

**TOWN OF NORTHFIELD  
ZONING BOARD OF ADJUSTMENT  
April 26, 2010**

**MINUTES**

Members present: Dave Liberatore, Kent Finemore, Keith Murray, Polly Mills Fife, Geoff Ziminski and Brian Brown. Also present: Peer Kraft-Lund, LRPC and Eliza Conde, Secretary.

**Minutes:** Keith Murray moved, seconded by Dave Liberatore to accept the minutes of January 25, 2010 as read. Motion passed.

**David R. Elliott, Jr.: Application for a variance from Article 7 section 2 of the Northfield Zoning Ordinance to permit a reduced setback and reduced minimum lot size in order to subdivide 27 Vine Street and 9 Oak Street into two lots (Tax Map U7 Lot 36) in the R2 zone.** Peer Kraft-Lund pointed out that this is actually 3 variances, 2 for lot size and 1 for side setback. Dave Liberatore moved, seconded by Keith Murray to accept the application as complete.

Dave Krause, representing the applicant, presented a surveyed plan showing the approximately ½ acre lot which has currently has 2 residences, a garage and an accessory building. The objective is to create 2 smaller non-conforming lots each with one residence. The existing buildings are located within the current setback requirements. The proposed new lot line would be 4 feet north of the garage, creating the need for a setback variance. Polly Mills Fife asked why the garage, which appears to belong to the Oak St. home, is being included with the Vine St. home. It is currently being used by the Vine Street home and is located closer to the Vine Street home. If the garage were to stay with the Oak Street home there would be driveway and parking issues with the Vine Street lot. Peer Kraft-Lund inquired whether the 4 feet would give enough room for maintenance and allow for snow to fall from roof.

Public hearing opened and closed with no comment.

Upon Polly Mills Fife's question about whether granting a variance would impact the planned subdivision, Kent Finemore replied that if the variance is approved it should be based upon the surveyed plan as presented. Dave Krause noted that the surveyed plan shows the lot line four feet north of the garage and parallel to the garage. Kent Finemore commented that there are not too many situations similar to this one and he is not sure whether there are any legal issues the board should be concerned about. Peer Kraft-Lund explained that it is currently a conforming lot for size, but not for having 2 residences on one lot.

Items discussed:

- Brian Brown suggested that the zoning was different when the buildings were built and may have conformed at the time.

- Kent Finemore agreed that the current buildings are grandfathered, but creating the new lot makes the garage within the current setback.
- Keith Murray asked if the small lot makes the real estate less valuable. Dave Liberatore didn't think it made a difference. Dave Krause showed the tax map with many similar size lots.
- Peer Kraft-Lund noted that if the Board approves the variance for size but not for the setback, then the garage could be torn down.
- Kent Finemore again expressed concern over whether there are any legal implications if the variances are approved. Perhaps legal advice would include ideas for conditions of a variance and whether there are any concerns that would impact the town in the future.
- Geoff Ziminski agreed that the attorney may have ideas for conditions of approval.
- Dave Krause stated that the 4 foot distance to the line from the garage was only done to create a better lot for the Oak St. house. The line can be located further from the garage.
- Brian Brown commented that parking is an issue and questioned whether moving the lot line would interfere with the Oak St. home's parking area.

Dave Liberatore moved, seconded by Keith Murray to continue the application to May 24, 2010 in order to consult with Town Counsel. Motion passed.

**Other:**

- Draft minutes can be posted on the web site.
- Foster: An application for a building permit has been submitted to the Building Inspector who wants clarification of the status of U8 71-1 and what the ZBA meant by requiring that the Planning Board "acknowledge" the lot. After review of the minutes and discussion of the decision made by the ZBA, Kent Finemore stated that the ZBA did not say that the lot was buildable. The ZBA granted variances for the frontage and the lot size requirements. When the ZBA takes an action providing relief from the Zoning Ordinance, it does not grant approval for the intended use if Planning Board approval is required. Peer Kraft-Lund added that the ZBA granted the two variances and conditioned it upon going back to the Planning Board. The ZBA did not remove the wording on the recorded plan or make any statement about whether it was a buildable lot.

Meeting adjourned at 8:00 PM.

Respectfully submitted,

Eliza Conde, Secretary

*Minutes approved 05-24-2010*