

**Webster Zoning Board of Appeals
Meeting Minutes – February 1, 2022**

A meeting of the Webster Zoning Board of Appeals was held via remote participation / Zoom on February 1, 2022 in accordance with Governor Baker's June 16, 2021 Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency.

Present: Chairman Jason Piader, Vice Chairman Dan Cournoyer, Clerk Chris Daggett, and Members Mark Mason and Dan Fales.

Also Present: Ann Morgan, Director of Planning & Economic Development

1. Call to Order: Chairman Piader called the meeting to order at 6:00 p.m. and read the notice posted on the agenda regarding the remote participation meeting noting that it was being recorded for the purpose of taking minutes and asked if anyone was recording the meeting. There were none. Mr. Piader asked Ms. Morgan to take attendance by roll call vote: Mr. Mason – yes; Mr. Daggett – yes; Mr. Cournoyer; Mr. Fales – yes; Mr. Piader – yes.

2. Action Items

a. Approval of Meeting Minutes of January 12, 2022

Mr. Piader asked if there were any edits to the draft meeting minutes. There were none.

Motion to approve the draft meeting minutes of December 7, 2021 as drafted made by Mr. Mason, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Mason - yes; Mr. Daggett – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

b. Draft Decision: Variance Application – 62 Blueberry Hill – Jay Gallant (Applicant), Jessica & Drew Mason (Owners); Assessor ID 65-A-46. Applicant is seeking relief from the side yard setback requirement for a newly constructed house. Said site is located in the Agricultural Single Family Residential (ASFR) and Lake Watershed Protection (LWP) zoning districts.

The Board reviewed Findings F1 through F10. Mr. Piader asked if there were any edits or discussion. There was none. Motion to approve Findings F1 through F10 made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Mason - yes; Mr. Daggett – yes; Mr. Fales - yes; Mr. Piader – yes; Mr. Cournoyer - yes.

The Board reviewed Finding F11. Mr. Piader found that, based on the Building Commissioner's testimony, the special circumstance was caused by negligence of the engineer and the builder which is not related to criteria. The engineer had a duty to ensure that the foundation was in its proper place at the time and to ensure that the Building Commissioner had inspected the foundation before framing the rest of the entire structure. The problem could have been corrected if the inspection had been done at the proper time. The proximity of the foundation so close to the setback line was close which the engineer admitted. However, there was over 28 feet on the other side of the house. The house could have been slanted in such a way that it still could have conformed with the neighborhood with probably less than a 1 degree shift. Negligence on the part of the builder is not a special circumstance allowed under the granting of a variance. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer, seconded by Mr. Fales. Motion failed 2-3 by roll call vote: Mr. Daggett – no; Mr. Mason – no; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – no.

The Board reviewed Finding F12. Mr. Piader found finds that the literal enforcement of the ordinance would involve a substantial financial hardship. Moving the foundation would cost a sizable amount of money. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to find that the Applicant has demonstrated hardship made by Mr. Cournoyer, seconded by Mr. Fales. Motion unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F13. Mr. Piader found that a single family home does not pose a detriment to the public good nor create excessive dust, debris, noise or other such nuisances that would disturb the neighborhood or the public Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to find that the Applicant has demonstrated granting the variance would not create a substantial detriment to the public good made by Mr. Cournoyer, seconded by Mr. Fales. Motion unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F14. Mr. Piader found that a single family dwelling with a garage will not substantially derogate from the Webster Zoning By-law. A single family dwelling with a garage is an allowed use within the Lake Residential zone. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to find that the proposed division of the lot and the requested side yard setback variance requests do not nullify or substantially derogate from the intent and purpose of the Zoning By-law made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Cournoyer – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Piader – yes.

The Board reviewed the draft conditions of approval. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to grant the variance with Conditions C1 through C3 as drafted made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Piader – yes; Mr. Cournoyer – yes.

Motion to direct Ann Morgan to sign the Decision on behalf of the Board made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

- c. Draft Decision - Variance Application - 70 Bates Point Road - Hadeer Shaikhly (Applicant / Owner); Assessor ID 50-A-37-0; site is located in both Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.

Ms. Morgan provided an overview of the draft decision. The Board reviewed F1 through F10. No edits were made. Motion approve Findings F1 through F10 as drafted made by Mr. Cournoyer, seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously, 5-0.

