

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

Members present: Michael Hureau, Chairman, Bob Gilbert, Doug Cowie, Ken Christiansen, Andy Artimovich and alternate Bruce Stevens

Chairman Hureau opened the meeting at 7:00 pm.

Public Hearing

Applicant/Property owners Elliot and Rachel Goldman request a variance from Article 700.002.006.001 A of the Brentwood Zoning and Land Use Document to permit a 16' x 32' addition to encroach within the wetland buffer. Property is located at 17 Balsam Lane in the res/agr zone, workforce housing district, referenced by tax map 224.001.016.

Present for this hearing were Elliot Goldman and Mary Elliot. There were no abutters present tonight. Hureau read list of abutters, the legal notice and the definition of a variance. Hureau asked that Stevens vote, and not himself.

Motion made by Christiansen, 2nd by Gilbert to give Stevens voting rights: all were in favor.

Goldman explained that their family is growing and they do not want to move, but have outgrown the house and want to put on an addition. This will encroach into the wetland buffer by 5' 4" in one corner. They provided a surveyed plan that showed their exact home footprint, as well as the building envelope on this lot. His supporting application states that the community will benefit from the better home value. He said this is a small encroachment that will not affect abutters; there are woods along this side of the property. This expansion will not diminish values, but add to the homes' value. His building envelope is very small, and this expansion will allow them to raise family here. Stevens said that the developer understood the ordinances, and the smaller lots are part of the workforce ordinance allowance. He said he drove by this and this is not a big deal, and there are woods that separate him from his neighbor. He suggested that there be a condition that there be no further additions (within the buffer). Cowie said they have a building envelope to work with, but they have designed it so it encroaches into the wetland. Goldman said they tried other directions, and this was the only option available. Their septic is in the front, and there is no room in the back. This one presented gives them the smallest encroachment. Gilbert said Goldman is not being unreasonable, and went on to say that he thinks this board does not have the right to tell them, or another ZBA board that they cannot put another addition on without due process. He said if they want to do something in the future, they will have to go before the ZBA. Cowie said there are buffers for a reason, where certain things cannot take place, and Gilbert said that is why we have a Board. Hureau said this is a 5 foot encroachment into a 100 foot buffer and is not a great infraction. Having no further discussion, Hureau closed the discussion, for the Board to deliberate.

Motion made by Christiansen, 2nd by Cowie, to grant the variance as submitted with the condition that there be no further structure encroachment into the wetland buffer. Cowie, Stevens, Christiansen and Artimovich voted yes, and Gilbert voted no. Gilbert said he voted no because while he is in favor of granting the variance, he is opposed to the condition.

Hureau signed the Notice of Decision and a copy was given to Goldman. Goldman and Elliot thanked the Board for their time this evening.

Motion made by Cowie, 2nd by Christiansen to approve the April 10 minutes: the motion carried with Artimovich and Stevens abstaining as they were not present.

Motion to adjourn at 7:40 made by Cowie, 2nd by Christiansen: all were in favor.

Respectfully submitted,

Kathy St. Hilaire