

ZONING BOARD OF APPEALS
Public Hearing
MINUTES
Monday, August 30, 1999

ATTENDANCE: Peter Leavitt, Chairman; Robert Fey; Jim Stephenson; Michael Higgins; Aurel Gagne and Jack Cooper, Code Enforcement Officer.

PUBLIC ATTENDANCE: Richard Anderson; Patricia Halloran; Marcia Halloran; Agatha Halloran; Theresa Murphy; Beverly Smith-Peterson; Sue Keniston; Jack Quirk; Richard Horr; and Walter Lunt.

Call to order. Peter Leavitt called the meeting to order at 7:10 p.m. at the Town Hall.

Consideration of previous Minutes dated July 26, 1999.

MOTION: Michael Higgins motioned to accept the Minutes of July 26, 1999. Seconded by Robert Fey.

VOTE: Unanimous.

3. Purdy, John A. Map 40, Lot 7 85 Meadow Road

Continuation of Public Hearing

Seeking a variance for set backs to construct an enclosed porch on an existing 10' x 16' deck.

DISCUSSION: Jack Cooper stated that the applicant had withdrawn.

4. Holloran, Marcia M. Map 77, Lots 33 & 34 136 Thomas Pond Terrace

Administrative Appeal for the issuance of a Notice of Violation.

Request for variance for relief of set back requirements.

DISCUSSION: Steven Chute spoke as representative for the applicant and stated the following: the structures are necessary for the quiet enjoyment of the property and are attendant to the cottage; and without storage buildings the applicant can not get a reasonable return or full enjoyment from the property. Mr. Chute then referred to a sketch and septic field, which covers the lot and prohibits structures being placed anywhere else on the property thereby making the property unique. Mr. Chute also stated that due to frontage on the pond and a stream on the right of the lot located in a right-of-way it is not possible to meet any set backs due to the geographic location. Mr. Chute went on to say that granting the variance would not alter the appearance of the area and would fit naturally within the area of development. Mr. Chute requested that the variance be granted.

Jack Quirk, Road Association President, 79 Thomas Pond Terrace spoke in opposition to the variance stating that he is concerned with the precedent of ignoring codes as it may affect water quality. Mr. Quirk indicated that he had consulted the DEP. Mr. Quirk also stated that the shed is as big as a cottage or a house and that it is next to a stream and runoff and phosphate are a concern. Mr. Quirk suggested the Holloran's use the 30% expansion rule instead of a large shed. Mr. Quirk stated that not everyone in the area has a shed.

Richard Horr, 85 Thomas Pond Terrace, presented a letter of opposition from Ed and Joanne Dooley, 140 Thomas Pond Terrace. Peter Leavitt read the letter into the record.

Walter Lunt, Thomas Pond Terrace, stated that he was not in support or opposition of the

variance. Mr. Lunt urged the Board to table the matter and send the CEO to speak with the Hollorans. Mr. Lunt suggested the Hollorans don't do anything without a permit and that they come back with a proposal of what they want to do there.

Robert Fey confirmed with Jack Cooper that two (2) buildings were constructed without building permits and that there is one (1) other shed that was preexisting. Mr. Fey also asked how long the applicants had owned the property. Jack Cooper responded that the Hollorans had owned the property for approximately 25 – 30 years.

Aurel Gagne asked what had changed to necessitate the additional storage. Steven Chute responded that the family has increased in size.

MOTION: Michael Higgins motioned to deny the request for variance. Seconded by Robert Fey.

VOTE: Unanimous.

5. Anderson, Richard Map 42, Lot 21 44 Lakeside Drive

Request for variance to construct a 10' x 8' storage shed.

DISCUSSION: Richard Anderson addressed the Board to explain the proposed storage shed. Mr. Anderson plans to tear down two (2) existing storage sheds, which may technically be on Town property. Jack Cooper stated that it is a private road and therefore not on Town property. Mr. Anderson stated that the cottage has no basement, only a crawl space. Mr. Anderson then presented a letter from Earl Jackson dated 8/14/99 in support of the variance request.

There was no one present in favor or in opposition of the variance request.

Mr. Leavitt asked if the shed is existing and if it was constructed without a building permit. Mr. Anderson confirmed that the shed had already been built without a permit.

