

Present were: Anderson (Chair), Brown (Acting Clerk), Batchelder, Baime, Boness. Also present at the meeting was Kaija Gilmore, Inspector of Buildings.

Petition No: 3838

Premises: 39 Mary Lou Lane

Petitioner: Hill

Attorney Paula Colby-Clements represented Mrs. Hill's request for a variance from section 4.1.2 &/or a special permit under section 3.3.5 to convert an existing deck into a 4-season porch. Colby-Clements explained that the house is on a corner lot and that a prior variance allowed the construction of the existing deck because it didn't meet the minimum rear setback requirement. Mrs. Hill wishes to enclose the deck, which would be set back further because the steps will be removed. There will be no foundation. Brown pointed out an apparent conflict between the plot plan (depicts a 22'x18' room) and the architectural plans (depict a 20'x18'). Carolyn Page, Mrs. Hill's daughter, stated that it would be the smaller (20') dimension going toward the rear away from the front lot line; the plot plan dimension incorporates an enclosure for a heating duct. Anderson pointed out that the original variance allowed a 25' setback, but the plot plan shows 22' to the steps. The addition will be notched in, not flush with the house. Brown asked about the non-conforming shed depicted on the plot plan. Hill explained that the shed existed when she bought the house in 2006 for which she believes a permit was issued. Inspector of Buildings Kaija Gilmore offered to research whether a permit was issued for the shed. The Board waived a site view. Batchelder made a motion to close the hearing. Brown seconded the motion & the Board voted (5-0) to close the hearing. The Board then proceeded to deliberate. Anderson emphasized that the existing deck conforms to the variance with the exception of the steps, which will be removed with the proposed addition to be built upon the deck. He added that the deck is not a lawful pre-existing non-conforming use, therefore a variance is required. Brown highlighted a memo from former Town Counsel Robert Zollner regarding variances not creating pre-existing non-conformities. Both Anderson & Brown stated that they had no issues with the proposed deck enclosure. Brown asked that the non-conforming shed be brought into compliance. Anderson suggested a variance could be approved with the condition that the shed be moved to a conforming location or be removed. Batchelder & Brown agreed. Brown made a motion to approve the variance with the condition that the shed be brought into compliance or removed. Batchelder seconded the motion and the Board voted (5-0) to grant the variance with condition. Brown will write the decision.

The Board then proceeded to review the minutes of the May 7, 2009 meeting. Brown made one correction (#3837 for 53 Carmel Road, 4th line should read 32'x14', not 12'x12'). Brown made a motion to approve the minutes of May 7, 2009 with the correction. Baime seconded the motion. Anderson abstained. The Board approved the minutes (4-1-0).

Anderson noted the memo regarding zoning violations at 43 High Street received from Building Inspector Christopher Clemente.

Brown made a motion to adjourn the meeting at 7:30 p.m. Batchelder seconded the motion & the Board voted unanimously to adjourn the meeting.