

**Webster Zoning Board of Appeals
Meeting Minutes – July 19, 2021**

A meeting of the Webster Zoning Board of Appeals was held on July 19, 2021 via Remote Participation / Zoom Meeting 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, 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. The Chairman directed staff to take attendance of the Board by roll call: Mr. Cournoyer – Present; Mr. Daggett – Present; Mr. Piader - Present. Mr. Piader noted that the meeting was being recorded. No specific COVID protocols were in place in accordance with State law except that those unvaccinated are required to wear masks.

2. **Action Items**

a. **Approval of Meeting Minutes**

Draft Meeting Minutes of June 21, 2021 - Mr. Piader asked if the Board had any edits. There were none. Motion to approve the minutes of June 21, 2021 as drafted made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 by roll call vote (Mr. Cournoyer – yes; Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales – yes; Mr. Piader – yes).

Mr. Piader asked if Town Counsel was present at the moment to which the answer was no. Mr. Piader noted that the Board would take agenda items out of order to allow time for Town Counsel to join the meeting.

d. **Draft Decision: Special Permit Application - Expansion of pre-existing, non-conforming side yard setback requirement to construct a new house; 70 Bates Point Road; Hadeer Shaikhly (Applicant / Owner); Assessor ID 50-A-37-0. Property is located in both Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.**

Ms. Morgan reviewed the draft decision.

Motion to approve findings F1 through F14 as drafted made by Mr. Cournoyer, seconded by Mr. Mason) voted unanimously 5-0 in favor to make the following findings by roll call vote (Mr. Fales – AYE; Mr. Daggett – AYE; Mr. Mason – AYE; Mr. Cournoyer – AYE; Mr. Piader – AYE).

Mr. Piader stated that given the public interest in this matter that he would like to take each of the following findings individually. There were no objections from the Board.

F14. With regard to Section 650-1A.1., the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house does not adversely impact the public health, safety and welfare of the Town because this is an extension of a single family house. There is no adverse impact to the Town.

F15. With regard to Section 650-1A.2, the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house encourages the most appropriate use

of the land. The Board finds that a single family residential dwelling is the most appropriate use of the land because it is allowed in the Lake Residential zoning district.

- F16. With regard to Section 650-1A.3., the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house prevents overcrowding of the land because it is a single family dwelling the Lake Residential zoning district. There is no further encroachment on the side yard setback as presented in the application.
- F17. With regard to Section 650-1A.4., the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house conserves the value of land and buildings because it is a single family dwelling the Lake Residential zoning district and is not expanding the existing non-conformity.
- F18. With regard to Section 650-1A.5., the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house will not increase traffic because it is a single family dwelling. It is not a multi-family house or a detached accessory dwelling unit and will not increase traffic.
- F19. With regard to Section 650-1A.6., the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house will not create undue concentration of population because it is a single family dwelling, not a multi-family house or accessory dwelling unit.
- F20. With regard to Section 650-1A.7., the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house provides for adequate light and air. The Applicant has not asked for a variance exceeding 35 feet from the highest point of the property which is what is allowed by the Webster Zoning By-law. In addition, the abutter who would be most impacted by the expansion of the house did not provide any negative comment in regards to this application.
- F21. With regard to Section 650-1A.8., the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house would not create a fire hazard or other dangers because none were cited by public safety. None of these issues were raised.
- F22. With regard to Section 650-1A.9., the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house that economical provision of transportation, water sewerage, schools, parks and other public facilities is not applicable in this matter because this is a single family house.
- F23. With regard to Section 650-1A.10., that the criteria of preserving and increasing the amenities in the Town is not applicable in this matter because it is a single family house. There will be no increase or strain on snow plowing, the school system, water or sewer.
- F24. With regard to Section 650-11.B. the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house will not be detrimental to the established for future character of the neighborhood. The 3.2 feet that the existing house is setback is similar to one of the other abutters. Properties within the Lake Residential zone are often within 3 feet of an abutter's property.
- F25. With regard to Section 650-11.B. the proposed expansion of the pre-existing, non-conforming side yard setback to construct a new single family house will not be detrimental to the established or future character of the Town. This is a single family house which is allowed in

the Lake Residential zoning district. The expansion is common with other properties within the Lake Residential zoning district.

Mr. Piader asked if the Board would like to add findings or make changes to F14 through F25. There were none.

