

**Approved
MINUTES
Zoning Board of Adjustment
August 4, 2022**

Present: Steve Lagasse, Tom Franklin, Alice Maleski, Stephanie Gile, and Jo-Ann Ells, Zoning Administrator

Absent: Chris Lowe and Lannie Collins, Selectboard Liaison

Public Hearing

Steve Lagasse reconvened the Hearing which was continued from July 25, 2022.

1. Application #12-22 by Joy Kosta (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for a shed, lot 31-0094-001, 62 Harry Gibbs Street, Hartford, in a VR-1 zoning district. Continued from July 25, 2022.

Joy Kosta and Justin Mailloux were presented.

Steve Lagasse noted that the Board had conducted a site visit just prior to reconvening.

Steve Lagasse noted that during the site visit a balloon was flown to give the Board an idea of the height of the proposed structure.

Joy Kosta stated that the proposed structure will be 5' from the front property line and 6 ½ ' from a side property line. Steve Lagasse noted that the intrusion into the front setback is 15'.

Justin Mailloux commented that the balloon was originally flown at 21' (18' to the ridge plus 3' for the difference in grade).

Tom Franklin asked if the shed would be on a slab and fill. Joy Kosta confirmed that was the intent.

Alice Maleski asked why the structure could not be moved back or behind the house. Joy Kosta stated that the land slopes off as you move towards the rear of the lot and moving it back would block two windows on the side of the dwelling. She added that moving it back would mean that the adjacent lot would look at the broad side of the structure.

Stephanie Gile questioned why the shed was proposed at an angle to the street. Joy Kosta noted that if it was rotated it would obscure the view from the windows on the house. She added that as proposed, it would be a more attractive view for the adjacent lot and that only a corner of the building would intrude into the setback. Stephanie Gile noted she was disturbed by the proposed angle. Steve Lagasse commented that it felt like more of the view would be blocked by placing the shed structure at an angle.

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Joy Kosta stated that she felt the angle of the structure provided an aesthetic benefit as it will be more interesting and allows the structure to nestle into the landscaping.

Stephanie Gile questioned if the application was “compatible with the scale and design of structures and overall existing development pattern of the surrounding area” as outlined in the Board’s review criteria.

Tom Franklin suggested the applicant consider re-orienting the structure and moving it back.

Steve Lagasse commented that he did not think that the application was the minimum necessary to achieve the stated purpose of the setback waiver section of the Zoning Regulations. He stated that he was not in favor of approving the application because of the height of the building, proximity to the road, character of the area, size of the structure, and how the structure was oriented.

Joy Kosta noted other accessory structures in the area with similar heights. Steve Lagasse noted he would still be concerned if the structure was only 8’ tall.

Joy Kosta asked the Board to consider other structures on the neighborhood, limitations on relocating the structure due to the windows on the side of the house, topography, that the structure would increase the value of the property, and that there is limited storage in the dwelling.

Steve Lagasse noted that property value is not within the Board’s purview.

Jo-Ann Ells read an email from Chris Lowe dated August 4, 2022. (Chris Lowe is an Interested Party for this application.)

In response to Chris Lowe’s comment regarding a retaining wall, Joy Kosta and Justin Mailloux conformed a retaining wall would not be needed.

In response to Chris Lowe’s comment regarding the addition of material to the lot, Jo-Ann Ells clarified that the addition of 200 cubic yards of material requires Conditional Use Approval.

Steve Lagasse moved to close the Public Hearing. Alice Maleski seconded, and the Public Hearing was closed.

Alice Maleski moved to approve the application as presented. Stephanie Gile seconded, and the motion failed 0-4.

Steve Lagasse stated that he was not in favor of approving the application due to the character of the area criteria, the proposed structure’s atypical orientation, and that he did not believe it was the minimum necessary to achieve the stated purpose of the setback waiver section of the Zoning Regulations.

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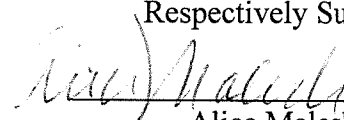
Alice Maleski stated that she was not in favor of approving the application because it did not meet the criteria regarding “scale and design of structures and overall existing development pattern of the surrounding area.”

Tom Franklin and Stephanie Gile concurred with the statements by Steve Lagasse and Alice Maleski.

Adjournment

Alice Maleski moved to adjourn. Tom Franklin seconded, and the motion passed unanimously.

Respectively Submitted,



Alice Maleski, Clerk