

ZONING BOARD OF ADJUSTMENT MEETING
OCTOBER 2, 2014

PRESENT: Wendy Freeman, Chairman, David Lage, Stanford Long, Edwin Somero, Marianne Graham (6:55 p.m.), Joanne Meshna

The meeting was called to order at 6:35 p.m. at the Town Office. The meeting time for future meetings will be at 7:00 p.m.

6:35 p.m. Ginger Hill - Submission of an Equitable Waiver of Dimensional Requirement application:

Joanne presented the application to the Board. The application is for lot 3/86, 70 Middle Pratt Pond Road. A septic system was installed on the lot to replace a failed system. The system does not meet the 20 foot setback to the boundary line, and does meet the 10 foot setback required by the State.

David made a motion to accept the application for an Equitable Waiver of Dimensional Requirement. Edwin seconded the motion and it passed unanimously. The public hearing was scheduled for November 6, 2014 at 7:15 p.m.

6:45 p.m. San-Ken Homes, Inc. - Public hearing for an Appeal of an Administrative Decision application:

The Board received an e-mail from Attorney Greg Michael requesting the hearing be continued to November 6. If there is no appeal within 30 days of the San-Ken September 17 Planning Board decision, he plans to withdraw the Zoning Board application and no meeting will be needed.

David made a motion to continue the hearing until November 6, 2014 at 7:45 p.m. Stan seconded the motion and it passed unanimously.

6:45 p.m. John Heywood - Submission of a variance application:

Mr. Henry Kunhardt presented the application to the Board. The variance requested is from Article X, D.4.b.1 and Article XII. A. of the Zoning Ordinance. Mr. Heywood owns lot 12/103 on Old Country Road. The application is for construction of a stream crossing for a driveway, and to permit placement of culvert and headwalls within 20 feet of the side property line.

David made a motion to accept the application as complete. Marianne seconded the motion and it passed unanimously. The public hearing was scheduled for November 6, 2014 at 7:45 p.m.

7:10 p.m. Richard and AnnMarie Nantel - Public hearing for a variance application:

The applicants own lot 13/52, 50 Whittemore Hill Road, a 1.4 acre parcel. They submitted an application for a variance to Article XII.A of the Zoning Ordinance to permit construction of a garage within the side setback to the boundary line.

Mr. Nantal explained they wanted to build a detached garage and eventually attach it to the house with breezeway. The garage will be 24 feet by 30 feet. The front corner of the garage would be 16 feet from the property line and the back corner would be 11 feet. There is no way to access the back yard from the left side of the property and therefore it is necessary to keep some distance between the garage and the side for access. Mr. Nantal had been asked for a new plot plan with measurements which he submitted. Wendy noted the driveway was in violation as it does not meet the side setback. The septic system is in the back of the house. Turning the garage to drive in on an angle would still not meet the side setback.

More dimensions were needed on the plot plan. The Board suggested there may be options for locating the driveway without violating the side setback. A site visit was scheduled for October 25, 2014 at 9:00 a.m.

The Board reviewed the five criteria for granting the variance presented by the applicant:

- 1) The proposed use would not be contrary to the public interest: They are not impeding on any residential property. Nobody will be looking at the side of the garage as the area is completely wooded. It will not be an eyesore to neighbors.
- 2) The use is not contrary to the spirit of the ordinance: There will be no impact to any properties, public roads or access areas.
- 3) Granting the variance would do substantial justice: It would allow the applicant to build the garage adjacent to their home. It is the most convenient location.
- 4) The proposed use would not diminish property values: They are not impeding on any residential property lines as it is town owned land. The garage will add to the applicant's property value.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner: It is the only ideal location for the garage. Otherwise, they would have to put it down towards the road which defeats the purpose of the garage.
 - a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: There is no other location on the property to build the garage unless it was put down the driveway. Wendy asked if the applicant would be willing to re-green the area between the garage and the property line by removing the gravel and putting in grass. Right now the driveway is within a few feet of the rock wall and a driveway is considered a structure and has to be 20 feet from the boundary line. Mr. Nantal responded they would let it go back to mother nature or plant grass.

Stan made a motion to continue the hearing to November 6, 2014 at 8:15 p.m. David seconded the motion and it passed unanimously.

Mr. Nantal was asked to expand upon the map with more measurements. Wendy stated she would like to know the distance from the proposed corner to the old road.

7:40 p.m.:

David made a motion to approve the minutes of the September 4, 2014 meeting. Stan seconded the motion and it passed with one abstention.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Joanne Meshna
Land Use Manager