Motion to approve Findings F14 through F25 as edited made by Mr. Cournoyer, seconded by Mr. Daggett. Mr. Piader asked the Board if there was any discussion. There was none. Motion passed unanimously 5-0 (by roll call vote Fales – AYE; Daggett – AYE; Mason – AYE; Cournoyer – AYE; Piader – AYE).

Motion to **GRANT the SPECIAL PERMIT with CONDITIONS** made by Mr. Cournoyer, seconded by Mr. Daggett. Motion passed unanimously 5-0 by roll call vote (Fales – AYE/NAY; Daggett – AYE/NAY; Mason – AYE/NAY; Cournoyer – AYE/NAY; Piader – AYE/NAY).

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

e. Draft Decision: Variance Application - Frontage variance in order to establish a buildable lot at 187 Killdeer Road; Robin Hoffman (Applicant / Owner); Assessor ID 58-E-8-0. Property is located in both Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.

Ms. Morgan reviewed the draft decision. She reviewed all the draft conditions and specifically C1 which notes that the variance, if approved, would be valid for one year. An additional one year extension is allowed but the person holding the variance would be responsible for requesting that continuance prior to the expiration date of the approved variance. This means that if the current owner sells the lot that the new property owner will have authorization to use the variance until the date of expiration plus a one year extension which they will need to apply to the Board for. During that time frame, the holder of the variance must commence action to construct a house as this application for a variance was to establish the lot as buildable. If they don't get the extension, the variance would become null and void. Maureen Cimoch, representing the property owner, asked if she could speak. Mr. Piader stated that the Board could not take any comment as the hearing was closed.

Motion to approve Findings F1 through F12 made by Mr. Cournoyer, seconded by Mr. Daggett. Mr. Piader asked the Board if there was any discussion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Fales – AYE; Mr. Daggett – AYE; Mr. Cournoyer – AYE; Mr. Mason – AYE; Mr. Piader – AYE.

Mr. Piader reviewed Finding F13: Unique Site Conditions and made the following findings:

The Applicant did demonstrate that there are unique site conditions given the shape of the lot, that it is narrow at the road and wide at the far side of the property. That narrowness at the road creates a unique site condition because most lots within that area have 50 feet of road frontage.

Mr. Piader asked if the Board had any additional findings. There were none.

Motion to find that the Application has demonstrated that there are unique made by Mr. Cournoyer, seconded by Mr. Fales. Mr. Piader asked the Board if there was any discussion on the motion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Fales – AYE; Mr. Daggett – AYE; Mr. Cournoyer – AYE; Mr. Mason – AYE; Mr. Piader – AYE.

Mr. Piader reviewed Finding F14: Hardship and made the following findings:

The Board finds that the Applicant had demonstrated hardship due to the unique lot shape specifically the narrowness at the road frontage, would create a hardship because the lot would not be otherwise developable. It would otherwise be developable if it had the road frontage because it meets the square footage requirement along with all other dimensional requirements for a buildable lots. The Board finds that the unique site conditions create a financial hardship.

Mr. Piader asked if the Board had any additional findings. There were none.

Motion to find that the Applicant has demonstrated hardship made by Mr. Cournoyer, seconded by Mr. Fales. Mr. Piader asked the Board if there was any discussion on the motion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Fales – AYE; Mr. Daggett – AYE; Mr. Cournoyer – AYE; Mr. Mason – AYE; Mr. Piader – AYE.

Mr. Piader reviewed Finding F15: Public Good and made the following findings:

The Board finds that granting the variance to create a buildable lot is not substantially detrimental to the public good because, assuming that there will be a single family residence constructed thereon, the use of that lot for such would not create any noxious noise, pollution, dust or noise.

Mr. Piader asked if the Board had any additional findings. There were none.

Motion to find that granting the variance will not cause substantial detriment to the public good made by Mr. Cournoyer, seconded by Mr. Fales. Mr. Piader asked the Board if there was any discussion on the motion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Fales – AYE; Mr. Daggett – AYE; Mr. Cournoyer – AYE; Mr. Mason – AYE; Mr. Piader – AYE.

Mr. Piader reviewed Finding F16: Zoning and made the following findings:

The Board finds that the Application does not nullify or substantially derogate from the intent or purpose of the Zoning By-law because it's a single family residential home and such a use would not create any noise, dust or otherwise. The property would meet the zoning requirements for a buildable lot except for the 45 foot existing road frontage.