The Board discussed the requested 20 foot setback in comparison to the required 46.19 setback requirement. The Board noted that the Applicant has the option to move the structure further back into the lot or decrease the square footage. Abutters raised concerns about having the proposed house so close to the road (see EXHIBIT #1 and FINDING F7, F8). The Board found that a compromise of 30 foot front yard setback would be reasonable given the shape of the lot, the proximity to the Lake, surrounding land use patterns, abutters concerns, available lot area to accommodate a shift in building footprint closer to the Lake

The Board reviewed Finding F11. Mr. Piader found that there are special circumstances related to the height of the hill and the 16% slope of the lot that does not generally affect other properties in the Bates Point area. The lot is situated on the highest point which would cause the Applicant to move the proposed house closer to the road and maintain a 30 foot setback from the front lot line. Mr. Piader asked if there were any additional findings from the Board. There were none.

Motion to find that the Applicant has demonstrated that there are special circumstances and unique site conditions made by Mr. Cournoyer seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F12. Mr. Piader found finds that the literal enforcement of a 46.19 front yard setback would involve a substantial financial hardship by forcing the Applicant to move the proposed house towards the Lake which would increase construction costs due to the slope. Mr. Piader asked if there were any additional findings from the Board. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F13. Mr. Piader found that a single family home is not a substantial detriment to the public good because it doesn't create any noise, dust, debris, or other circumstances that would create a public nuisance. No comments were received from Town Departments objecting to the project. Mr. Piader asked if there were any additional findings from the Board. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by made by Mr. Cournoyer seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F14. Mr. Piader found that desirable relief is in harmony with the general intent and purpose of the Town of Webster by-laws by taking into account the immediate area around the property so that the structure is not too close than similar structures are situated. This is

accomplished at a 30 foot setback. Mr. Piader asked if there were any additional findings from the Board. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed the draft conditions C1 through C6. Mr. Piader asked if there were any edits or additional findings. There were none. Motion to **GRANT the VARIANCE with CONDITIONS** based on information received throughout the public hearing the FINDINGS stated herein made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

Motion to direct Ann V. Morgan, Director of Planning and Economic Development, to sign the Decision on behalf of the Board made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – AYE; Mr. Mason – AYE; Mr. Fales - AYE; Mr. Cournoyer - AYE; Mr. Piader – AYE.

- d. Draft Decision - Variance Application – 200 Gore Road – Webster Ventures, LLC (Applicant/Owner); Assessor ID 60-D-17; Owner is seeking a side yard setback variance to move the property line to bring an existing pavilion onto the property located at 200 Gore Road. Said site is located within both a Business 5 (B5) and Lake Watershed Protection (LWP) zoning districts. Tabled to March 1, 2022.
- e. Draft Decision - Variance Application – 27 Lakeview Road – Webster Ventures, LLC (Applicant/Owner); Assessor ID 60-D-45; Owner is seeking a side yard setback variance to move the property line to bring an existing pavilion onto the property located at 200 Gore Road. Said site is located within both a Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts. Tabled to March 1, 2022.

3. Public Hearings

- a. Variance Application – 9 Prospect Street - Sean Smith (Applicant), Cynthia Godin (Owner); Assessor ID 1-J-4-0. Applicant is seeking a variance for the minimum lot size requirement. Site is located in a Multiple Family Residential (MFR) zoning district.

Mr. Piader opened the public hearing. Mr. Daggett read the public hearing notice. Ms. Morgan presented an overview of the application. Mr. Piader asked the Applicant to present the application.

Mr. Smith stated that the lot is currently vacant. He noted that there had been a two family structure on the lot previously which had been built in the 1880's but that it had burnt down in 2010. Mr. Smith reviewed the lot in relation to the surrounding area noting that a number of lots are similar, if not smaller, in size and that the area is predominantly multi-family residential. He stated that, based on information on the Town's GIS system, there are 33 lots of record on Prospect Street and of those approximately 76% of the lots are non-conforming to today's standard with regards to the 12,000 square footage required. Utilities, gas, water and sewer, already serve the lot.

Mr. Piader asked about any special circumstances relating to lot shape, topography and soil conditions. Mr. Smith noted that the dimensional size is smaller than the required 12,000 square feet. Mr. Piader asked about hardship. It was noted that the lot could not be developed without a variance which would cause a financial hardship. Mr. Smith noted that literal enforcement of the Zoning By-law would prevent any improvements to the property

Mr. Piader asked about the proposed use of the property. Mr. Smith stated that he intended to build a single or two family house on the previous footprint of the structure that had burnt down. He stated that any additional units would each require 6,000 square feet which the current lot size could not accommodate.

