



BOARD OF APPEALS MEETING MINUTES

Wednesday February 20, 2019

Town Hall Meeting Room

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Russell Gagner; John Campbell; Diane Morrill; Pat Boisvert

Staff Members Present:

Dan Vincent, Code Enforcement Office

Public Hearing

- 8.75' Front Setback Variance Request – Wayne Caterino. 11 Callahan Lane, R3 Zone.

Dan Vincent, Town Code Enforcement Officer, summarized the variance request. Mr. Vincent explained the builder Mr. Caterino replaced a mobile home and moved the foundation off the rear setback which infringed upon the front setback.

Wayne Caterino introduced himself and explained his variance request. Mr. Caterino said that the Code Enforcement Officer at the time suggested moving the foundation toward Callahan Lane to provide a setback to the abutter at the rear of the lot. Mr. Caterino said any action putting a house of the proposed dimensions would make the lot more non-conforming regardless of where it was put, because the house of such dimensions could not fit on the original mobile home footprint.

Pat Boisvert clarified the garage will cover 8' of the existing driveway.

Russell Ingalls, abutter on Callahan Lane introduced himself. Mr. Ingalls explained the driveway was changed. Mr. Ingalls shared a concern of Mr. Caterino's property needing to back out onto the road, and concern that it will have implications for his property in the future if he wanted to further subdivide his property.

Mr. Caterino stated there is sufficient space in the driveway to turn around a vehicle.

Mr. Caterino said he was called on July 13th that the permit was ready. Mr. Caterino said there was a mix up with the Town Hall staff and did not receive the actual permit until three weeks after. Mr. Caterino said the paperwork he submitted went missing in the office.

Mr. Vincent said he initially inspected the foundation and did not find an issue. The issue came when the crosswalls were put in for the garage and the abutter notified him.

Mr. Caterino said his number one point is there is no orientation for the approved building plan which would make the lot not more non-conforming.

Anna Phelan of 8 Callahan Lane said the workers back their vehicles out on Callahan Lane and that there are several issues including large ruts in the road.

Russell Gagner said based on the facts presented that Mr. Caterino is correct in asking for a variance.

Motion: Russell Gagner motioned to go through the hardship standard determinations.

Second: John Campbell

VOTED – 4-0 in favor

Motion Passed

In favor: Russell Gagner John Campbell; Diane Morrill; Pat Boisvert

Opposed: None

Abstain: None

- 1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.**

VOTED – 4-0 in favor

In favor: Russell Gagner John Campbell; Diane Morrill; Pat Boisvert

Opposed: None

Abstain: None

- 2. The granting of a variance will not alter the essential character of the locality.**

VOTED – 4-0 in favor

In favor: Russell Gagner John Campbell; Diane Morrill; Pat Boisvert

Opposed: None

Abstain: None

- 3. The hardship is not the result of action taken by the applicant or a prior owner.**

VOTED – 3-1 in favor

In favor: John Campbell; Diane Morrill; Pat Boisvert

Opposed: Russell Gagner

Abstain: None

- 4. The granting of the variance will not substantially reduce or impair the use of the abutting property.**

VOTED – 4-0 in favor

In favor: Russell Gagner; John Campbell; Diane Morrill; Pat Boisvert

Opposed: None

Abstain: None

- 5. The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.**

VOTED – 1-3 – Variance Failed.

In favor: Pat Boisvert

Opposed: Russell Gagner; John Campbell; Diane Morrill

Abstain: None

Adjournment

Motion: Russell Gagner

Second: Diane Morrill

VOTED – 4-0 in favor

Motion Passed

In favor: Russell Gagner John Campbell; Diane Morrill; Pat Boisvert

Opposed: None

Abstain: None

Minutes prepared by James Bellissimo, for consideration at the Berwick Board of Appeals next meeting

Signed as Approved by the Board

Chair

Date