

Minutes from Meeting of 1/15/03 – Fleming

Members Present: Robert Cadle, Mark Mulligan, Stuart Schulman, Chase Duffy, David Gandle

The Chairman convened the hearing by reading the Legal Notice.

Mr. Fleming said that the deck was constructed three to four years ago. He noted that the rail trail runs behind his home, as well as behind Mr. Sullivan's.

The Board asked for clarification regarding whether just a footing of the deck was in violation.

Mr. Fleming said that just the footing was the issue, and noted that it would cost \$700 to \$800 to move it. He said that the deck itself was not in violation of setback regulations.

Mr. Sullivan, aggrieved abutter, submitted two photos, noting that the deck seems to keep growing. He said that he wrote a letter last summer to the BI that he read into the record. He said that he is concerned about setback of the deck, particularly because he is planning to move his house back on the lot approximately 500 feet and enclosing the boundary with a fence and/or stonewall. He said that the topography of his property would place his house next to the applicant's porch. He said that the original plan showed the deck to be 19 feet and that it has continued to expand.

Mr. Fleming said that the deck was built as one unit four years ago. He said that the only additions have been flowers and rails. He said that the plan that Mr. Sullivan was from the previous owners, the Moissons. He then submitted a photo showing his existing deck, noted that he wanted to tier it so that it was not one massive looking deck from the rail trail.

Mr. Cadle noted that the applicant had relied on information from a former neighbor, that where the lawn was mowed was where the lot line was. He said that it was an error, but an honest one.

Discussion ensued regarding whether the deck overhang would need a variance.

Mrs. Fleming said that for many months the deck is hidden from the Sullivan's' view by a maple.

Discussion ensued regarding whether a Building Permit was obtained. The Building Inspector had signed off on a permit and he suggested that the applicant move the deck footing when the Sullivan's complained.

Mr. Sullivan said that he can see the deck from his property, as well as a porch light that shines. He noted that he has never seen so many plans just for a deck.

Mr. Fleming said that his brother-in-law is a meticulous engineer who drew up the plans.

Mrs. Duffy said that she finds it hard to believe that the BI so misjudged the distance of setback. She suggested that Mr. Sullivan move his house carefully and suggested to the applicant that the deck lighting be changed.

Mr. Sullivan said that finances should not be considered here. He said that a smaller deck building permit was applied for.

Mr. Fleming disagreed.

The Board suggested some additional research and a site walk.

The Chairman asked Mr. Sullivan whether the situation would be alleviated if the applicant moved the deck.

Discussion ensued regarding how to remedy the situation. Mr. Fleming said that he will not move the deck but would consider moving the footing, or even shortening the deck. He stressed that he obtained a legal Building Permit and built what was applied for.

Mrs. Fleming said that they are renovating the interior and do not want bullet lighting on the porch.

The hearing was continued to 2/19/03 @ 9:00 pm.

A site walk was scheduled for 1/25/03 @ 9:00 am.

The motions were made and seconded.

The meeting adjourned at 9:00 pm.