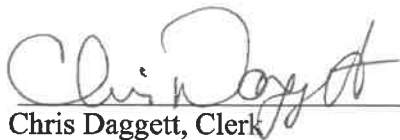
Mr. Piader asked if the Board had any further questions. There were none. Mr. Piader asked if there were any questions from the public. There were none.

Mr. Piader asked if there was a motion to close the public hearing. Motion to close the public hearing for 9 Prospect Street made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer – yes; Mr. Piader – yes.

3. Next Meeting Date: March 1, 2022 at 6:00 p.m. via remote participation / Zoom.

4. Adjournment

Motion to adjourn the meeting made by Mr. Cournoyer, seconded by Mr. Fales. The motion passed unanimously 5-0 by roll call vote: Mr. Daggett - yes; Mr. Mason - yes; Mr. Fales - yes; Mr. Cournoyer – yes; Mr. Piader - yes. The meeting was adjourned at 7:11 p.m.



Chris Daggett, Clerk

_____ Date

EXHIBITS

Public Hearing 3A - Variance Application – 9 Prospect Street - Sean Smith (Applicant), Cynthia Godin (Owner)

- Application packet submitted and stamped by the Town Clerk on December 15, 2021; includes the following documents:
 - Certified Abutters List; dated October 4, 2021; 5 pages.
 - Deed; submitted on December 15, 2021; 2 pages.
 - Form; Application for Variance; dated December 1, 2021; 5 pages.
 - Letter of Permission from Cynthia Godin, 2104 Nina St. Navarre, FL, 32566; dated October 12, 2021; 1 page.
 - Locus Map and Site Photos prior to 2011 and also from December 2021; color, 4 pages.
 - Plot Plan; prepared by Jarvis Land Survey, Inc.; dated December 14, 2021; 1 page.
- Town of Webster Zoning Board of Appeals Public Hearing Notice; stamped by Town Clerk on January 6, 2022; 1 page.

- Correspondence; Comments submitted by Town Assessor; dated and received January 11, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Health Department; dated and received January 11, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Building Department; dated and received January 11, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Water and Sewer Department; dated and received January 11, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Fire Department, dated and received January 18, 2022; 1 page.

**Webster Zoning Board of Appeals
Meeting Minutes – February 1, 2022**

A meeting of the Webster Zoning Board of Appeals was held via remote participation / Zoom on February 1, 2022 in accordance with Governor Baker's June 16, 2021 Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency.

Present: Chairman Jason Piader, Vice Chairman Dan Cournoyer, Clerk Chris Daggett, and Members Mark Mason and Dan Fales.

Also Present: Ann Morgan, Director of Planning & Economic Development

1. Call to Order: Chairman Piader called the meeting to order at 6:00 p.m. and read the notice posted on the agenda regarding the remote participation meeting noting that it was being recorded for the purpose of taking minutes and asked if anyone was recording the meeting. There were none. Mr. Piader asked Ms. Morgan to take attendance by roll call vote: Mr. Mason – yes; Mr. Daggett – yes; Mr. Cournoyer; Mr. Fales – yes; Mr. Piader – yes.

2. Action Items

a. Approval of Meeting Minutes of January 12, 2022

Mr. Piader asked if there were any edits to the draft meeting minutes. There were none.

Motion to approve the draft meeting minutes of December 7, 2021 as drafted made by Mr. Mason, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Mason - yes; Mr. Daggett – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

b. Draft Decision: Variance Application – 62 Blueberry Hill – Jay Gallant (Applicant), Jessica & Drew Mason (Owners); Assessor ID 65-A-46. Applicant is seeking relief from the side yard setback requirement for a newly constructed house. Said site is located in the Agricultural Single Family Residential (ASFR) and Lake Watershed Protection (LWP) zoning districts.

The Board reviewed Findings F1 through F10. Mr. Piader asked if there were any edits or discussion. There was none. Motion to approve Findings F1 through F10 made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Mason - yes; Mr. Daggett – yes; Mr. Fales - yes; Mr. Piader – yes; Mr. Cournoyer - yes.

The Board reviewed Finding F11. Mr. Piader found that, based on the Building Commissioner's testimony, the special circumstance was caused by negligence of the engineer and the builder which is not related to criteria. The engineer had a duty to ensure that the foundation was in its proper place at the time and to ensure that the Building Commissioner had inspected the foundation before framing the rest of the entire structure. The problem could have been corrected if the inspection had been done at the proper time. The proximity of the foundation so close to the setback line was close which the engineer admitted. However, there was over 28 feet on the other side of the house. The house could have been slanted in such a way that it still could have conformed with the neighborhood with probably less than a 1 degree shift. Negligence on the part of the builder is not a special circumstance allowed under the granting of a variance. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer, seconded by Mr. Fales. Motion failed 2-3 by roll call vote: Mr. Daggett – no; Mr. Mason – no; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – no.