Mr. Piader asked if the Board had any additional findings. There were none.

Motion to find that the variance request does not nullify or substantially derogate from the intent and purpose of the Zoning By-law made by Mr. Cournoyer, seconded by Mr. Fales. Mr. Piader asked the Board if there was any discussion on the motion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Fales – AYE; Mr. Daggett – AYE; Mr. Cournoyer – AYE; Mr. Mason – AYE; Mr. Piader – AYE.

Motion to GRANT the VARIANCE with CONDITIONS made by Mr. Cournoyer, seconded by Mr. Fales. Mr. Piader asked the Board if there was any discussion on the motion. There was none. Motion passed unanimously 5-0 by roll call vote: Mr. Fales – AYE; Mr. Daggett – AYE; Mr. Cournoyer – AYE; Mr. Mason – AYE; Mr. Piader – AYE.

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 - AYE; Mr. Mason - AYE; Mr. Cournoyer - AYE; Mr. Fales - AYE; Mr. Piader - AYE.

b. Draft Decision – Appeal of Zoning Violation Citation for Operating a Saw Mill in a Multi-Family Residential Zoning District; 4 Bartlett Street; Nathan LeBaron (Applicant), Church of Firstborn Kahal Hab' (Owner); Assessor ID 14-B-13-0; Property is located within the Multi-Family Residential (MFR) and Business with Sewer (B4) zoning districts.

Mr. Piader asked if Town Counsel had joined the meeting to which the answer was no. Ms. Morgan reviewed the draft decision noting that it had been reviewed by Town Counsel.

Mr. Piader asked the Board if they had any questions or edits to Findings F1 through F18. There were none. Motion to approve Findings F1 through F18 as drafted made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 (by roll call vote: Mr. Fales – AYE; Mr. Daggett – AYE; Mr. Mason – AYE; Mr. Cournoyer – AYE; Mr. Piader – AYE).

Mr. Piader moved on to the five decisions required under the appeal application. He noted that all the motions will be presented in the affirmative. When voting on each item a yes vote will support the Applicant's request for relief and a no vote would uphold the Building Commissioner's violations.

Mr. Piader reviewed the draft language for D1. - Relief Requested: Enforcement of the Zoning By-law and associated fines relating to the operation of a sawmill in both the Multi-Family Residential (MFR) and Business with Sewer (B4) zoning districts. He added the following language to the draft:

The Board finds that in Districts 1, 3 and 4, as referenced within the Zoning By-law, a sawmill is not allowed. The Applicant admitted that to operating a sawmill, at various times, on the property in question at the May 25th meeting.

The Board finds that the Applicant has not submitted sufficient evidence to overcome the presumption of the validity of a finding of a violation by the Zoning Officer. The Board finds that the fines are enforceable beginning with March 4, 2021 due to the mailing that was presented by the Zoning Enforcement Officer as part of the Application packet.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none.

Motion to grant the Applicant's request for relief from enforcement of the Zoning By-law and associated fines relating to the operation made by Mr. Cournoyer, seconded by Mr. Mason. Motion failed unanimously 5-0 by roll call vote (Mr. Cournoyer – NAY; Mr. Mason – NAY; Mr. Daggett - NAY; Mr. Fales - NAY; Mr. Piader - NAY).

Mr. Piader reviewed the draft language of D2. - Relief Requested: Enforcement of the Zoning By-law and associated fines relating to Section 650-36 - Offensive Uses. He added the following language to the draft:

The Board finds that, based on Section 650-36, a sawmill is an offensive use because it creates excessive dust, fumes, smoke, noise, excessive vibration and would be detrimental to the general welfare of a neighborhood that does not explicitly allow for the use of a sawmill or a similar facility.

The Board finds that the Applicant has not submitted sufficient evidence to overcome the presumption of the validity of a findings of a violation by the Zoning Officer. The Board finds that the fines are enforceable beginning with March 4, 2021 because of the notice given to the Applicant as evidenced from the certificate of mailing.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none.

Motion to grant the Applicant's request for relief from enforcement of the Zoning By-law and associated fines relating to Section 650-36 - Offensive Uses made by Mr. Cournoyer, seconded by Mr. Mason. Motion failed unanimously 5-0 by roll call vote (Mr. Cournoyer – NAY; Mr. Mason – NAY; Mr. Daggett - NAY; Mr. Fales - NAY; Mr. Piader - NAY).

