

**Webster Zoning Board of Appeals
Meeting Minutes – July 18, 2023**

A meeting of the Webster Zoning Board of Appeals was held on July 18, 2023 in the Board of Selectmen Meeting Room, Webster Town Hall, 350 Main Street, Webster.

Present: Chairman Jason Piader, Vice Chairman Dan Cournoyer, Clerk Chris Daggett (joined the meeting at 6:15 p.m.), Members Dan Fales, Mark Mason and Alternate Member Jeff Czechowski.

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. He noted that the meeting was being recorded.

2. Action Items

- a. Draft Meeting Minutes. Motion to approve the draft meeting minutes of June 6, 2023 made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 4-0 by roll call vote: Mr. Cournoyer – yes; Mr. Fales – yes; Mr. Mason – yes; Mr. Piader – yes.
- b. Draft Decision: Variance and Special Permit Applications - Relief from Front Yard and Side Yard Setback Requirements to Construct an Addition and Carport and Expansion of a Pre-Existing Non-Conforming Structure at 25 Colonial Road - Assessor ID 39-A-33 - Brian Bohenko (Applicant / Owner); site is located within both the Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.

Mr. Piader stated that they would start with the draft variance decision. The Board took the following actions:

Findings F1 through F7: The draft findings were reviewed by staff. Mr. Piader asked if there were any additions or edits. 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. Motion passed unanimously 5-0 by roll call vote: Mr. Mason – yes; Mr. Cournoyer – yes; Mr. Fales – yes; Mr. Czechowski – yes; Mr. Piader – yes.

Finding F8: Mr. Piader made a finding by stating that the slope of lot presents unique site conditions making it difficult to locate the carport to another location on the site. He asked if there were any additional findings. 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. Motion passed unanimously 5-0 by roll call vote: Mr. Mason – yes; Mr. Cournoyer – yes; Mr. Fales – yes; Mr. Czechowski – yes; Mr. Piader – yes.

Finding F9: Mr. Piader made a finding by stating that the literal enforcement of the required setback along with the slope of the lot causes significant financial hardship and would force the Applicants to incur significant construction expenses. He asked if there were any additional findings. There were none. Motion to find that the Applicant has demonstrated that literal enforcement of the front yard setback would cause a significant financial hardship made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Mason – yes; Mr. Cournoyer – yes; Mr. Fales – yes; Mr. Czechowski – yes; Mr. Piader – yes.

Motion to direct Ms. Morgan 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. Mason – yes; Mr. Cournoyer – yes; Mr. Fales – yes; Mr. Czechowski – yes; Mr. Piader – yes.

3. Public Hearings

- a. Variance and Special Permit Applications - Relief from Front Yard and Side Yard Setback Requirements to Expand an Existing Deck and Expansion of a Pre-Existing Non-Conforming Deck at 306 Killdeer Road - Assessor ID 58-A-50 — Robbie & Michael Compson (Applicant / Owner); site is located within both the Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts. Continued from June 6, 2023.

Michael Compson, Applicant / Owner, was present to discuss the variance application for the expansion of the pre-existing, non-conforming deck at the rear of the house. Mr. Piader noted that the person representing the application at the last meeting wasn't able to answer some of the Board's questions. Ms. Morgan noted that it was confirmed that the front deck would require a variance since it is a new structure. With regards to the variance, Mr. Piader asked if there were any unique site conditions such as shape, topography or soil conditions that precludes moving the proposed front deck to a different location. Mr. Compson noted that the existing driveway slopes down from the street to a below grade garage under the house. He's seeking to have that area filled in and to create a basement space in the existing garage. Then they plan to move the front door from the side of the house to the front which requires the addition of the proposed deck. He and his wife are restructuring the interior to make it more livable all with the aim to improve the value of the house. Mr. Piader asked what would happen if the Board denied the variance and if there would be a financial hardship. Mr. Compson stated that they would have to go back to the drawing board and hire someone to develop other alternatives which would be very costly. Mr. Piader noted that single-family houses are allowed uses in the Lake Residential zoning district. He asked if Mr. Compson anticipated any nuisance arising from the addition of the deck such as noise, dust, impacts to air flow to which the answer was no. Mr. Compson noted that the proposed deck is only five feet wide to give enough access to the new front door.

