

ZONING BOARD OF APPEALS

MINUTES

Monday, September 30, 2002

7:00 P.M. at the Town Office

MEMBERS PRESENT: Michael Higgins, Chairman; Aurel Gagne; and Peter Leavitt

STAFF PRESENT: Jack Cooper, Code Enforcement Officer; Amanda L. Simpson, Assessing/CEO Assistant

M. Higgins called the meeting to order at 7:00 pm.

MOTION: M. Higgins called for a motion to approve the minutes of August 26, 2002. P. Leavitt moved to approve the minutes of August 26, 2002 as written with a second by A. Gagne. Motion carried unanimously.

Hearings:

**1) Map 62, Lot 10 – LRR2
71 Shaws Road
Kevin Shaw Fitzmorris
Setback Reduction from 20' to 10'10" for side boundary**

M. Higgins recognized K. Fitzmorris. K. Fitzmorris briefly explained the proposal. J. Cooper had reviewed the site after construction had begun on the shed and discovered that it was too close to the property line. K. Fitzmorris was not aware that he needed a permit to add to the shed. M. Higgins indicated that he had not visited the site, but was concerned with the continuing wall effect created on waterfront properties by structural additions. K. Fitzmorris explained that the original shed was 18 feet from the property line and the addition brings him to 10'10".

P. Leavitt indicated that he had visited the site and was wondering how the property line was determined. Fitzmorris indicated that the stone wall was collapsing and he had used the center of the wall as the starting point. The Board reviewed with J. Cooper the setback requirements, any part of the structure to the property line. P. Leavitt indicated that he measured 9 feet from the center of the wall to the eve, which would require a variance application. After some discussion M. Higgins called for a motion. No abutters or members of the public were present whom wished to speak. The Board continued to discuss the situation. The eve could be cut off. The shed placement is constrained by the location of the driveway. Again, M. Higgins called for a motion.

MOTION: A. Gagne moved to allow the setback reduction to 10 feet from the center of the stone wall. M. Higgins seconded the motion. Motion failed 0-3.

P. Leavitt stated that he had an issue with the lack of a building permit. If Mr. Fitzmorris had contacted J. Cooper it would have triggered this discussion prior to construction. Fitzmorris inquired what could occur now. The Board directed him to work with J. Cooper to determine another location that would meet the setbacks. K. Fitzmorris expressed his concern with having to remove trees and relocate the driveway.

**2) Map 15, Lot 39 – LRR1
86 Hancock Road
Frank and Donna Curtis
Variance to increase home size beyond 30%**

F. Curtis was recognized by the Chairman and proceeded to explain the history of the property. He is attempting to complete the structure as proposed in a 1977 building permit that was not completed. That permit was misplaced. He assumes that he is still under the original permit. Due to several problems, he has been unable to complete the project.

F. Curtis continued that the building is 75 feet from the water, the required setback in 1977. Now the

setback is 100 feet which requires the variance. He septic would have to be moved across the street and the abutter would force him to buy more land than he needs.

M. Higgins clarified that the variance is for the expansion beyond 30% and inquired what the 30% would provide for an expansion. Discussion continued about the actual amount that would be allowed.

P. Leavitt asked F. Curtis to explain how the deck and dock had been constructed, as they both are located within the setback. J. Cooper confirmed that a permit would be needed for both but had not been obtained. F. Curtis indicated that the "deck" was actually a dock that had not been installed yet. J. Cooper said a permit had not been requested.

M. Higgins reminded the Board and applicant that the hardship criteria must be applied for variances. F. Curtis indicated that one hardship was the cost of moving the septic system. A discussion continued at length to review the current location of the septic relative to the cottage and the ability to move it or reconstruct it on the lot.

There was no public input.

MOTION: P. Leavitt moved that the variance be denied as Point 1 is not met. There is no hardship to allow an increase beyond the 30% as there can be development beyond the 100 foot setback. A. Gagne seconded the motion. Motion passed unanimously.

**3) Map 26, Lot 29 – LRR1
41 Vista Road
Randall & Nancy Ray
Setback Reduction from 20' to 10' for side boundary**

Randall Ray introduced himself and explained the situation around the need for a shed on the property and the necessity of placing it within the setback. They have moved permanently to the site five years ago and were issued a building permit to remodel the cottage. They do not have room for storage and due to the location of the driveway and the grade of the land the only place to place the shed would be within the setback.

M. Higgins indicated he had walked the site and another site within the setbacks was not apparent. He asked if any Board members had questions.

P. Leavitt asked where they were storing the equipment at this point. R. Ray responded that some was under a tarp, some in a neighbors shed and some in the bedroom, which used to be a shed. R. Ray went on to explain that they had exercised a portion of their 30 % expansion on the cottage to add a hallway and a bathroom. They have no intentions of increasing the size of the home as it is restricted by the septic system.

The Board discussed other opportunities to expand the cottage and agreed that there were constraints in all directions. There is a 10 foot setback for structures to the leach field. M. Higgins expressed concern of the "walled-in effect." R. Ray explained that the pine trees between the lake and the location would block the view of the shed from the water. P. Leavitt added that if all small lots continue to add structures the overall effect would be harmful. Discussion continued about other locations.

M. Higgins asked what the setback was on the Hanson side. R. Ray responded about 12 feet. M. Higgins asked what they would do without the shed. R. Ray responded that they would have to store the equipment under a tarp in the back yard. M. Higgins called for a motion.

MOTION: A. Gagne moved to allow the setback reduction from 20 to 10 feet as proposed for the shed. M. Higgins seconded the motion. A. Gagne added that there is no other option for the shed

placement outside the 100' setback requirement. P. Leavitt indicated he would be amenable to the motion if there was a restriction that there be no further structural expansion on the property. R. Ray stated for the record there were no further plans for expansion. A. Gagne and M. Higgins agreed to the addition to the motion. Motion passed unanimously.

OTHER BUSINESS

The Board discussed several violation notices and the need to clarify the language regarding detached in-law apartments.

The Board also discussed the need to vote in officers. The by-laws require a full Board. It was suggested that this be placed on the agenda for the October meeting.

There will be site walk on October 20, 2002.

A. Gagne moved to adjourn the meeting with a second by P. Leavitt. Motion passed unanimously. Meeting adjourned at 8:45 p.m.

Respectfully submitted,
Amanda L. Simpson
Assessing/CEO Assistant