



Appeals Office

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June 26, 2006

BOARD OF APPEALS

7:00 P.M. at the Town Office

MINUTES

Members present: Chairman Matthew Schaefer, Michael Higgins, and Peter Leavitt. Elden Lingwood, Lawrence Murch, and Mary Picavet were absent.

Staff present: John Cooper, Code Enforcement Officer; Karen Strout, Recording Secretary.

Call to order: Chairman Matthew Schaefer called the meeting to order at 7:10 pm.

Election of Officers: This was postponed due to the small number of members in attendance.

Approval of minutes:

Motion: moved by Michael Higgins and seconded by Peter Leavitt to approve the minutes of the May 22, 2006 meeting as presented. Vote 3/0.

The minutes of the June 5th Special meeting were tabled to the July 31st meeting due to a lack of a quorum to vote on the minutes.

Public Hearing:

Map 76, Lot 6

27 Pulpit Rock

Julie & Charles Khuen

Request for a variance to demolish a shed and apply the volume to a proposed addition.

Mr. Khuen was present to speak about the variance request. He stated that they presently have a small camp of approximately 620 square feet and intend to retire there in 10-15 years. He submitted both an application and a plan for the proposed expansion project. There is a shed behind the camp and they would plan to demolish it, if they could use that structure in the 30% expansion calculations.

Code Officer Jack Cooper told the Board that he had no other issues with the expansion other than that the ordinances do not allow a detached structure to be included in the calculations for the 30% expansion. The applicant does not plan to go any closer to the water with his structure. The applicant is here because the DEP requirements state that the applicant must go to the Appeals Board for this approval.

Discussion:

Board member Higgins stated that there is a clear benefit to having one structure rather than multiple ones on a lot. There was considerable discussion by the Board as to whether or not this project should be dealt with as a variance or as an administrative appeal. Consensus was that it would be difficult for an applicant to meet the hardship criteria that a variance requires. It was suggested that a consultation with the Town Attorney, or a change in the ordinances might be necessary to determine how to deal with these requests in the future. Code Officer Cooper suggested that if an ordinance change were made, they should consider limiting the size of the detached structure that could be used in the calculations. Cooper said that if this particular structure had a breeze way or were attached, it would be different. The applicant would not have to come to the Board. Chairman Schaefer stated that he tended to view this application as an administrative appeal. Higgins added that including the shed in the calculations and viewing this as an administrative appeal lent to the conformity and spirit of the ordinance. The other member agreed.

MOTION: moved by Higgins and seconded by Schaefer to grant an administrative appeal to the applicant that would permit the inclusion of the accessory structure (shed) in the square footage and cubic volume calculations for the 30% expansion of the property, as long as the shed is eliminated. Motion carried 3/0.

MOTION: moved by Schaefer and seconded by Leavitt to adjourn at 7:45 pm. Vote was unanimous.

Karen Strout

Board of Appeals Secretary