



BOARD OF APPEALS MEETING MINUTES

Wednesday January 6, 2016
Town Hall Meeting Room
6:30 p.m.

➤ Call to Order

Chair Russell Gagner called the meeting to order

➤ Pledge of Allegiance

➤ New Business-Public Hearing

- Application for Variance –William Richards. SW intersection of Diamond Hill Rd and Little River Rd Tax Map R18, Lot 14.
 - Applicant requests expansion of building envelop from 30 feet to 60 feet.

Chair Gagner clarified that the variance request was for a 20 foot front setback rather than the required 75 foot setback. Chair Gagner asked the applicant to present his application based upon the hardship requirements.

William Richards stated that he would like to expand his building envelope to 60 feet in order to construct a single family home so the variance would be 45 feet from the center of the road.

Chair Gagner stated that the application would be based upon the State's hardship rules.

Mr. Richards stated that the new flood zone maps took away the majority of the lot.

Chair Gagner asked if the (flood/FEMA) maps had been changed.

John Stoll, Berwick Town Planner, stated that this was based on the new draft FEMA maps issued in 2014 that haven't been accepted by the Town at this point. The 1991 FEMA maps remain the official maps.

Joe Rousselle, Berwick Code Enforcement Officer, stated that the permit was denied based upon the applicant being unable to meet the 75 foot front setback requirement. Ron Vigue asked that a copy of the Code Enforcement Officer's denial letter be included in the property file.

Diane Morrill asked the applicant if the building could not be placed at the requested location if it could be placed anywhere else. Mr. Richards stated that the building could not be placed anywhere else.

Chair Gagner asked the applicant when he purchased the property. Mr. Richards stated that he purchased the property on April 15th of (2015). Chair Gagner asked if the applicant was aware of the restrictions associated with the property and Mr. Richards stated that he was not aware of those restrictions.

Pat Boisvert asked for clarification about what the request actually was for because the submitted site plan was confusing. Mr. Vigue responded that the applicant was asking for a 20 foot front setback reduced from a 75 foot required setback. Ms. Boisvert asked if the "building envelope" would fill the yellow designated area on the map that was submitted. Mr. Richards answered that it would.

Mr. Stoll asked for clarification if the front setback request was for Little River Rd or Diamond Hill Rd. Mr. Richards stated that the request was for Diamond Hill Rd.

Ms. Boisvert asked if the applicant did any research on the property before he purchased it in April of 2015. Mr. Richards stated that he did not and was relying on old FEMA maps until it was brought to his attention at a later date.

Mr. Vigue asked if this (variance) would be for the applicant's own home. Mr. Richards stated that this (variance) would be for his own home.

Ron Vigue made a motion that the land in question cannot yield a reasonable return unless a variance is granted. On a second from Chair Gagner the Board votes:

VOTED –3-2 in favor

Motion Passed

Standard Passed

In favor: Ron Vigue; Diane Morrill; Ken Poirier

Opposed: John Campbell; Russell Gagner;

Abstain: None

Ron Vigue made a motion that the need for a variance is due to the unique circumstances of the property and not the general conditions of the neighborhood. On a second from Mr. Poirier:

VOTED – 5-0 in favor

Motion Passed

Standard Passed

In favor: John Campbell; Ron Vigue; Russell Gagner; Diane Morrill; Ken Poirier

Opposed: None

Abstain: None

Ron Vigue made a motion that the granting of a variance will not alter the essential character of the locality. On a second from Russell Gagner:

VOTED – 3-2

Motion Passed

Standard Passed

In favor: Ron Vigue; Diane Morrill; Ken Poirier

Opposed: John Campbell; Russell Gagner

Abstain: None

Ron Vigue made a motion that the hardship is not the result of action taken by the applicant or a prior owner. On a second from Mr. Poirier:

VOTED – 4-1 in favor

Motion Passed

Standard Passed

In favor: John Campbell; Ron Vigue; Diane Morrill; Ken Poirier

Opposed: Russell Gagner

Abstain: None

Ron Vigue made a motion that the Board of Appeals grant the variance request of William Richards to have a 20 foot front building setback where a 75 foot front setback is required. On a second from Diane Morrill

VOTED – 3-2

Motion Passed

Variance Granted

In Favor: Ron Vigue; Diane Morrill; Ken Poirier

Opposed: John Campbell; Russell Gagner

Abstain:

➤ Adjournment

Russell Gagner made a motion to adjourn; on a second from Ken Poirier:

VOTED 5-0

Motion Passed

In Favor: John Campbell; Ron Vigue; Russell Gagner; Diane Morrill; Ken Poirier

Opposed: None

The Board of Appeals adjourned at approximately 7:00 p.m.

Minutes prepared by Town Planner John Stoll, for consideration at the Berwick Board of Appeals next meeting

Signed as Approved by the Board:

Russell Gagner, Chair

Date