

ZONING BOARD OF ADJUSTMENT

July 2, 2013

APPROVED:

8/6/13__jrl_____

AGENDA: 2 VARIANCES, 13VAR02 & 13VAR03: JOHN P. &
ELIZABETH MORRISON, 320 Summer St., #223-089 & -.089.1

SPECIAL EXCEPTION, 13SE01, McCAMMON RICHARD
FAMILY REV. TRUST OF 2005, 391 Wulamat Rd., #103-013

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

ABSENT: -----

OTHER: Betsy Schneider (Selectman), public

The meeting opened at 6:02pm.

MINUTES OF MAY 7, 2013:

R. LaFlamme made a motion, second by L. Bohmiller, to approve the minutes as read.
The motion carried with one abstention.

CORRESPONDENCE: -----

TWO VARIANCES: JOHN P. & ELIZABETH MORRISON/KEVIN FRENCH

The secretary read the applications, abutters notified, where the hearings were advertised
and stated that she had no correspondence or telephone calls for either hearing.

The Board looked over the application. R. Laflamme made a MOTION, second by A.
Dolloff, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Mr. French pointed out on the plan as to where Dunkin' Donuts and XLNT Land
businesses are located. He then pointed out the Pemi/Overlay area. Mr. French stated
that the State permitted just one driveway previously and requested that it be at the
furthest east corner so as to be as far from the Baker St. intersection as possible. There is
197' of frontage but, if Mr. French were to design the lots so that the rear lot would have
75' of frontage as required, it would cause hardship to Dunkin' Donuts for turning trucks
and also with setbacks.

MORRISON VARIANCES continued:

Mr. French went on to say that there is an agreement for the division of the two sub-lots between Newfound Lake LLC (Dunkin' Donuts) and the Morrison's, which is included with the application. He then assured the Board that all would remain exactly as it is now with the exception of ownership and a boundary line. He added that they are both commercial properties which increase the value and the main road (Route 104) was improved at the time of the original site plan. It will create useable lots that have a 10 year history.

The Pemi-Overlay requires 2 acres per lot so as to protect water quality and the river. Both lots are served by town water and sewer. The rear lot does not border the river and, besides a steep bank in the back, it is ½ acre to the river. Both of these lots are 2 to 3 times larger than the abutting properties.

Mr. Denton asked about the ownership, which was in contention when last addressed to the ZBA. Attorney William Philpot Jr. pointed out that this has been addressed and is in the agreement. Mr. DeStefano asked if there is any intent by the applicant to access the rear lot via his lot on Meadow Lane. Mr. French answered not as of now and Mr. Morrison assured the Board that this is not his intent. Mr. DeStefano asked about hardship and Mr. French again explained that a 75' frontage for the rear lot would be poor use and cause problems with setbacks. Mr. Denton asked assurance that nothing will change except for ownership and putting in a boundary line. This was affirmed. Ms. Bohmiller asked if the purpose is merely to divide the two lots and was told that it is.

Mr. DeStefano then asked for public comments for:

Betsy Schneider stated that there is no change of use for either property and therefore she is for the plan.

There was no opposition. Mr. DeStefano closed the public portion of the hearing.

Mr. DeStefano stated that his concern is the possibility of using Meadow Lane for access to the rear lot, which would add traffic to that residential area. Mr. Morrison again stated that the intent is to keep the lot as is.

Mr. DeStefano closed the public portion of the hearing.

Mr. Denton stated that the agreement fixed his concern and we have addressed the access to the back lot. Mr. Laflamme and Ms. Bohmiller agreed.

L. Denton made a MOTION, second by R. Laflamme, to APPROVE BOTH VARIANCES AS PRESENTED. The motion CARRIED.

SPECIAL EXCEPTION, McCAMMON RICHARD FAMILY REVOCABLE TRUST OF 2005/BRUCE BARNARD:

Mr. DeStefano asked for the elevation plan. Mr. Barnard distributed copies of the plan. The Board looked at these and also photos of views to the abutting properties. Mr. Barnard assured the Board that the McCammon house would only increase in height by 5'.

Mike McCammon asked what the Board needed. Mr. DeStefano explained that the Board needs an elevation plan that shows the present height and the increased height and photos that show what is there now.

Mr. Barnard then presented a copy of the tax map on which he shows the increased height of each of the abutters' homes over what is planned by the McCammons. Mr. Laflamme explained that a picture would show the Board the terrain. Mr. McCammon stated that the road is high up from the present cottage; they have to descend stairs in order to reach it. George Longo stated that the new building will allow them to center it more and be within the setbacks (one setback is not met with the present cottage).

A. Dolloff made a MOTION, second by L. Denton, to ACCEPT THE APPLICATION AS COMPLETE WITH THE INCLUSION OF THE PHOTOS AND THE MAP SHOWING THE ABUTTING ELEVATION FIGURES INTO THE APPLICATION PACKAGE. The motion CARRIED, 3 for, 1 against.

Mr. Barnard stated that they have an approved sewer system by the State in 1990 that is a drive-over system. There is a drop of 12' to 14' to the present cottage. The new building will conform to all setbacks. The 25% structure calculation will be met. The owners will have to go to the State for Shoreland Protection. The new building will be only 5' higher than the present one.

Mr. DeStefano called for comments for or against and there were none. David Collins, an abutter asked if the cottage will be just 5' higher or will it be 5' higher plus the increased height of the terrain. Mr. Barnard pointed out that the shrubbery that provides privacy now will remain. Ms. Bohmiller asked if there will be a new foundation. Mr. Barnard stated that there will not; they plan on only a crawl space. Mr. Longo stated that you enter the garage on the street level and have to go down a staircase to the lower level. It was stated that property values will not be diminished.

With no further comments, Mr. DeStefano closed the public portion of the hearing and the Board began deliberations.

The Board went over the 6 criteria and felt that all had been met.

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McCAMMON SPECIAL EXCEPTION continued:

L. Denton made a MOTION, second by R. Laflamme, to GRANT THE SPECIAL EXCEPTION AS PRESENTED. The motion CARRIED.

OTHER: The Board discussed what is needed for hearings and how we can get folks to comply before the actual hearing.

NEXT MEETING: The next meeting is scheduled for August 6, 2013 at 6:00 pm. Applicants have until July 12th to apply.

With no other business before the Board, R. Laflamme made a motion, second by A. Dolloff, at 7:40 pm.

Respectfully submitted,
Jan Laferriere, recording secretary