

ZONING BOARD OF ADJUSTMENT
JULY 6, 2010

APPROVED:

AGENDA: REHEARING VARIANCE: CATHY L. PETRANOS/CARL W. CARLSON, 225 Hemphill Road, #215-004
CONTINUED VARIANCES: JOHN MESSINA, Holiday Hills Drive, #110-049
VARIANCE: DANIEL E. WILLIAMS, 9 Hector Lane, #104-056

ATTENDING: Alan DeStefano (Chairman), Lorraine Bohmiller, Larry Denton, Mike Willingham
Alternate: Sara Shattuck

ABSENT: Ashley Dolloff (excused)

OTHER: Michelle Bonsteel (Land Use Officer), Janice DellaCroce (Planning Board)

The meeting opened at 6:00 pm. Ms. Shattuck sat in for Ms. Dolloff.

REHEARING VARIANCE: CATHY L. PETRANOS/CARL W. CARLSON:
Attorney Philpot, representing the applicants, had sent in a request to continue this case as an abutter had not been notified.

M. Willingham made a MOTION, second by L. Denton, to CONTINUE THE REHEARING OF CATHY L. PETRANOS AND CARL W. CARLSON TO AUGUST 3, 2010. The motion CARRIED.

CONT. VARIANCES: JOHN MESSINA

A packet of information for the septic application was looked at. Mr. Messina stated that they are to meet with the Conservation Commission tomorrow and, therefore, will need to continue again.

L. Denton made a MOTION, second by L. Bohmiller, to CONTINUE THE VARIANCES OF JOHN MESSINA TO AUGUST 3, 2010. The motion CARRIED.

VARIANCE: DANIEL E. WILLIAMS

The secretary read the application, abutters notified, where the variance was advertised, and stated that there were no phone calls nor written responses received. The Board looked over the packet received and determined that everything was included so that they could proceed.

Mr. Williams thanked Ms. Bonsteel (Land Use Officer) for her help in preparing his application. He stated that he is not seeking any different usage but the square footage is needed. When Colin Brown surveyed the shed, they found that it was over the boundary line. Mr. Williams felt that it would be better to place these outside items under a deck and make the property less non-conforming.

Ms. Bohmiller asked if the shed is to be rebuilt and Mr. Williams said “no”. He intends on placing the outside storage under the back deck.

Mr. Williams then presented his narrative on the 5 criteria for a Variance:

1. Not contrary to public interest – the building height is not increasing so views of the lake are not affected. The changes to the back of the building are minimally visible from the street. This structure would allow concealment of other items such as boat trailers, snowmobile trailers, etc. All abutters signed an approval of the project, as well as the Association President. The general public is served by making the house more energy efficient by adding enclosures in front of both main entrances. It will allow a second form of egress and improves safety. The structure will be used year round and it is more important for his Dad and grandkids to have the lower egress.

Mr. DeStefano asked if they had originally planned to have a deck in back as there is a door there. Mr. Williams answered that he is not sure what was originally planned but they raised the cottage up a few years ago.

2. Not contrary to the spirit of the ordinance – The project does not increase the population of the area or lead to overcrowding. It does not increase water pollution and it enhances the cultural character of the lake by making the building more appealing and safer. Bedroom will not be added while value will be. The impervious surface will increase 2.9% to a total of 14.8%, still less than half of the town’s guidelines.

Mr. Williams asked about impervious surfaces and what is meant. Mr. Denton stated that the objective is so nothing goes into the lake. Mr. Williams continued by saying that due to the low topography of the lot, runoff does not enter the drainage system to the lake.

WILLIAMS VARIANCE continued:

3. Special conditions of the property/substantial justice – Most of the lake properties became non-conforming after the cottages had been built, including this one. The unique setting and the ordinance interferes with Mr. Williams' reasonable use of the property by restricting safe access to the building, restricting safe storage areas, and the worry of snow loading on the front deck.

4. Diminution of Values – The variance would increase the value of the surrounding properties. The home would become more aesthetically appealing as well as enhancing the use and appeal of the yard due to storage. The removal of the shed will conform to all setbacks. The property was in existence 15 years prior to the ordinance's instatement. The outdoor storage will now be in the rear of the building.

5. Unnecessary Hardship – Mr. Williams stated that he is not increasing the population, bedrooms are not added and livable space is not added. The proposed use is reasonable as he is seeking to make access to the front safer and easier for elderly parents and grandchildren. Also, he will gain safer and easy access to the rear of the cottage which currently does not exist. A variance of some kind is needed to allow access to the rear of the property and to allow conformity to the setback ordinance. The variance is reasonable.