The Board reviewed Finding F12. Mr. Piader found finds that the literal enforcement of the ordinance would involve a substantial financial hardship. Moving the foundation would cost a sizable amount of money. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to find that the Applicant has demonstrated hardship made by Mr. Cournoyer, seconded by Mr. Fales. Motion unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F13. Mr. Piader found that a single family home does not pose a detriment to the public good nor create excessive dust, debris, noise or other such nuisances that would disturb the neighborhood or the public. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to find that the Applicant has demonstrated granting the variance would not create a substantial detriment to the public good made by Mr. Cournoyer, seconded by Mr. Fales. Motion unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F14. Mr. Piader found that a single family dwelling with a garage will not substantially derogate from the Webster Zoning By-law. A single family dwelling with a garage is an allowed use within the Lake Residential zone. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to find that the proposed division of the lot and the requested side yard setback variance requests do not nullify or substantially derogate from the intent and purpose of the Zoning By-law made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Cournoyer – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Piader – yes.

The Board reviewed the draft conditions of approval. Mr. Piader asked the Board if there were any additional findings, comments or discussion. There were none.

Motion to grant the variance with Conditions C1 through C3 as drafted made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Piader – yes; Mr. Cournoyer – yes.

Motion to direct Ann Morgan to sign the Decision on behalf of the Board made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

- c. Draft Decision - Variance Application - 70 Bates Point Road - Hadeer Shaikhly (Applicant / Owner); Assessor ID 50-A-37-0; site is located in both Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.

Ms. Morgan provided an overview of the draft decision. The Board reviewed F1 through F10. No edits were made. Motion approve Findings F1 through F10 as drafted made by Mr. Cournoyer, seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously, 5-0.

The Board discussed the requested 20 foot setback in comparison to the required 46.19 setback requirement. The Board noted that the Applicant has the option to move the structure further back into the lot or decrease the square footage. Abutters raised concerns about having the proposed house so close to the road (see EXHIBIT #1 and FINDING F7, F8). The Board found that a compromise of 30 foot front yard setback would be reasonable given the shape of the lot, the proximity to the Lake, surrounding land use patterns, abutters concerns, available lot area to accommodate a shift in building footprint closer to the Lake

The Board reviewed Finding F11. Mr. Piader found that there are special circumstances related to the height of the hill and the 16% slope of the lot that does not generally affect other properties in the Bates Point area. The lot is situated on the highest point which would cause the Applicant to move the proposed house closer to the road and maintain a 30 foot setback from the front lot line. Mr. Piader asked if there were any additional findings from the Board. There were none.

Motion to find that the Applicant has demonstrated that there are special circumstances and unique site conditions made by Mr. Cournoyer seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F12. Mr. Piader found finds that the literal enforcement of a 46.19 front yard setback would involve a substantial financial hardship by forcing the Applicant to move the proposed house towards the Lake which would increase construction costs due to the slope. Mr. Piader asked if there were any additional findings from the Board. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F13. Mr. Piader found that a single family home is not a substantial detriment to the public good because it doesn't create any noise, dust, debris, or other circumstances that would create a public nuisance. No comments were received from Town Departments objecting to the project. Mr. Piader asked if there were any additional findings from the Board. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by made by Mr. Cournoyer seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed Finding F14. Mr. Piader found that desirable relief is in harmony with the general intent and purpose of the Town of Webster by-laws by taking into account the immediate area around the property so that the structure is not too close than similar structures are situated. This is

accomplished at a 30 foot setback. Mr. Piader asked if there were any additional findings from the Board. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer seconded by Mr. Fales. Mr. Piader asked if there was any further discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

The Board reviewed the draft conditions C1 through C6. Mr. Piader asked if there were any edits or additional findings. There were none. Motion to **GRANT the VARIANCE with CONDITIONS** based on information received throughout the public hearing the FINDINGS stated herein made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer - yes; Mr. Piader – yes.

Motion to direct Ann V. Morgan, Director of Planning and Economic Development, to sign the Decision on behalf of the Board made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Daggett – AYE; Mr. Mason – AYE; Mr. Fales - AYE; Mr. Cournoyer - AYE; Mr. Piader – AYE.

