

ZONING BOARD OF APPEALS

Public Hearing

MINUTES

Monday, November 27, 2000

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

Call to order. Peter Leavitt called the meeting to order at 7:02 p.m. at the Town Hall.

Consideration of previous Minutes dated October 30, 2000.

MOTION: Aurel Gagne motioned to accept the minutes of October 30, 2000 as written. Seconded by Jim Stephenson.

VOTE: Unanimous.

3. William Coppersmith Map 52 Lot 108 Indian Point Campground

Continuation of a request for an administrative appeal in response to Notice of Violation.

DISCUSSION: Mr. Cooper informed the Board that this agenda item is on hold until Mr. Coppersmith submits documentation.

4. Allen Bauer Map 13 Lot 27B Raymond Hill Road

DISCUSSION: Mr. Cooper informed the Board that the Bauer & Gilman matter is still being negotiated.

5. Scott & Jane Maxwell Map 3 Lot 12 95 Shaw Road

Requesting a variance for an in-law apartment.

DISCUSSION: Tim Symonds, coordinator of the project, was present to represent the Maxwell's. Mr. Symonds explained that the Maxwell's presently have a house with a detached garage and are proposing to finish the upstairs of the garage, add an 8' addition to the first floor of the garage and add a dormer. Mr. Symonds explained that the project would create two bedrooms and one bathroom upstairs and an office space in the 8' addition. Mr. Symonds stated that a mother-in-law would use the apartment.

Mr. Leavitt read a letter from Joseph F. Kern in support of the request dated November 20, 2000.

Mr. Cooper reviewed the issues stating that the garage is a detached structure located 30' from the house and that if it were 40' from the house, the lot could be split.

A discussion followed regarding the septic system. Mr. Symonds stated that Paul Lawrence is designing a system for the house and the new structure that will accommodate six bedrooms.

Mr. Cooper stated that the dwelling (main house) is a non-conforming structure, less than 100' from the high water mark and that the garage is a conforming structure. Mr. Cooper then explained the ordinance requirement. Mr. Cooper also stated that the garage existed prior to the in-law ordinance provision change, which would meet hardship criteria number 4.

Mr. Leavitt discussed the intent of the in-law apartment ordinance requirements and suggested revisiting these requirements.

MOTION: Michael Higgins motioned to grant the variance with the following criteria: 1.) The building will conform with the dimensions described in the application; 2.) the apartment will be used by family members only and not rented to anyone outside the family; 3.) These criteria carry regardless of who owns the property. Seconded by Larry Murch.

DISCUSSION: Mr. Stephenson confirmed that the use will be in perpetuity and that the variance will be recorded in the registry of deeds.

Mr. Leavitt confirmed with Mr. Symonds that the footprint of the garage would be no closer to the water.

6. Other Business.

a.) Mr. Leavitt requested that Mr. Cooper clarify the in-law apartment requirements with the town attorney.

b.) Indian Point – Mr. Cooper stated that 95% of the cases have been taken care of and that the DEP and the town attorney are both happy. Mr. Cooper further explained that a few cases might come back in the spring to either show proof of grandfathering or to move the structures that are in violation.

c.) A site walk was scheduled for 12/10/00.

7. Adjourn.

MOTION: Aurel Gagne motioned to adjourn the meeting. Seconded by Larry Murch.

VOTE: Unanimous.

ADJOURNMENT: Peter Leavitt adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Elisa A. Trepanier

Recording Secretary