Mr. Piader reviewed the draft language of D3. - Relief Requested: Enforcement of the Zoning By-law and associated fines relating to Section 650-40 - Trailers and Mobile Homes. He added the following language:

The Board finds that the Applicant has not submitted sufficient evidence to overcome the presumption of validity of a finding of a violation by the Zoning Officer. The Board finds that the fines are enforceable beginning with March 4, 2021 because of the notice given to the Applicant as evidenced from the certificate of mailing.

The Board finds that during oral testimony, Applicant had stated that he would supply videos, photos or some sort of evidence. The Applicant was given the opportunity and none were ever submitted to the Building Department to overcome the presumption of the validity of the Zoning Officer's violation.

The Board finds that the fines are enforceable beginning with March 4, 2021.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none.

Motion to grant the Applicant's request for relief from enforcement of the Zoning By-law and associated fines relating to Section 650-40 - Trailers and Mobile Homes made by Mr. Cournoyer, seconded by Mr. Mason. Motion failed unanimously 5-0 by roll call vote (Mr. Cournoyer – NAY; Mr. Mason – NAY; Mr. Daggett - NAY; Mr. Fales - NAY; Mr. Piader - NAY).

Mr. Piader reviewed the draft language of D4. - Relief Requested: Enforcement of the Zoning By-law and associated fines relating to Section 650-28 - Unregistered, Inoperable Vehicles. He added the following language:

The Board finds that the Applicant admitted to being in violation of the By-law to at least one vehicle at May 25th Zoning Board of Appeals meeting. The Applicant's reasons for being in violation of the By-law, specifically COVID 19 and issues with the Internal Revenue Service, are not valid exceptions for being in violation within the Town of Webster's By-laws.

The Board finds that the fines are enforceable beginning with March 4, 2021.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none.

Motion to grant the Applicant's request for relief from enforcement of the Zoning By-law and associated fines relating to Section 650-28 - Unregistered, Inoperable Vehicles made by Mr. Cournoyer, seconded by Mr. Daggett. Motion failed unanimously 5-0 by roll call vote (Mr. Cournoyer - NAY; Mr. Mason - NAY; Mr. Daggett - NAY; Mr. Fales - NAY; Mr. Piader - NAY).

Mr. Piader reviewed the draft language of D5. - Relief Requested: Enforcement of the Building Commissioner's order to remove all heavy equipment, commercial trucks, unregistered vehicles and trailers and any associated fines. He added the following language:

The Board finds that the Building Commissioner's order is valid and that the Applicant has not submitted sufficient evidence to overcome the presumption of validity of a finding of a violation by the Zoning Officer. The Board finds that there are unregistered vehicles kept on the property along with heavy equipment, commercial trucks that are in violation of the allowed uses within District 3 and 4. The Board finds that the fines are enforceable beginning with March 4, 2021.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none.

Motion to grant the Applicant's request for relief from enforcement of the Building Commissioner's order to remove all heavy equipment, commercial trucks, unregistered vehicles and trailers and any associated fines made by Mr. Cournoyer, seconded by Mr. Daggett. **Motion failed unanimously 5-0** by roll call vote (Mr. Cournoyer - NAY; Mr. Mason - NAY; Mr. Daggett - NAY; Mr. Fales - NAY; Mr. Piader - NAY).

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

- c. Draft Decision - Variance - To construct a live-in office and to operate a church-owned tree business including storage of vehicles, equipment, mobile homes and trailers on property located at 4 Bartlett Street; Assessor ID 14-B-13-0; Nathan LeBaron / Firstborn Church of Kahal Hab' (Owner Applicant). Said site is located both Multi-Family Residential (MFR) and Business with Sewer (B4) zoning districts. Continued from 5/25/21.**

Ms. Morgan reviewed the draft including all the findings and the draft conditions of approval if the Board voted to grant the variance. Mr. Piader asked if the Town Counsel had reviewed and edited the draft to which the answer was yes. Ms. Morgan noted that Town Counsel had added one finding in particular, F9, which stated that the Town does not allow use variances under its Zoning Bylaws.

Motion to approve Findings F1 through F8 as drafted made by Mr. Cournoyer, seconded by Mr. Daggett. Mr. Piader asked the Board if there was any further discussion. There was none. Motion passed unanimously 5-0, by roll call vote (Mr. Cournoyer - AYE; Mr. Mason - AYE; Mr. Fales - AYE; Mr. Daggett - AYE; Mr. Piader - AYE).