Charlie Perrello, of Camelot Acres, stated that he is in favor. There was no public opposition. Mr. Denton asked if it will increase storage and Mr. Williams answered that it will help. Mr. DeStefano asked if the rear deck will be enclosed underneath. Mr. Williams thought that he will probably use lattice. Mr. Denton asked about the need for a second means of egress and Ms. Bonsteel said that every door and window is considered for this. Mr. DeStefano asked if gas, etc. will be behind the lattice and was told that there would be. Mr. Denton asked about dimensions and it was noted that the pages presented this evening have the setbacks, sizes of the room, the building material and the boat size. Mr. Denton asked about the extension on back and if it would be the same size as the building. Mr. Williams said that it will be about 18" shorter so as to miss the electric meter. Mr. DeStefano asked about the roof over the front deck and Mr. Williams stated that this is so as to prevent snow load build-up. Mr. Willingham asked about the Class of this lot and was told it comes under Class 1 & 2.

The public portion was then closed and the Board discussed the 5 criteria:

1. Public Interest: Mr. Denton pointed out that all of the abutters signed an approval. Everyone agreed.

WILLIAMS VARIANCE continued:

2. Not Contrary to the Spirit of the Ordinance: Mr. Denton said that it is less than 25% Ms. Bonsteel stated that the 25% is maximum lot coverage. Mr. Denton found no problem and the rest of the Board agreed.

3. Substantial Justice: Mr. Denton felt that it will give the property more value and relieve the snow load problem. Ms. Shattuck added that it cleans the yard and removes the non-conforming shed. Mr. DeStefano said that it makes it more conforming. All agreed.

4. Diminution of Value: All agreed that this would increase values.

5. Hardship: Mr. Willingham stated that this is the most difficult criteria and that it would help if we looked at it in reverse. He is not sure that the applicant actually proved this but did so when you look at all of his statements combined and the size of the lot. To not grant this variance would be a hardship. Mr. Denton asked when the property was purchased and was told 1999. Ms. Bonsteel stated that, in 1985, you could do an addition on a non-conforming lot. You still can in all but the Lake District as of 2008. The original subdivision predated zoning. She continued to explain the enlarging of lake properties which led the Planning Board to produce this ordinance. The intention was good but it has restricted it more. We do have a relief with the ZBA. Mr. Willingham felt that we need to look at other communities, how they are constructed and handle water runoff. Ms. Bohmiller stated that this plan is safer and more accessible. Ms. Shattuck again mentioned snow removal. Mr. Denton felt that the plan is a minimal size within the setbacks and is reasonable according to the 5 criteria.

A vote was then taken and the Variance for Daniel E. Williams WAS APPROVED, 4 for and 0 against. Mr. DeStefano signed the Notice of Decision and explained the 30 day time allowed for an appeal.

MINUTES OF JUNE 1, 2010:

M. Willingham made a MOTION, second by S. Shattuck, to APPROVE THE MINUTES AS READ. The motion CARRIED.

COMMUNICATIONS:

There was an informational packet from the Office of State Planning (OEP), including a web site. This will be kept in the office for awhile.

OLD BUSINESS:

-5-
ZBA Minutes
7/6/10

NEW BUSINESS:

Vice Chairman: Mr. DeStefano read the e-mail from Sandra Heaney giving her resignation from the Board. This opens up the position of Vice-Chairman and Mr. DeStefano asked for nominees. Mr. Willingham nominated Mr. Denton who felt that he cannot do this at this time. Ms. Bohmiller was then nominated and she felt that she has not had enough experience yet. L. Bohmiller nominated M. Willingham and he accepted.

Opening of a Meeting: Mr. Willingham felt that the applicant was unsure of the procedure. He stated that the Board Chairman used to read the procedure at the beginning of the meeting. Mr. DeStefano apologized and said that he usually does this but forgot tonight. He thanked Mr. Willingham for reminding him.

Mr. Willingham also mentioned that Mr. Meegan, a former ZBA Chairman, used to explain that we are a Semi-judicial Board made up of volunteers who are not experts, etc. It was felt that this is a good idea to include.

Mr. DeStefano also recommended that the Board is careful about talking about general procedures and not to mention specific cases.

NEXT MEETING:

Our next meeting is scheduled for August 3, 2010 at 6:00 p.m. We have the 2 continued cases from this evening and also a new case, a variance for Peter and Ellen Rawlings. Applicants have until July 9th to apply to our office from the Land Use Officer.

With no other business before the Board, L. Denton made a motion, second by L. Bohmiller, to adjourn at 6:45 p.m.

Respectfully submitted,
Jan Laferriere, secretary