

**APPROVED MINUTES  
Town of Auburn  
Zoning Board of Adjustment  
February 20, 2024**

**Present:** Mike DiPietro, Chairman. Kevin Stuart, Vice-Chairman. Shannon Daoust, Jill Dross & Steven Kimball, Members. Jeremy Wirths & Alie Broom, Alternate Members. Minutes recorded and prepared by Denise Royce.

**Also, Present:** Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer. Jeff Porter, Chairman of the Conservation Commission

**Absent:** None.

Mr. DiPietro called the meeting to order at 7:00 p.m. At this time, Mr. DiPietro introduced the Board members to everyone present tonight and then explained the procedure for tonight's hearing. Mr. DiPietro asked Ms. Royce to read the case into the minutes. Ms. Royce read the first case into the minutes for the record.

**Case #24-02  
Mandy King  
420 Manchester Road – Tax Map 25, Lot 37  
Zoned Residential Two**

*Applicant is requesting a Variance to permit the construction of a 26-foot by 24-foot garage to be within the property setback, a Variance to exceed lot coverage, and a Variance to allow the construction of a garage within the wetland setback in a Residential Two zone. (Article 4, Section 4.06(6) & Article 5, Section 5.08(1)(a))*

Mr. DiPietro thanked Mrs. Cote for the Zoning Determination prepared in their packets and asked Ms. King to read her application. Ms. King read her application into the minutes for the record. Ms. King informed the Board that the wood frame shed structure that is currently shown on the plan would be removed once the garage was approved. Ms. King reiterated what she had stated to the Conservation Commission that if she does not get approval that she will have to rebuild the shed in its current location which would be very close to the wetland. Ms. King stated that she wanted the garage to be closer to the house so that it would be further away from the stream.

At this time, Mr. DiPietro pointed out that there were 3 Variances before them tonight and there was a very nice plot plan that was provided to each of the Board members and that the plot plan was up on the screen for everyone to review. Mr. DiPietro asked the Board members if they had any questions for the applicant. Mr. Stuart mentioned the Conservation Commission and asked Ms. King if she agreed with all the recommendations from the Conservation Commission. Ms. King said yes as they wanted her to remove the shed which she will be doing and to obtain DES approval because she will be 244 feet where 250 feet is required and to revegetate where the existing shed is

located now. Ms. King also informed the Board members that, DES will not speak with her until this is approved by the Zoning Board of Adjustment. Mr. DiPietro asked about the septic. Mrs. Rouleau-Cote indicated that there is a septic plan in the file that was done back in the 70's. Ms. King stated that she has followed all of the guidelines from the septic guy, and she has not had any issues.

Mr. DiPietro asked the Board members if there were any other questions. Mr. Kimball asked about the rail trail and how wide it was. No one had an answer. Ms. Dross asked about the distance to the wetlands from the proposed new structure. Ms. King believed it was 29.8 feet from the wetlands. Discussion ensued with regard to the distance from the wetlands and the distance from the rear property line. The Board noted that she was already up against the rear property line with the shed and that there weren't any homes behind her. Mr. Stuart asked about the size being 26-feet by 24-feet. Ms. King said yes. Mr. Stuart wanted to know what the lot coverage would be and noted it in the Zoning Determination provided by Mrs. Rouleau-Cote which puts the lot coverage to be 14.45%. The Board noted that it was a tough lot with the lot being a triangle and the rail trail behind the property and Manchester Road in the front. Mrs. Rouleau-Cote also wanted to point out that Manchester Road is a 66-foot right-of-way as opposed to a 50-foot right-of-way.

Mr. Porter explained that the existing turnaround on this property is that she is turning around on the lawn part as nobody wants to back out onto Manchester Road. Mr. Porter further added that everything there right now is grass, is mowed, and is compacted already and she has Japanese knot weed in the middle of it. Mr. Porter explained that the Conservation Commission is in support of the garage being further away from the wetlands and the fact that the shed will be removed and revegetated. Mrs. Daoust agreed that it was a tough lot to work with. At this time, Mrs. Rouleau-Cote recalculated the lot coverage percentage to be 14.45% as being correct. Mr. Kimball did not believe it would increase lot coverage by much due to the fact that some of the pavement would be removed and replaced by a portion of the garage which would have less of a runoff impact. A brief discussion ensued with regard to lot coverage.

With that said, Mr. DiPietro pointed out that they had 3 Variance motions which were noted in red as being 5-feet off the rear property line, 37-feet off the front property line and 29.8-feet from the wetlands and suggested that they do each Variance separately. Mr. DiPietro indicated that if there were no other questions that they could move on the 3 Variance requests separately. Mr. Kimball asked if they really wanted to do them all separately because it was a non-stopper if any of them fail. Mr. DiPietro said it is and traditionally they have taken them up separately but in the interest of efficiency they can take them all up at once. Discussion ensued with regard to the request for 3 Variances. Mr. DiPietro indicated that he would entertain a motion to do them all at once. Mrs. Daoust made the motion as follows.

***Mrs. Daoust made a motion to vote on the application as submitted for all three (3) Variances for the property line setbacks, the lot coverage and the wetland setback for property located at 420 Manchester Road, Tax Map 25, Lot 37 as presented.***

Mr. Stuart asked if they should include the Conservation Commission requirements by including removing the old shed and DES approval. Mrs. Daoust will amend her previous motion.

***Mrs. Daoust made a motion to vote on the application as submitted with following the guidelines as requested by the Conservation Commission of removal of the old shed and property restoration and property line boundaries, lot coverage and wetland setback. Seconded by Mr. Stuart. Mr. Stuart voted to grant finding all five (5) factors have been met for all three (3) Variances, Ms. Dross voted to grant finding all five (5) factors have been met for all three (3) Variances, Mr. Kimball voted to grant finding all five (5) factors have been met for all three (3) Variances, Mrs. Daoust voted to grant finding all five (5) factors have been met for all three (3) Variances requested, and Mr. DiPietro also voted to grant finding all five (5) factors have been met for all three (3) Variances requested. A vote was taken and, all were in favor and the motion passed.***

Mr. DiPietro informed the applicant that she has 2 years for substantial completion and that there was a 30-day appeal period. Ms. King was concerned regarding the possible appeal period. Mrs. Rouleau-Cote informed Ms. King that it shouldn't stop her from working with her with regard to the building permit and the like. Mr. DiPietro thanked Ms. King for a well presented application and that she will receive a notice from Ms. Royce. Ms. King thanked the Board and the discussion ended.

## **Minutes**

Mr. DiPietro moved on to the approval of the minutes of January 23, 2024.

***Mr. Stuart made a motion to approve the minutes of January 23, 2024, seconded by Mr. Kimball. A vote was taken, and the motion passed.***

## **New Business/Other Business**

Mr. DiPietro asked if there was any other new business. None were noted at this time. Mr. Stuart asked if there were any cases for March. Ms. Royce indicated that they may possibly have one case that will be coming in for March but would let the Board members know when it did. Mrs. Rouleau-Cote stated that it may be for an ADU that will be over 750 square feet.

## **Adjourn**

***Mrs. Daoust made a motion to adjourn, seconded by Mr. Stuart. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:26 p.m.***

**The next scheduled meeting is scheduled for Tuesday, March 26<sup>th</sup>, 2024 at 7:00pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.**