

ZONING BOARD OF ADJUSTMENT
May 3, 2011

APPROVED:

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AGENDA: SPECIAL EXCEPTION: JOHN SULLIVAN, 55 Arrowhead
Point Road, #103-005

ATTENDING: Alan DeStefano (Chairman), Michael Willingham, Larry Denton,
Ashley Dolloff, Richard LaFlamme (alternate)

ABSENT: Lorraine Bohmiller (conflict)

OTHER: -----

The meeting opened at 6:05 pm. when all members had arrived. Mr. LaFlamme was welcomed to the Board. He stated that he was on the Franklin ZBA for 15 years. Mr. LaFlamme then sat in for Ms. Bohmiller.

SPECIAL EXCEPTION: JOHN AND KRISTEN SULLIVAN

The secretary read the application, list of abutters notified, where the application was advertised and stated that no phone calls or messages were received relative to this case.

Mr. Sullivan explained that they purchased the property in Oct. 2008. The cottage is in drastic need of repair and they have decided to raze it and build from scratch. The present roof is flat and they want to change that which will bring the height to greater than the 1' now allowed by the new law. They already have the DES approval and the septic approval.

Mr. Willingham asked if the current structure is non-conforming and was told that it is. Mr. Denton asked if there is enough schematic given for the height. The Board looked at this and determined that there is.

Mr. Sullivan added that the deck has rotted off and the foundation sonar tubes are deteriorating. At first, they thought that they would rehab. the building but found it would be too costly. They waited for Sewer to the Lake but that is taking time. With the Special Exception, they want to have a 2 bedroom (same as before), 1 ½ story building with an attached garage. The total coverage by structures will be just over 13%. Bruce Barnard did the approval for the septic. They used to draw water from the lake but the applicants intend on connecting to town water.

SPEC. EXCEPTION, SULLIVAN continued:

Besides talking with DES, they have sent letters to their 5 abutters about the project. They have only received one letter back which is from the abutter across the street and is in approval. The others have all given their support orally. There will be no increase in bedrooms. The current building is within the 50' setback from the lake and one corner is in a setback. The proposed building will now be conforming. They have tried to fit it to the neighborhood.

Mr. Sullivan then read his answers to the Special Exception criteria:

1. The proposed use shall be only those allowed in the Ordinance by Special Exception.

The proposed use will remain residential and will remain a 2-bedroom dwelling. The only relief needed for the dwelling construction is Special Exception for the height change which is allowed by Special Exception.

2. The specific site is an appropriate location and of adequate size for the use.

The site, 55 Arrowhead Point Road, is an appropriate location with the lot size being similar to the abutting property. The lot size of 11, 170 sq. ft. is of adequate size to support the dwelling which is supported by the fact that only 13.91% of the lot will be covered by structures.

3. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located.

The proposed use as a residential, 2-bedroom, 1.5 story dwelling is consistent with the surrounding residential properties. The new dwelling will be a benefit to surrounding land values due to the investment the applicant is making to enhance the property. A few of the homes in the vicinity of this property have been improved either by new construction or renovation over the last 5 years and the proposed dwelling proposed will complement these other properties nicely.

4. There will be no nuisance or serious hazard to vehicles or pedestrians.

The property currently services two vehicle parking which enter onto a private gravel road. The new dwelling will again service two vehicle parking. Therefore since there is no increase in vehicles there will be no impact to vehicles or pedestrians.

5. The use will not place excessive or undue burden on Town services and facilities.

This property is remaining residential in use with the same number of bedrooms. The new dwelling will connect to the municipal water system which is a benefit to both the applicant and Town (since water will not be drawn from the Lake). The roadway is private so the Town will not be providing any maintenance to the road. The new house will be assessed at a higher value which in turn will generate more tax revenue for the Town. The applicant and owner are seasonal to the Lake; therefore there will be no impact to the school system.

SPEC. EXCEPTION, SULLIVAN continued:

6. There would be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located.

From a public health standpoint, the new dwelling will have a new state approved septic system which will be a huge benefit to public health and the protection to the Lake. The neighbors have been very supportive in the applicant looking to improve the property.

Mr. Denton questioned the 1.5 story building as the drawing of it looks like 2 full stories. Mr. Sullivan stated that the deed restriction limits them to less than 2. There is no attic above. Mr. Willingham added that the roof line is the ceiling of the top floor. A discussion followed as to how half story homes are determined. Mr. DeStefano mentioned that they do plan on putting in some dormers.

Mr. Willingham asked if the original plan was to just fix the deck. Mr. Sullivan answered that they just planned on rebuilding the deck and pulled a permit for that and to do repairs to the cottage. They were then advised that it would be too much money. They did get a DES permit to cut down some trees in 2009. Mr. Willingham asked if they have any intention of cutting down more vegetation. Mr. Sullivan answered that they do not. They have done some restoration plantings as the contractor cut more than they planned. These were done over a year ago.

At this time, Mr. DeStefano asked for public comment. As no other public was in attendance, he then closed the public portion of the hearing.

Mr. DeStefano then gave a brief summary of the case. Mr. Denton stated that it is nice when the abutters approve and he is in favor of the project. Mr. Willingham stated that he wishes that we had more applicants who were as conscientious of the Lake. These folks are making it less non-conforming, putting in a new septic system, and to attach to town water. He is also in favor of the project. Ms. Dolloff agreed and mentioned that they will now be within the setbacks and that she is also in favor. She added that the plan is one of the best that we have seen. Mr. DeStefano added that the whole package is complete. Mr. LaFlamme stated that it is one of the best that he has seen. He is amazed at the time and effort put in by the applicant.

M. Willingham made a MOTION, second by L. Denton, to APPROVE THE SPECIAL EXCEPTION FOR JOHN SULLIVAN. The motion CARRIED and Mr. DeStefano signed the Notice of Decision. The secretary explained that she has 5 days in which to mail the Decision out to the applicant and Mr. DeStefano reminded them of the 30-day appeal period. The Sullivans were then thanked for a well-done application.

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ZBA Minutes
5/3/11

MINUTES OF APRIL 5, 2011:

M. Willingham made a motion, second by A. Dolloff, to approve the minutes as read. The motion carried.

COMMUNICATIONS:

The April 2011 Town & City magazine will be in the office for any member to read.

OTHER:

Mr. DeStefano mentioned that, if any member wishes to attend the June Conference, there is money in our budget to do so. He stated that he and his wife will be going. Mr. Willingham encouraged anyone who has not gone to do so as it is most enlightening. Ms. Dolloff stated that she will try.

NEXT MEETING:

The next ZBA meeting will be held on Tuesday, June 7, 2011 at 6:00 p.m. No new hearings have been applied for as yet but they have until May 13th to submit to the ZBA office.

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

Respectfully submitted,
Jan Laferriere, recording secretary