Ms. Morgan reviewed Finding F9 again noting the language stating that the Applicant cannot meet his burden for a variance because use variances are not allowed. Mr. Piader noted that this was not a variance criteria but rather a reason to deny the variance request.

Mr. Piader reviewed the language of Finding F10 - Unique Site Conditions. He added the following language:

The Board finds that, based on Finding F9, the criteria for unique site conditions cannot be met for a use variance to allow a live in office to operate a church-owned tree business including storage of vehicles, equipment and mobile homes on the property because use variances are not allowed in the Town of Webster.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none. He noted that motions will be presented in the affirmative. A yes vote will be an approval and a no vote will be a denial.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer, seconded by Mr. Mason. Motion failed unanimously 5-0 (by roll call vote: Mr. Daggett - NAY; Mr. Cournoyer - AYE; Mr. Mason - NAY; Mr. Fales - NAY; Mr. Piader - NAY).

Mr. Piader reviewed the language of Finding F11 - Hardship. He added the following language:

The Board finds that, based on Finding F9, the Applicant cannot meet his burden for a variance because use variances are not allowed within the Town of Webster.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer, seconded by Mr. Daggett. Motion failed unanimously 5-0 (by roll call vote: Mr. Daggett - NAY; Mr. Cournoyer - AYE; Mr. Mason - NAY; Mr. Fales - NAY; Mr. Piader - NAY).

Mr. Piader reviewed the language of Finding F12 - Public Good. He added the following language:

The Board finds that the Applicant cannot meet his burden for public good because use variances are not allowed in the Town of Webster. The Board finds that a tree business, storage of vehicles, storage of equipment and mobile homes is against the public good and interest because they are not allowed explicitly as a use, and similar uses, and that they would create noise, dust debris, vibration, etc.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer, seconded by Mr. Mason. Motion failed unanimously 5-0 (by roll call vote: Mr. Daggett – NAY; Mr. Cournoyer – AYE; Mr. Mason – NAY; Mr. Fales - NAY; Mr. Piader – NAY).

Mr. Piader reviewed the language of Finding F13 - Zoning. He added the following language:

The Board finds that the Applicant did not demonstrate that relief, if granted, would not nullify or substantially derogate from the intent or purpose of the Zoning By-law. The Board finds that the Applicant made no showing of this during the May 25th meeting. The Board finds that a tree cutting business including sawmill and storage of vehicles would derogate from the By-law because none of these are allowed uses.

Mr. Piader asked the Board if anyone else would like to make a finding. There were none.

Motion to find that the Applicant has demonstrated that there are unique site conditions made by Mr. Cournoyer, seconded by Mr. Daggett. Motion failed unanimously 5-0 (by roll call vote: Mr. Daggett – NAY; Mr. Cournoyer – AYE; Mr. Mason – NAY; Mr. Fales - NAY; Mr. Piader – NAY).

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

3. Public Hearing and Decision

- a. **Special Permit Application – Front yard setback for expansion of a deck; 101 Lakeside Avenue; Wendy Burdett (Applicant / Owner); Assessor ID 40-B-16-0; Property is located in both Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts. Continued from 6/21/21.**

Ms. Morgan stated that since the last meeting Ms. Burdett had submitted the required Special Permit application form which was filed with the Town Clerk. Mr. Piader went through the conditions for granting a special permit with Ms. Burdett and asked her to respond to each as it relates to the proposed deck.

- Does the proposed deck adversely impact the public health, safety and welfare of the Town? Ms. Burdett responded no.
- Does the proposed deck encourage the most appropriate use of the land? Ms. Burdett responded yes. It is a single family home and many houses in the area have decks. Ms. Burdett noted that she already has a deck which is very narrow. She's looking to expand it to give them more room to move about on it.
- Does the proposed deck prevent overcrowding of the land? Ms. Burdett responded that she didn't believe that it would create overcrowding. Mr. Piader noted that it was already a single family house.
- Does the proposed deck conserve the value of land and buildings? Ms. Burdett responded yes.

