



**Minutes of Meeting
September 7, 2022
7:30PM
Virtual (Zoom) Meeting**

Board of Appeals members in attendance: Ken Kozik, David Schena, and Scott Robb
Staff Present: Kaila Sauer, Assistant Planner

Opening

Chair, Ken Kozik opened the meeting at 7:30PM. He read the guidelines for the virtual meeting. He called the roll. Ken Kozik- Aye, David Schena - Aye, Scott Robb- Aye

I. Regular Business

1. Approve previous meeting minutes

Scott Robb motioned at 7:32 PM to approve the July 5, 2022 meeting minutes as written. David Schena seconded the motion. Roll Call Vote: Ken Kozik- Aye, David Schena -Aye, Scott Robb-Aye.

2. Administrative Updates: None

II. New/Special Business

7:30 PM ZBA 22-08 – Public Hearing – 27 Tuttle Drive, Variance

Chair Ken Kozik opened the hearing at 7:33PM.

Applicant Matthew Liebman gave an overview of the project. He is requesting a variance from the front yard setback 30 feet to the road. He stated he is upgrading his house and installing a new walkway and wants to replace the landing. He stated that under the bylaw, the landing is not a porch because it does not have railings or a roof. A sliver of the landing (3 feet) will go into the setback. The house is not parallel with the street and the landing was constructed to comply with setbacks 15 years ago, as a result he had to use angled boards that cause disrepair and stated it would be difficult and too expensive because to rebuild with the angled planks.

Board Comments: Ken Kozik asked if the porch will be 3 feet in the set back. Explained they don't grant variances lightly. Stated that planning advised the applicant this is a porch. He asked if the applicant has reviewed Bylaw section 10.5.1. He went through shape, soil, and topography with the applicant. Stated that the applicant didn't meet the requirements and asked the applicant to prove that his property did.

Applicant stated again that the house on the lot is not parallel to the road, referring to the shape of the lot and that is why the landing was constructed the way it was, causing disrepair.

Scott Robb asked if topography in the back was sloped, creating a hardship. Applicant further stated the big picture is that it is de minimis and doesn't affect the character of the neighborhood.

Scott Robb motioned to close the public hearing at 7:57PM. David Schena seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb-Aye, David Schena-Aye.

Deliberations

Scott Robb - Agrees it is a simple project, but questioned how to make it work within the bylaws.

Ken Kozik – Stated the shape is 2-dimensionally the same as the other lots, there is a drop off in back of property but noticed that other lots also have a drop-off. Wants to make the right decision that complies with the bylaws.

David Schena - Questioned Bylaw section 10.5.5.1, saying the structure is the existing house and the shape of the house could be what the bylaw is referring to. The house is not parallel to the property line, compared to everyone else, which is what makes it different.

All board members agreed to postpone deliberations until 10/12 to give them time to look more into the property and give it thought.

Scott Robb motioned to close the meeting at 8:10PM. David Schena seconded the motion. Roll Call Vote: Ken Kozik- Aye, Scott Robb- Aye, David Schena- Aye.

Materials Used at the Meeting:

9-7-22 ZBA Agenda

ZBA- How to Participate Remotely

Draft 7-5-22 Minutes

27 Tuttle Drive application material as follows:

Accountable Mail

Application

Plot Plan for 27 Tuttle

Request for Waiver of 30 foot setback

In support of 27 Tuttle Variance Request

Engineering Comments

Building Dept Comments

Fire Comments

Water Dept Comments