Mr. Piader asked if there were any questions from the Board. There were none. He asked if there were any questions from the audience. There were none.

Mr. Piader stated that they would review the special permit application for the expansion of the pre-existing, non-conforming deck on the back of the house. Mr. Piader asked if there were any questions from the Board. There were none. Mr. Piader asked Mr. Compson if the proposed deck would interfere with light and air flow between him and his neighbors to which he said no. Mr. Piader asked if the proposed deck would increase traffic, undue concentration of population or other hazards to which the answer was no. Mr. Piader asked if comments were received from other Town departments. Ms. Morgan noted that several departments had responded to request for comments. There were not comments or concerns submitted. Mr. Piader asked if there were properties in the area that had similar decks. Mr. Compson noted that there were plenty of people with decks at the back of their house around the Lake but that he didn't know exact setbacks. He added that he had notified his neighbors on each side and across the street via email about his plans and no one raised any objections.

Mr. Piader asked if there were any questions from the Board. There were none. He asked if there were any questions from the audience. There were none.

Susan Negrotti was present to discuss the application with the Board. She and her husband, Michael (Applicant), are looking to install a pool in their backyard. He noted that there is a sunroom, HVAC compressor at the rear of the house which makes it difficult to place the pool in another location. She added that they have a long driveway with a shed at the end of it. Placing the pool out of the rear yard setback would require them to move the driveway and remove the shed and existing fire pit.

Mr. Piader asked if there were any unique site conditions relating to soil, lot shape or topography. Ms. Negrotti noted that they have a sunroom where other lots in the area do not and that their lot is larger than most. Mr. Piader asked about slope. Ms. Negrotti stated that their lot slopes down towards their abutter and that there is a retaining wall along the front of the property. Fixing the slope of the lot would be a financial hardship. It was noted that pools are an allowed use in residential zoning districts.

Mr. Piader asked if there were any questions from the Board. There were none. He asked if there were any questions from the audience. There were none.

Motion to close both the public hearing made by Mr. Cournoyer, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Mason – yes; Mr. Cournoyer – yes; Mr. Fales – yes; Mr. Daggett – yes; Mr. Piader – yes.

Mr. Piader explained the next steps of the process including the fact that the Board will consider a draft decision at their next meeting.

- d. Special Permit Application as Amended – Expansion of Pre-Existing Non-Conforming Structure – Shed – 91 Bates Point Road – Assessor ID50-A-49-0 – Jason Piader (Applicant / Owner); the site is located within both a Lake Residential (LR) and Lake Watershed Protection (LWP) zoning district.

Mr. Piader noted that he had conferred with the Ethics Commission who advised him how to proceed to recuse himself since he was the applicant. Mr. Piader removed himself from the Board and sat in the audience.

The meeting was turned over to Vice Chairman Cournoyer who appointed Alternate Jeff Czechowski as a voting member. Mr. Cournoyer opened the public hearing. Mr. Daggett read the public hearing notice.

Mr. Piader stated that he was requesting a continuance to the next meeting since he is amending the scope of the application including the size of the expansion of the shed and the location. The continuance will allow time to re-advertise the public notice and notify the abutters.

Mr. Cournoyer asked if there were any objections to the request for continuance or any questions. There were none. Mr. Cournoyer asked if there was anyone in the audience who wished to speak.

Attorney Kyle Becker stated that he was present to represent the abutter at 94 Bates Point Road.

There were no further questions or comments from the audience. Motion to grant the Applicant's request to continue the public hearing to Tuesday, August 8, 2023 at 6:00 p.m. made by Mr. Daggett, seconded by Mr. Fales. Motion passed unanimously 5-0 by roll call vote: Mr. Mason – yes; Mr. Daggett – yes; Mr. Fales – yes; Mr. Czechowski – yes; Mr. Cournoyer – yes.

- Public Hearing Notice dated 6/22/23
- Comments – Pellechio – received 7/17/23
- Comments – Turner – received 7/18/23