

<b>Map and Lot:</b> U14-007-002	<b>Address:</b> 20 Preservation Drive	<b>Owner:</b> Andrew Golden
<b>Application Type:</b> 19-118.1 Mislocated Single Family Dwelling Appeal	<b>District:</b> RA	<b>Applicant:</b> Dale Bragg Builders

**Description of project:** Applicant is applying for an appeal under the Mislocated Single Family Dwelling criteria.

	<b>Road Frontage</b>	<b>Lot Sq. Footage</b>		<b>Building Cov. Sq. Ft.</b>	<b>Lot % Coverage</b>
Required:	125'	20,000	Existing:	NA	NA
Actual:	146'	32,700	Proposed:	NA	NA

**Notes:**

- I will not reiterate the letter that was submitted explaining the situation. The single family dwelling in question is shown to be 16.8' away from the westerly side property line at its closest.
- The Mislocated Single Family Dwelling language lays out four criteria that need to be met for the Board to move forward with an approval.

*a. It would not serve the public interest to require the removal or relocation of the structure or the acquisition of abutting property;*

- I believe the applicant could make a reasonable argument that they meet this requirement.

*b. Allowing the structure to remain in its existing location would not be contrary to the public health, safety or welfare and would not unreasonably detrimentally affect the use or market value of abutting properties;*

- I think this argument could be made as well.

*c. The setback violation is not the result of a willful, premeditated act or of gross negligence on the part of the petitioner, a predecessor in title or agent of either;*

- This comes down to similar discussions the Board has had in the past as to what constitutes "gross negligence". From what I understand this appears to be a mistake and I do not believe that any knowledge of the error existed prior to it being brought to the towns attention.

*d. The petitioner has no reasonably available alternative to this appeal.*

- The obvious alternative to this approval would be the removal of the structure that lies over the setback. While I do not know what that might cost I suspect it will be reasonably expensive and will result in a less functional, less esthetically pleasing garage.

**Misc notes:**

- It is my understanding that the applicant had approached the abutter but was unable to come to an agreement for a possible transfer of land to correct the problem. I believe that that line adjustment concept was taken as far as the Planning Board and was approved by the town but ultimately no agreement was reached between owners.
- The house is currently under construction but will not receive a Certificate of Occupancy until this issue is resolved.