

DRB Hearing

November 21, 2023

Timothy Somerset Setback Waiver Hearing

Board Members: Sam Stone, Jack Schneider and Ralph Either

Others in Attendance: Timothy Somerset, Jeff Biasuzzi (Zoning Administrator) and Hillary Knapp (Clerk)

Hearing started at 7:01pm

Timothy Somerset and Jeff Biasuzzi were sworn in.

Courtney Satz requested and was granted interested party status.

Meeting adjourned at 7:54pm

Timothy: We are looking for a waiver to construct a two-story garage with a workshop on top Courtney (Satz) has made requests that will be followed upon with a surveyor. We have made every effort to make the structure go with the neighborhood. We are looking for a waiver of 21' 6" on the North property line. We have located where the utilities are on the property. The house has been made into an asset on the street. There was previously a garage on the property and a permit had been granted in 2019 as well. There is a 30' set back to the neighbor's driveway.

Jeff: This is a pre-zoning, non-conforming property structure. The purpose is for new construction to the North of the structure of 21' 6". This is the only non-conforming setback. The Town has no concern with the request.

Jack: Google earth showed some trees, do you have to take any of them down?

Tim: Yes, one of the trees must come down. There is a wire fence that has moved over the years, and we have agreed with Courtney (Satz) that we will remove the wire fence and replace it with some landscaping along that property line.

Sam: Read into evidence an e-mail from Courtney Satz (Exhibit A).

Sam: It seems like you and Courtney have agreed on the items listed in the e-mail. We (the DRB) would not enforce shrubbery We would need to make sure that the survey and the property lines are clear as this is important to the setback waiver. How would we know if the setback is true without knowing where the setback is?

Timothy: We must do the survey and we would have to prove that the 21' 6" is where the garage will be placed is true. We do not want to build something that does not conform to the application. The survey will be done in January, and we will have where the garage is going to be staked out as well. Once this has been completed, we will show Courtney the survey. The garage will not be built until the Spring. I would be happy to submit the survey to the Town.

Jeff: What happens if the survey does not match?

Timothy: If the survey does not match, we will come back before the board. We (ourselves and Courtney) have already agreed in writing on the conditions and will come back if the survey does not match the

application as stated. We will not build anything until we know that the survey works. We have found the pin at the back of the property and that shows the 21' 6".

Jack: Two of the three of the board members here tonight were not part of the 2019 decision and this is considered a blank slate for this hearing. Why did the hearing notice get sent to the incorrect property owner?

Jeff: The change of ownership is only updated once a year and did not notice that it was incorrect until I was working on the permit that it was returned.

Jack: We could have postponed the hearing if the abutters were unable to make it with 3 days' notice and they were not in agreeance with the permit request.

Jack: You did find the survey pin?

Timothy: There are two known pins that are in the Town record and from the pins you can create the property lines.

Ralph: The other property has not been surveyed?

Jeff: The survey was not to survey the Delaney property, not to sub-divide. The property that Mr. Somerset owns has not been surveyed.

Sam: You and your neighbor have an agreement to survey the property. What kind of recourse would the neighbor have if the property was not surveyed, and the construction had started?

Jeff: You are going on the applicant and property owners and the application provided. The Town or Zoning Administrator would not get involved as they are not licensed surveyors.

Sam: I do not believe that this will not go well, since there is a concern on the table, how do we ensure this all goes well? Courtney's objections have been entered into testimony. We want to move forward where everyone's concerns are met.

Timothy: The survey will be done before any building will be started. A new permit will be requested if it does not conform once the survey is done.

Sam: Is the garage being built in the same spot as the garage that was there?

Timothy: The original garage was a very non-conforming location. We want to make it so the properties cannot be seen, when in each of the backyards.

Hearing was closed at 7:42pm