

ZONING BOARD OF ADJUSTMENT
April 3, 2012

APPROVED:

6/5/12___jrl_____

AGENDA: CONT. SPECIAL EXCEPTION: FREDERICK SANTUCCI,
10 Tamarack Terrace, #217-088 (12SE01)
ELECTION OF OFFICERS

ATTENDING: Alan DeStefano (Chairman), Richard LaFlamme (Vice Chairman),
Lorraine Bohmiller, Larry Denton, Ashley Dolloff

ABSENT: -----

OTHER: Michael Capone (Town Administrator), public

The meeting opened at 6:00pm.

CONTINUED SPECIAL EXCEPTION: FREDERICK SANTUCCI

Mr. Santucci had submitted additional plans. The Board looked these over and determined that they are now complete.

L. Denton made a MOTION, second by R. LaFlamme, to ACCEPT THE APPLICATION OF FREDERICK SANTUCCI AS COMPLETE.

Mr. Santucci stated that he wishes to add a second story to his cottage so as to allow for more living area. The cottage is tiny and old. He plans on separating the two bedrooms so as to have one downstairs and one upstairs. He is asking for an additional 12', going from 13' to 25' from grade to ridge. The width and length are to remain the same as they are currently.

Mr. DeStefano asked about the new roof overhang and Mr. Santucci said that they will be the same as what is there now --- standard eaves. With no other questions, Mr. DeStefano asked Mr. Santucci to go over the criteria required.

1. Special Exception per Article V, 5.4, 1-6.
2. Appropriate location and adequate size for the use: Use is not changing. The footprint to remain the same. It will remain 2 bedrooms. Only adding a 2nd floor. No line of site interference. It will not change the character except for functionality.
3. Will not adversely affect the character of the area in which it is located: It is the same use with modernization and increased functionality.

SANTUCCI SPEC. EXCEPTION continued:

4. No nuisance or serious hazard to vehicles or pedestrians: No change in use or of the driveway.
5. Excessive or undue burden to the Town services or facilities: No change in use; same 2 bedrooms to existing septic system which allows for 6 ½ bedrooms (there are 6 bedrooms on it).
6. No significant effect on public health, safety, and general welfare of the neighborhood: No changes in usage. Ties into the existing proper septic system with no increase in volume.

Mr. Denton asked if it will be the same drainage and Mr. Santucci answered yes. Mr. Denton then asked about bathrooms and Mr. Santucci said that there will be an additional ¾ bath. Mr. DeStefano asked about footings. Mr. Santucci stated that they raised footings 8" – 10" and excavated underneath. He poured a 2/3rds foundation with poured footings. When there was no foundation, they had 4' x 4' and now will have 6' x 6'. Mr. Denton asked if the cottage they wish to add to is the middle building and was told that it is (10 Tamarack).

Mr. DeStefano then asked for public comments for the project and there were none. He then asked for any comments against.

Chris Horeth, 19 Bennett, stated that he has concern due to the septic systems. The old ones are still there and smell of sewage in the summer. Mr. Horeth also stated that the cottages are rented out. He presented the Board with photos of the conditions and said that most of the renters move out in the middle of the night. He has cleaned up a good portion.

Mr. Denton explained that the septic system is based on the number of bedrooms. Mr. Horeth stated that he has had 6 people renting in 2 bedrooms. Mr. DeStefano asked about the shed in the photos. Mr. Santucci stated that the tenant had started the incomplete shed. Mr. Santucci would love to get rid of it, he added. As to the septic, he had it put in a couple of years ago and it is state of the art. It was done in July of 2006 or 2007. The engineering was done by a man in Alexandria and the system was installed by Ken Braley. Originally, there were 6 cottages and he removed 3 of them. The old system was made up of 6 individual systems but all have been capped. Now, 3 tanks go into the main system. This is the first complaint that Mr. Santucci has had since the new system was installed, he stated. He took down the old pump house and there is no anticipated change. The last tenants have been out of the cottage since early last summer.

SANTUCCI SPEC. EXCEPTION continued:

Mr. Santucci added that he has owned the property for 32 years. He winterized the cottages 3 years ago and has rented them the last few years. The tenants left toys which were frozen in the snow. Mr. Santucci has removed them as the snow thawed.

