

Town of Nelson
Zoning Board of Appeals Meeting
August 19, 2008

Chairman Jeff Rubenstein called the meeting to order at 7:42. Present were Jeff Rubenstein, Tom Arnold, Mary Perry, Peter Radosta and Tom Harvey.

A motion was made by Mary and seconded by Tom Arnold to approve the minutes of the last meeting. All voted in favor and the motion was carried.

Public Hearing – Diane Cass & Steve McLaughlin, 3119 Tuscarora Rd. – WF Zone – Area Variance (Height)

Matt Fowler appeared before the board as a representative of the McLaughlin's. The public hearing was opened at 7:44 pm. As there was no one in the audience to speak for or against this, the public hearing was closed at 7:45 pm.

Findings:

- a. There will not be any undesirable change produced in the neighborhood. There is a feasible alternate to this area variance for the applicant but then they would have to not build the deck. The requested variance is not substantial. There will be no adverse effect on the physical or environmental conditions in the neighborhood. The difficulty was self-created.
- b. All the information was or evidence was considered. There were letters from neighbors in support of the proposal, and Jack Tedeschi, a neighbor, appeared at the public hearing to support the request.
- c. All parties in question had been heard.
- d. There was no intimate knowledge.

The board discussed the findings and a motion was made by Tom Arnold and seconded by Peter to approve the variance as requested - to allow a 26" variance for the deck height. All voted in favor and the variance was granted.

Public Hearing – Steven Fuller – 3117 Hawes Rd. – WF Zone – Area Variance (Height)

Steven Fuller appeared before the board asking for a variance of 36" for the height of his deck. The public hearing was opened at 7:57 pm. As there was no one in the audience to speak for or against this the public hearing was closed at 7:58 pm.

Findings:

- a. There will not be any undesirable change produced in the neighborhood. There is a feasible alternate to this area variance for the applicant but then they would have to not build the deck. The requested variance is substantial. There will be no adverse effect on the physical or environmental conditions in the neighborhood. The difficulty was self-created.
- b. All the information was or evidence was considered.
- c. All parties in question had been heard. There was no public input.
- d. There was no intimate knowledge.

The board discussed the findings and a motion was made by Peter and seconded by Tom Harvey to approve the variance as requested – a 36" variance for the deck height. All voted in favor and the

variance was granted with the condition that all construction and improvements be in accordance with any and all conditions placed by the Town of Nelson Planning Board in their Site Plan Review process.

Public Hearing – Danny & Alice Scott, 621 Walrath Rd. Ext., - WF Zone – Area Variance

Danny & Alice Scott were not in attendance, and they did not send a representative, but their application was reviewed. A drawing of their 2 sheds that they would like to make into one was reviewed. This would involve making more impervious surface. As their application was changed and crossed out on the original and the square footage was not clear, it was decided to have them come back next month with a better application and drawing of what they want to do. The public hearing was opened at 8:15 pm and adjourned at 8:15 pm where it will be continued at the next meeting.

There was a motion made by Jeff and seconded by Mary to adjourn the meeting. All voted in favor and the meeting was adjourned at 8:20 pm.

Respectfully submitted,

Susan Henderson, Clerk