- Will the proposed deck increase traffic? Ms. Burdett responded no. Mr. Piader asked if there would be additional cars stored or parked underneath the new deck. Ms. Burdett noted that the current deck and the proposed expansion would cover a portion of her existing driveway.
- Will the proposed deck create undue concentration of population? Ms. Burdett responded no.
- Does the proposed deck provide for adequate light and air or would it interfere with light or air passing onto an abutter's property? Ms. Burdett responded no. Mr. Piader asked if any abutter had submitted comments or objections demonstrating the adverse to which the answer was no.
- Will the proposed deck create a fire hazard or other dangers? Ms. Burdett responded no. Mr. Piader asked if any public safety department had submitted comments or concerns. Ms. Morgan noted that the Fire Chief had submitted a form stating "no comment".
- Does the proposed deck provide for the economical provision of transportation, water sewerage, schools, parks and other public facilities? Ms. Burdett responded no.
- Does the proposed deck preserve and increase the amenities in the Town? Ms. Burdett responded no.
- Will the proposed deck be detrimental to the established or future character of the neighborhood? Ms. Burdett responded no. Mr. Piader noted that most buildings have decks within the Lake Residential zones. Ms. Burdett noted that her next door neighbor has a deck that's approximately the same size as the one she is proposing.
- Will the proposed deck be detrimental to the established or future character of the Town? Ms. Burdett responded no. Mr. Piader noted that decks were allowed in all zoning districts.

Mr. Piader asked if the Board had any questions for Ms. Burdett. There were none.

Mr. Piader asked if anyone from the public would like to speak to the application. Christa Canavan, 103 Lakeside Avenue, stated that she was in full support of the project and was an abutter to Ms. Burdett. Mr. Piader asked if she was the abutter with a similarly sized deck as what was being proposed to which the answer was yes. Mr. Piader asked if there were any additional comments from the public or the Board. There were none.

Motion to close the public hearing made by Mr. Cournoyer, seconded by Mr. Daggett. Mr. Piader asked the Board if there was any discussion. There was none. Motion passed unanimously 5-0 (by roll call vote: Mr. Fales - AYE; Mr. Mason - AYE; Mr. Daggett - AYE; Mr. Cournoyer - AYE).

Ms. Morgan noted that the Board can move forward with the draft decision or wait until the next meeting. Mr. Piader stated that he was comfortable moving forward now and asked if any of the Board members objected. There were no objections.

Ms. Morgan reviewed the draft decision and the draft conditions for granting. Mr. Piader stated that he would like to add a new finding after F8 to include the following language: Decks are allowed in every zoning district. A number of homes in the Lake Residential District have very large decks that encroach on setbacks and that this proposed deck would not be detrimental to the neighborhood or the character of the Town.

Mr. Piader asked if the Board wanted to add any other findings or make any changes. There were none.

Motion to make favorable findings F9 through the newly renumbered F21 made by Mr. Cournoyer, seconded by Mr. Fales. Mr. Piader asked the Board if there was any discussion. There was none. Motion passed unanimously 5-0 (by roll call vote: Mr. Fales - AYE; Mr. Mason - AYE; Mr. Daggett - AYE; Mr. Cournoyer - AYE).

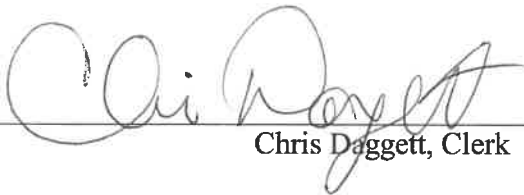
Motion to grant the Special Permit with Conditions based on information received throughout the public hearing the FINDINGS stated herein (motion by Mr. Cournoyer, seconded by Mr. Daggett) voted unanimously 5-0 by roll call vote (Fales – AYE; Daggett – AYE; Mason – AYE; Cournoyer – AYE; Piader – AYE)

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

4. **Next Meeting Date:** Mr. Piader asked if there were any new applications filed since the last meeting. Ms. Morgan noted that there was a Special Permit Application for 35 Hall Road regarding the construction of a new garage. Based on the statutory requirements, the Board will have open the hearing on or before September 9, 2020. The Board reviewed their schedules and decided to meet next on Tuesday, September 7, 2021 in the Board of Selectmen Meeting Room, Webster Town Hall.

5. **Adjournment**

Motion to adjourn the meeting made by Mr. Cournoyer, seconded by Mr. Daggett. The 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 meeting was adjourned at 7:16 p.m.


Chris Daggett, Clerk

9/7/2021
Date

EXHIBITS

- **Public Hearing 2E: Variance Application – Front yard setback for expansion of a deck; 101 Lakeside Avenue; Wendy Burdett (Applicant / Owner).**