

**NEW CASTLE ZONING BOARD OF ADJUSTMENT
TUESDAY, MARCH 21, 2017
7:00 P.M.**

Board Members Present: Todd Baker, Chair, Rebecca Goldberg, Margaret Sofio, Ben Lannon, John Fitzpatrick

Board Members Absent: Mark Gardner, Russell Cox

Chair Baker began the meeting at 7:00 p.m.

CASE #2017-05 filed by Andrew and Carol White, owners of 40 Vennard Court, Map #17. Lot #3, requesting a variance to Section 4.0 Table 1 - setbacks, in order to allow an addition within the setback for a new accessible bathroom, bedroom and rear entry.

Guests who signed in: Carol White, Sylvia Marple, Andy Schulte, Tom Bianchi

Voting members for CASE #2017-05: Todd Baker, Rebecca Goldberg, Margaret Sofio, Ben Lannon, John Fitzpatrick

Referring to the map and survey in the members' packets, Ms. Carol White, applicant, described the existing conditions and proposed changes to the property to accommodate an accessible, first floor addition.

The existing structure is built into a slope, negating first floor access on the east and south sides. The existing setback to the rear is 5.5'. Plans call for the bathroom and bedroom addition to replace the existing porch along the rear of the house, extend the 5.5' setback, and add a minor wrap around. Addition will be a single story with foundation to be determined. Despite the two-acre lot, the existing configuration prohibits a compliant addition.

Ms. White described the abutter most affected by the addition to be Sylvia Marple, 28 Colonial Lane, and referred members the letter they received from Ms. Marple in support of the project. Chair Baker read the letter in affirmation of Ms. Marple's support.

Ms. White addressed the five criteria necessary for a variance.

1. The values of surrounding properties are not diminished:
The addition should have no effect on property values as it will not encroach any closer to the westerly abutter and is within setback allowances on the north side.

2. The variance will not be contrary to public interest:
The location and design of the addition will visually blend in with neighborhood surroundings and leave the visible east and south sides unchanged and in their historical configuration.

3. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship:

The proposed location is the only functional first floor location for the addition due to land configurations. The current structure predates the constraining setback rule.

4. Substantial justice is done:

The addition will have a small impact on neighbors and no impact on others. It will be visibly similar, but slightly longer, and only visible to only one neighbor.

5. The spirit of the ordinance is observed:

The existing, encroaching structure was built prior to the setback ordinance. The addition will not further encroach on the existing 5.5' setback.

Responding to members' questions, Ms. White indicated that she had not heard from any abutters other than Ms. Marple, and that the Building Inspector noted that she will also need to seek a Conditional Use Permit from the Planning Board.

Chair Baker opened the Public Hearing at 7:12 p.m.

Abutter, Ms. Marple, characterized the addition as a site improvement and indicated her enthusiastic support for the variance.

Andy Schulte, 107 Main Street, questioned why a Conditional Use Permit is necessary.

Abutter Tom Bianchi, 63 Neal's Lane, stated that based on the need for the accessible addition, he doesn't oppose the variance,.

Hearing no further public comment, Chair Baker closed the Public Hearing at 7:14 p.m.

Board members spoke favorably about the request, noting their belief that the five criteria were met and that the applicant has the support of abutters.

Ms. Rebecca Goldberg motioned that applicants, Andrew and Carol White, have met the five criteria and moved to grant the variance as requested. Mr. Ben Lannon seconded the motion. Motion carried by unanimous vote.

Approve minutes of February 21, 2017 meeting

Ms. Margaret Sofio moved to approve the minutes of the February 21, 2017 meeting of the Zoning Board of Adjustment as written. Motion carried by unanimous vote.

Future meeting dates

Members agreed to meet in April on April 18th, then subsequently on the 4th Tuesday of the month.

Summary of Board business for Town Meeting

Chair Baker indicated that he would author a short summary of the Board's business from the past year for distribution at Town Meeting.

Ordinance revisions

Ms. Goldberg inquired about the process for amending the Town Ordinance. Ms. Sofio described the process, led by the Planning Board, noting that the revision process begins in February to March to accommodate review and requisite Public Hearings before Town Meeting. Ms. Goldberg suggested reviewing the regulation for lot coverage omission in the case of over-water buildings, but also noted that the regulation had few applications in the town of New Castle.

Chair Baker suggested a global review of the Ordinance to determine the need for amendments.

Adjourn

There being no further business, *Ms. Sofio motioned to adjourn. Mr. John Fitzpatrick seconded. Motion approved unanimously.*

Meeting adjourned at 7:28 p.m.