

**Brentwood Board of Adjustment  
Minutes April 10, 2017**

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Members present: Michael Hureau, Chairman, Bob Gilbert, Doug Cowie, Ken Christiansen,

**Public Hearings**

6:00 pm: Continued Hearing: Variance request: William Dale – tax map 217.071

This hearing began with a site walk at 57 Fellows Road, the Dale residence. Abutters Phil and Carrie Allison were also present. Dale had staked out the 20-foot setback from the property line, the septic reserve area and his proposed pool location. Since the last hearing with the ZBA, Dale was able to reposition the proposed location so that the encroachment into the side setback would now be only 5 feet, 1 inch. He mentioned a 2 foot apron around the pool that would encroach on the septic reserve area and Hureau said tonight they are dealing only with the side setback, and St. Hilaire said she has spoken with the town planner and confirmed that any encroachment into the septic reserve would require a separate variance request. The fence location was discussed, and Gilbert thought those would need to have concrete footings, and if that would be an encroachment. Gilbert also asked if Dale were to put down patio block that was removable within the reserve area, would that be allowed. St. Hilaire will check with Glenn Greenwood, the town planner. Dale said he thinks he can have his surveyor reconfigure the septic reserve area, to not encroach on that. The side area was measured, and all agreed that the encroachment would be 5 feet, one inch, and not the 15 feet previously discussed at the March 13 meeting.

The Board reconvened at the town office to continue this hearing, along with Dale and the Allisons. Christiansen asked if there is going to be an encroachment into the septic reserve and Hureau said that the issue before the Board is the side setback, and the septic reserve area may require Dale to come back before the ZBA. Dale said he would address that if it comes up when he applies for his permit. Cowie said that this relocation has satisfied him, saying the encroachment concern was the degree of it. Hureau said tonight's proposal is dramatically different from the one presented last month. Allisons said that while they had great concerns with the previous proposal, they have no objection with the one presented tonight.

Having 4 members present Hureau opted to abstain, to avoid a tie vote.

Motion made by Christiansen, 2<sup>nd</sup> by Gilbert to grant the variance request with the condition that the side setback encroachment shall not exceed 5 feet, and one inch: Christiansen, Gilbert and Cowie voted in favor, and Hureau signed the notice of decision granting the variance and a copy was given to Dale, who thanked the Board for their time.

**Public Hearing:**

New Hearing: Applicant/property owners Kurtis & Malinda Virkaitis request a variance from Article 300.002.007.006 A.2, to allow the installation of an in-ground pool to be within the 20 foot set-back. Property is located at 45 Eleanor's Way in the res/agr zone and referenced by tax map 209.078.

Hureau opened this hearing at 7:10 pm and read the list of abutters notified, the legal notice and the definition of a variance. Malinda Virkaitis was present to address the request. She said they have a little more than an acre of land, and their septic and land is in the front and said the well is in the back, then the land drops off so they are very limited as to where they can put a 22 x 36 pool and a 10 x 16 shed. They are asking to put this within 10 feet of the side setback, where the setbacks are 20 feet. She said they are concerned about putting the

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pool closer to the house as this would require taking down the existing deck and redo, and they do not want to disturb the foundation drains. There is a large parcel of common land and open space that is along this portion of their land. Abutters Charlie and Kathy Austin could not make this meeting, and they stopped by the office to say that they have no objection to this proposal. Abutter William Bloom was present and said there is so much land between him and theirs, he has no issue with this proposal. His property is on the same side as the pool would go, and said there is common land between, and he will never see the pool or shed. He continued, saying they have a very difficult parcel that drops down in the back. He said she has no “abutters” along this side of her lot, and never could, as it is open space and protected. Virkaitis read their criteria for this request.

Motion made by Cowie, 2<sup>nd</sup> by Christiansen to grant the waiver request as presented, with the condition that they not encroach more than 10 feet into the setback for pool and shed. Cowie, Christiansen and Gilbert voted: all were in favor. Hureau signed the notice of decision granting the variance. Virkaitis thanked the Board for their time this evening.

**Board Business**

Motion made by Cowie, 2<sup>nd</sup> by Christiansen to approve the March 13 minutes: all were in favor.

Members asked that St. Hilaire sign up as an alternate member. She will prepare the appointment slip for the Selectmen to sign.

Motion made by Cowie, 2<sup>nd</sup> by Gilbert to adjourn at 7:40: all were in favor.

Respectfully submitted,

Kathy St. Hilaire