Mr. Higgins confirmed that there are two (2) set backs at issue, 100' from the lake and 30' from the rear.

Mr. Leavitt stated that, on the site visit, the Board questioned if the shed is on the Anderson property as they were only able to find one marker.

Mr. Stephenson stated that he would consider a variance if the old sheds were going to be torn down because it would improve the neighborhood.

Mr. Anderson has owned the property for 40 years.

MOTION: Peter Leavitt motioned to table the matter to the next meeting to give Mr. Anderson a chance to establish property lines and the location of sheds. Seconded by Robert Fey.

VOTE: Four (4) in favor, one (1) opposed (Michael Higgins).

DISCUSSION: Mr. Anderson asked what would be required. Mr. Leavitt deferred to Jack Cooper who will assist Mr. Anderson with measurements.

6. Hartley, Tacy Map 51, Lot 2 1326 Roosevelt Trail

Request for variance for setbacks to construct a 24' x 24' garage.

DISCUSSION: Tacy Hartley was present to discuss her request. Ms. Hartley stated that she has slowly created an in-law apartment without a building permit. The apartment was initially created for relatives who are now deceased. Ms. Hartley lives in Rhode Island and rents the

house.

There was no one present in favor or in opposition to the variance request.

Aurel Gagne asked about the septic system. Ms. Hartley responded that the septic was rated for three (3) bedrooms and has a 1000-gallon tank.

Mr. Cooper stated that the front of the property is in the commercial zone and the back of the property is in the shoreland zone. The commercial zone allows for a business with a single-family dwelling. The shoreland zone allows a two (2) family unit.

Mr. Leavitt then explained the origination of the in-law use ordinance. Mr. Leavitt suggested changing the request to a variance for lot size for a two family in shoreland zone. Mr. Leavitt stated that the Board would probably deny the request for variance to allow a non-relative to reside in an in-law apartment.

Mr. Cooper checked the tax maps and found that Ms. Hartley's lot contains 6.75 +/- acres and not 5 +/- acres as Ms. Hartley previously thought it contained.

Mr. Leavitt felt that the hardship is not of the applicants creation because the Town drew the zoning lines.

Mr. Stephenson stated that the Appeals Board could move a zoning line by up to 50'.

Mr. Leavitt and Mr. Fey asked the applicant if she was aware the she would lose the commercial zoning status. The applicant responded that she was aware of this and that if someone wanted to have commercial use they could come to the Board for the zoning change.

MOTION: Michael Higgins motioned to deny the request for variance to rent an in-law apartment to a non-relative. Seconded by Jim Stephenson.

VOTE: Unanimous.

DISCUSSION: Peter Leavitt stated that the Board would hold the application over for reconsideration at the next meeting with no additional application fees required.

Mr. Cooper suggested the applicant send a letter to the Board requesting that the structure be zoned in the shoreland zone to use as a two family.

7. Murphy, Theresa L. Map 24, Lot 14 42 Swans Road

Request for variance for setbacks to construct a 24' x 24' garage.

DISCUSSION: Theresa Murphy was present and stated that she would need a variance for 20' from the sideline. The current plan would place the structure 6' from the sideline.

Susan Keniston, 36 Swans Road, stated that she is an abutter to the property and has no objection to the variance request.

Mr. Leavitt stated that from the site visit, he felt that the structure would not obstruct the view of the lake. Mr. Leavitt then addressed the issue of hardship. Mr. Leavitt also confirmed that this would be a two- (2) car garage with a loft.

MOTION: Robert Fey motioned to grant the variance request for not less than 6'. Seconded by Jim Stephenson.

VOTE: Three (3) in favor, two (2) opposed (Michael Higgins and Peter Leavitt).

8. Other business.

DISCUSSION: Jack Cooper explained the Proposed Changes 2000 to the Board.

DISCUSSION: Holloran – the Holloran sisters came back to the meeting to plead their case based on the increased size of their family. Mr. Leavitt addressed the issue and suggested the Hollorans speak with Jack Cooper regarding their other possible options.

9. Adjournment.

MOTION: Robert Fey motioned to adjourn the meeting. Seconded by Michael Higgins.

VOTE: Unanimous.

Respectfully submitted,

Elisa A. Trepanier
Secretary