



Monday, April 26, 2010
BOARD OF APPEALS
MINUTES*
Jordan Small Middle School Broadcast Studio
7:00 pm

ATTENDANCE: Chairman Matt Schaefer, Peter Leavitt, Larry Murch, Elden Lingwood, and Mary Picavet.

MEMBERS ABSENT: Sheila Philpot

STAFF PRESENT: Code Enforcement Officer Chris Hanson and Karen Strout, Administrative Assistant.

1. CALL TO ORDER: At 7:05 pm the meeting was called to order by Chairman Matt Schaefer for the purpose of acting a request from Joseph Jala to reconsider the denial of a request for a set back reduction for his property at 58 Papoose Island Road, referenced by Raymond tax map 68, lot 31. This denial was made February 22, 2010.

2. APPROVAL OF MINUTES:

MOTION: moved by Elden Lingwood and seconded by Larry Murch to accept the minutes dated October 26, 2009 as distributed.
Vote: 5/0; motion carried.

MOTION: moved by Elden Lingwood and seconded by Larry Murch to table the minutes dated February 22, 2010 until there was a quorum of those present at that meeting in attendance.
Vote: 5/0; motion carried.

3. RECONSIDERATION:

Joseph Jala presented a request for reconsideration in a letter dated March 9, 2010. His request for set back reduction in order to construct a two car garage at his property at 58 Papoose Island Road was denied at the February 22, 2010 meeting.

MOTION: moved by Matt Schaefer and seconded by Larry Murch to include a letter dated March 9, 2010 from Mr. Jala as part of the file.
Vote: 5/0; motion carried.

Board discussion: Board member Peter Leavitt initiated a discussion with the Board regarding which should be the controlling ordinance for Mr. Jala's request. It was noted that whenever there was a conflict with the ordinances, the more restrictive controls.

*Per the "Minutes Policy," reviewed and approved August 17, 2010, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

Consensus was that there was a procedure in place for reconsideration.

MOTION: moved by Peter Leavitt and seconded by Elden Lingwood that the standard applied be Land Use Ordinance Article 6 Board of Appeals Section C 5.
Vote: 3/2 (Picavet, Murch); motion carried.

Matt read the language from the ordinances to the board

Public comment:

Mr. Jala elaborated on his reasons for asking for reconsideration. He had different calculations for lot size(included common land), garage size, and percentage of lot coverage. He had contacted Noralee Raymond for information to mitigate runoff

No one spoke in favor of the proposal.

Abutter Jim Kelly, who had attended the February 22nd meeting when this request was heard, repeated his concerns about granting the setback reduction. He added that Mr. Jala could build a one car garage without an appeal.

Board action:

MOTION: moved by Matt Schaefer and seconded by Peter Leavitt that the Board find based on the comments this evening of the abutter most directly affected, that granting the setback reduction would result in an unreasonable interference to the privacy interest of the abutting land owners.

Vote: 4/1; motion carried.

MOTION: moved by Peter Leavitt and seconded by Matt Schaefer to deny Mr. Jala's request for reconsideration of the February 22, 2010 decision based on the fact the we did not determine that there were any essential aspects of the case of February 22, 2010 that were sufficient to warrant a reconsideration. The finding of fact from the February 22, 2010 meeting is that there were issues with the lot coverage, proportional to the size of the lot; there were concerns with the abutter involving issues such as erosion and access; there were concerns with the walling in effect of the lake, and that the decision of the February 22, 2010, be upheld based on the elements reflected in the minutes of February 22, 2010.

Vote: 5/0; motion carried.

MOTION: moved by Matt Schaefer and seconded by Peter Leavitt that the Board finds that there was no injustice done at the February 22, 2010 meeting.

Vote: 5/0; motion carried.

MOTION:Moved by Matt Schaefer and seconded by Elden Lingwood that the Board finds that the reconsideration of the decision of the February 22, 2010 meeting was not warranted.

Vote: 4/1; motion carried.

Chairman Schaefer requested that the motions with the findings be included on the Notice of Decision.

4. CODE OFFICER UPDATE:

Code Officer Chris Hanson gave a brief update of what was going on in his office.

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5. ADJOURNMENT:

MOTION: moved by Peter Leavitt and seconded by Mary Picavet to adjourn at 9:05 pm.

* Meetings are broadcast live on the public access channel and rebroadcast at a later time. Written minutes are an informal record maintained for the convenience of the Public. The DVD is the official legal record of the meeting . Copies may be signed out at the Town Office.

Karen G. Strout

Recording Secretary