Mr. DeStefano asked how often the septic is serviced. Mr. Santucci explained that each tank has an alarm and he has had to answer it only twice.

Mr. DeStefano stated that there may be a town issue as to health. The debris is definitely an eyesore. However, this seems to be a code enforcement issue that the Town has to address. It is not under the jurisdiction of the ZBA nor does it affect the application for Special Exception. Mr. Santucci looked at the photos and said that this has been cleared.

Mr. Horeth stated that he has had his property since 2005 and has been dealing with this problem. Mr. Santucci said that the tenants came in 2009. Mr. Horeth asked about the $\frac{3}{4}$ bath and Mr. DeStefano answered that the state only goes by the number of bedrooms. Mr. Horeth stated that he spoke with Ms. Bonsteel when she was here in 2009. Mr. Capone apologized for the drop in communication and said that he, Ms. Goodwin, and Ms. Lacasse are now the ones to see with complaints of this sort.

Mr. Santucci stated that he will remove the shed and any unhealthy issues. He added that he rents to 2 sisters in the front cottage and a couple in the rear one. There have been no children in the last few years. He has had only 5 – 6 people the past few years. Mr. DeStefano mentioned the importance of reporting these problems to the town. Mr. Horeth asked if the walls will be reinforced to support the 2nd floor. Mr. DeStefano explained that this is not part of the ZBA criteria but will be part of the building permit process. Mr. Santucci stated that the old cottage had issues but this addition will be done to specs. Mr. Horeth asked what it will look like. He was shown the drawing in the application. Mr. Horeth felt that it will be a monstrosity. Mr. Santucci took offense to that and said it will be well constructed. Mr. DeStefano felt that the ordinance was designed in relation to the lake with the purpose of not obstructing views.

With no other comments, Mr. DeStefano closed the public section of the hearing.

SANTUCCI SPEC. EXCEPTION continued:

The Board went into deliberation. They acknowledged that the first criteria requires Special Exception for any addition above 1' in height. They all agreed that there is no change. Mr. Denton felt that it does change the character of the cottage. Ms. Dolloff felt that there are several 2-story homes in the area so it does not change the character of the neighborhood. The others agreed and Mr. Denton was then okay with that criteria. As to the other criteria, the Board agreed that it is the same usage and the same number of bedrooms. Mr. DeStefano cautioned that 2 bedrooms do not always keep from adding people.

R. LaFlamme made a MOTION, second by L. Bohmiller, to APPROVE THE SPECIAL EXCEPTION FOR FREDERICK A. SANTUCCI. The motion CARRIED.

The Notice of Decision was signed and Mr. DeStefano cautioned that there is a 30-day appeal period.

MINUTES OF MARCH 6, 2012:

On page one, Attending, Richard LaFlamme was no longer an alternate. That is to be deleted.

R. LaFlamme made a motion, second by L. Denton, to approve the minutes as amended. The motion carried.

COMMUNICATIONS:

The Town & City magazine will be in the office for anyone to look at. The 2012 LGC Workshops for local officials will be posted on the office bulletin board and is available for any member to apply for.

UNFINISHED BUSINESS: -----

NEW BUSINESS:

Election of Officers

Dollof made a motion, second by L. Denton, to approve Alan DeStefano as Chairman for another year. The motion carried. A. Dolloff made a motion, second by L.

Denton, to approve Richard LaFlamme as Vice Chairman. Mr. LaFlamme agreed to this and the motion carried.

OTHER:

Mr. LaFlamme noted that the membership for the ZBA needs to be updated. Mr. Capone will see to this.

-5-
ZBA Minutes
3/6/12

NEXT MEETING:

The next ZBA meeting is scheduled for Tuesday, May 1, 2012 at 6:00 pm. No applications have been received to date but they have until noon April 6, 2012 to apply. Mr. DeStefano stated that, unless an application is received, he feels it would be best to cancel the meeting. The secretary will let them know.

With no other business before them, R. LaFlamme made a motion, second by L. Denton, to adjourn at 6:50 pm.

Respectfully submitted,
Jan Laferriere, recording secretary