- d. Draft Decision - Variance Application – 200 Gore Road – Webster Ventures, LLC (Applicant/Owner); Assessor ID 60-D-17; Owner is seeking a side yard setback variance to move the property line to bring an existing pavilion onto the property located at 200 Gore Road. Said site is located within both a Business 5 (B5) and Lake Watershed Protection (LWP) zoning districts. Tabled to March 1, 2022.
- e. Draft Decision - Variance Application – 27 Lakeview Road – Webster Ventures, LLC (Applicant/Owner); Assessor ID 60-D-45; Owner is seeking a side yard setback variance to move the property line to bring an existing pavilion onto the property located at 200 Gore Road. Said site is located within both a Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts. Tabled to March 1, 2022.

3. Public Hearings

- a. Variance Application – 9 Prospect Street - Sean Smith (Applicant), Cynthia Godin (Owner); Assessor ID 1-J-4-0. Applicant is seeking a variance for the minimum lot size requirement. Site is located in a Multiple Family Residential (MFR) zoning district.

Mr. Piader opened the public hearing. Mr. Daggett read the public hearing notice. Ms. Morgan presented an overview of the application. Mr. Piader asked the Applicant to present the application.

Mr. Smith stated that the lot is currently vacant. He noted that there had been a two family structure on the lot previously which had been built in the 1880's but that it had burnt down in 2010. Mr. Smith reviewed the lot in relation to the surrounding area noting that a number of lots are similar, if not smaller, in size and that the area is predominantly multi-family residential. He stated that, based on information on the Town's GIS system, there are 33 lots of record on Prospect Street and of those approximately 76% of the lots are non-conforming to today's standard with regards to the 12,000 square footage required. Utilities, gas, water and sewer, already serve the lot.

Mr. Piader asked about any special circumstances relating to lot shape, topography and soil conditions. Mr. Smith noted that the dimensional size is smaller than the required 12,000 square feet. Mr. Piader asked about hardship. It was noted that the lot could not be developed without a variance which would cause a financial hardship. Mr. Smith noted that literal enforcement of the Zoning By-law would prevent any improvements to the property

Mr. Piader asked about the proposed use of the property. Mr. Smith stated that he intended to build a single or two family house on the previous footprint of the structure that had burnt down. He stated that any additional units would each require 6,000 square feet which the current lot size could not accommodate.

Mr. Piader asked if the Board had any further questions. There were none. Mr. Piader asked if there were any questions from the public. There were none.

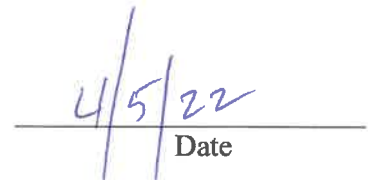
Mr. Piader asked if there was a motion to close the public hearing. Motion to close the public hearing for 9 Prospect Street made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales - yes; Mr. Cournoyer – yes; Mr. Piader – yes.

3. Next Meeting Date: March 1, 2022 at 6:00 p.m. via remote participation / Zoom.

4. Adjournment

Motion to adjourn the meeting made by Mr. Cournoyer, seconded by Mr. Fales. The motion passed unanimously 5-0 by roll call vote: Mr. Daggett - yes; Mr. Mason - yes; Mr. Fales - yes; Mr. Cournoyer – yes; Mr. Piader - yes. The meeting was adjourned at 7:11 p.m.


Chris Daggett, Clerk


Date

EXHIBITS

Public Hearing 3A - Variance Application – 9 Prospect Street - Sean Smith (Applicant), Cynthia Godin (Owner)

- Application packet submitted and stamped by the Town Clerk on December 15, 2021; includes the following documents:
 - Certified Abutters List; dated October 4, 2021; 5 pages.
 - Deed; submitted on December 15, 2021; 2 pages.
 - Form; Application for Variance; dated December 1, 2021; 5 pages.
 - Letter of Permission from Cynthia Godin, 2104 Nina St. Navarre, FL, 32566; dated October 12, 2021; 1 page.
 - Locus Map and Site Photos prior to 2011 and also from December 2021; color, 4 pages.
 - Plot Plan; prepared by Jarvis Land Survey, Inc.; dated December 14, 2021; 1 page.
- Town of Webster Zoning Board of Appeals Public Hearing Notice; stamped by Town Clerk on January 6, 2022; 1 page.

- Correspondence; Comments submitted by Town Assessor; dated and received January 11, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Health Department; dated and received January 11, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Building Department; dated and received January 11, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Water and Sewer Department; dated and received January 11, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Fire Department, dated and received January 18, 2022; 1 page.