Alan Cilley: I concur with the other members of the board. The improvements to the property are within accepted setbacks of nearby properties. I vote yes on criteria 1.

2. The spirit of the ordinance is observed.

Badger – Yes Bozzello – Yes Cilley – Yes

Mardean Badger: The improvements are for the protection of the property and the residents. The improvements do not impact the neighborhood. I vote yes on criteria 2.

Charlie Bozzello: The spirit of the ordinance is observed. Abutters are in attendance. I vote yes on criteria 2.

Alan Cilley: The application is within the spirit of the ordinance. I vote yes on criteria 2.

3. Substantial Justice is done.

Badger – Yes Bozzello – Yes Cilley – Yes

Mardean Badger: Justice is done. There is no harm to the neighborhood. I vote yes. On criteria 3.

Charlie Bozzello: The improvement of the property is not detrimental to the abutters. I vote yes on criteria 3.

Alan Cilley: The improvements will not be noticeable in the neighborhood. The improvements make the dwelling more good looking. I vote yes on criteria 3.

4. The values of the surrounding properties are not diminished.

Badger – Yes Bozzello – Yes Cilley - Yes

Mardean Badger: Yes, the values of the surrounding properties are not diminished. I vote yes on criteria 4.

Charlie Bozzello: Yes, the values of the surrounding properties are not diminished.

Alan Cilley: Yes, the values of the surrounding properties are not diminished.

5, Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Badger – Yes

Bozzello – Yes

Cilley – Yes

Mardean Badger: The separate value to occupants sets aside personal hardship. It is the best solution short of demolition. It is the best use of the property. The addition of the addition to the back of the dwelling will make it hard to sell to DES officials. This addition is the best solution. The original setbacks would cause hardship. I vote yes to criteria 5.

Charlie Bozzello: There would be hardship to the property. The dwelling is not comfortably built. I vote yes to criteria 5.

Alan Cilley: The enforcement of the criteria would create hardship. I vote yes on criteria 5.

The motion for the application for the variance is approved on a 3-0 roll call vote in the affirmative.

The Notice of Decision for this application must contain and specify the 3 setbacks individually and specify their exact individual dimensions. It must contain the specific variance of each area approved. The Notice of Decision must contain the conversion of the front parking area and driveway from a gravel surface to a permeable surface. The parking area and driveway will be moved to the rear of the building.

Charlie Bozzello made a motion to approve the application for variances.

Mardean Badger – yes

Charlie Bozzello – yes

Alan Cilley – yes

The application for variances is approved by a 3-0 roll call vote in the affirmative.

RULES OF PROCEDURE

The board reviewed the final copy of the Rules of Procedure. The board discussed the five criteria. Each motion has to have 3 positive votes to pass the motion. The final motion in order to be approved need to be voted on by a roll call vote on each criteria. Since all decisions can be appealed all votes need to be reflected in the minutes of each meeting.

Mardean Badger made a motion to approve the proposed version of the Rules of Procedure. Charlie Bozzello seconded the motion. The motion passed on a 3-0 roll call vote in the affirmative.

ADJOURNMENT

Charlie Bozzello made a motion to adjourn. The motion was seconded. The motion passed

unanimously on a 3-0 roll call vote. The meeting adjourned at 7:40 PM. The next Zoning Board of Adjustment meeting will be Thursday, March 9, 2023, at 6:30 PM at 6 Collins Street.

Minutes submitted by Paula Hancock

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