

**Ashland Zoning Board of Adjustment  
Meeting Minutes  
Wednesday, April 19, 2023**

CALL TO ORDER: Charlie Bozzello, Chair, called the meeting to order at 6:30 PM

MEMBERS PRESENT: Mardean Badger, Charlie Bozzello, Tim Peters

OTHERS PRESENT: Atty. John McCormack, representing the applicants  
Frank Yerkes, surveyor for the applicants

DISPOSITION OF MINUTES

The Board reviewed the minutes of the Thursday, March 23, 2023 meeting. Mardean Badger made a motion to approve the minutes as presented. Charlie Bozzello seconded the motion. The motion passed on a 2 yes 1 abstention roll call vote in the affirmative.

PUBLIC HEARING FOR APPLICATION FOR VARIANCE FOR THE PROPERTY OWNED BY LYNNE M AND THOMAS SULLIVAN, TRUSTEES 348 SCENIC VIEW ROAD ASHLAND (T/M/L 102-007) IN RURAL RESIDENTIAL ZONE

PUBLIC HEARING

Charlie Bozzello opened the Public Hearing at 6:35 PM.

Atty. John McCormack, representing Lynne M. and Thomas Sullivan, applicants, owners of 348 Scenic View Road, Ashland, came before the Zoning Board of Adjustment to discuss a variance. The variance being sought is to relax the setback regulations to permit the addition of a two-car garage to the existing residence. The garage would include proposed office space with bathroom, but no closet space above the garage.

Atty McCormack made the following points relative to the variance:

- Thomas and Lynne Sullivan, applicants would like to turn their present residence into a retirement residence with the addition of a two-car garage with a home office and bathroom space or a bedroom space above the garage. The office space will be for personal use.
- Given the steepness of the driveway, the closeness of the residence to the property boundary line there is only one area to attach the garage and office space to the residence.
- There is an easement on the property to give the residents access to the dock area.
- The present septic system is large enough to accommodate a 3-bedroom residence.
- The addition would be located 3' from the end of the existing fence on the property.
- Since the proposed garage falls slightly within the existing setback a variance needs to be obtained for the proposed project.
- There is no intention by the residents to rent out the office space; the residence will remain a 3-bedroom home.
- A shoreline permit will need to be obtained from DES; the proposed project will increase the impermeable surface.

There were no abutters in attendance to speak for or against the proposed variance.

Charlie Bozzello made a motion to close the Public Hearing. Tim Peters seconded the motion. The Public Hearing was closed at 6:45 PM.

**CRITERIA**

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

Badger: Yes                      Bozzello: Yes                      Peters Yes

Badger: Yes. I agree. There will be no impact on the character of the neighborhood or public safety. There is no impact on the public interest.

Bozzello: Yes. I agree that there is no impact on the character of the neighborhood and no impact on the public interest or public safety.

Peters: Yes. No neighbors' views from the abutting properties are impacted by the variance. The neighbors are in favor of the proposed variance. No abutters are present in favor or in opposition. There appears there is no opposition to the variance.

**Criteria 2: The spirit of the ordinance is observed.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. The spirit of the ordinance is respected. There is no impact on the property. The owner provides a reasonable use of the property.

Bozzello: Yes. The spirit of the ordinance is observed.

Peters: Yes. I agree with the statements stated above.

**Criteria 3: Substantial justice is done.**

Badger: Yes                      Bozzello: Yes                      Peters Yes

Badger: Yes. This is a reasonable use of the property in a reasonable manner.

Bozzello: Yes. The owner gets the use of the property. Justice is served.

Peters: Yes. There is no harm to anyone else.

**Criteria 4: The values of the surrounding properties are not diminished.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. The variance does not impact access. It fits within the nature of the neighborhood.

Bozzello: Yes. There are no abutters present to speak either for or against the variance.

Peters Yes. No property values are diminished.

**Criteria 5: Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

Badger: Yes                      Bozzello: Yes                      Peters: Yes

Badger: Yes. The location of the existing structure and addition makes the nature of the lot, location, restrictions and slope makes the proposed location of the addition the best place to put the addition and

structure.

Bozzello: Yes. To deny the application would diminish the property.

Peters: Yes. Saying no to the application would cause hardship; the application is reasonable.

The vote on the variance:

Mardean Badger made the following motion: Based on the fact that there were three yes votes on each of the criteria that the variance be granted. Charlie Bozzello seconded the motion. The motion passed on a 3-0 roll call vote in the affirmative.

### **Appeal Procedure**

The Notice of Decision will be sent to the applicant. The applicant can request a rehearing within 30 days of the meeting. The ZBA will decide whether to rehear the appeal and if there are new grounds for a rehearing.

### **REVIEW OF RULES OF PROCEDURE**

The Board briefly discussed proposed changes to the language in their Rules of Procedure. Mardean Badger and Charlie Bozzello will meet with Susan MacLeod, Land Use Assistant, to review the language changes in more detail.

### **ADJOURNMENT**

Charlie Bozzello made a motion to adjourn. The motion was seconded. The motion passed on a 3-0 roll call vote. The meeting adjourned at 7:20 PM. The next meeting of the Ashland Zoning Board of Adjustment will be Thursday, May 11, 2023 at 6:30 at 6 Collins Street.

*Minutes submitted by Paula Hancock*