

MANSOR VARIANCE #1 continued:

Ms. Mansur then went through the criteria:

1. Public interest – it would follow along the current deck which sits 23’ from the edge of Spring St. The finished height would be less than 24” and would not block or affect views of abutters or the general public.
2. Spirit of the Ordinance - It would be in line with an existing concrete retaining wall which follows the foundation wall of the current structure. The overall footprint would not be altered.
3. Substantial Justice - The lawn area that would be covered is currently used for outdoor living. The overall look would be enhanced.
4. Values of Surrounding Properties – It will not change the way the current land is used. The finished height is less than 24” and not impede the views of the neighborhood.

5A1 and 5A2. No fair & substantial relationship exists between the general public purpose of the ordinance and the specific application of that provision and the use is a reasonable one because – The existing structure is within the setback so areas to add enhancements are limited. It will also make use of the concrete wall and will enhance the overall esthetics without impeding views.

5B. Unnecessary Hardship – The current structure is in the SW corner of the lot leaving few options for adding outdoor living space.

Mr. Denton asked why they don’t add the deck in the other direction and Mr. Mansur answered that the lot slopes away there and Ms. Mansur added that it would extend beyond the home. Mr. DeStefano asked where the driveway is and what is in the lot next door. Mr. Mansur stated that it is an empty lot and pointed out the driveway. Ms. Goodwin asked if the access is on the side and was told that it is.

With no other questions from the board, Mr. DeStefano asked the audience for comments for or against and none were expressed. He then closed the public portion of the hearing.

The Board addressed the criteria:

1. R. LaFlamme made a MOTION, second by L. Denton, that criteria 1 has been met. Mr. Denton added that it will square the house and complete it. The motion CARRIED.
2. L. Denton made a MOTION, second by R. LaFlamme, that criteria 2 has been met. Mr. Denton added that the area is being used already and the house is located in the setback. The motion CARRIED.
3. L. Denton made a MOTION, second by A. Dolloff, that criteria 3 has been met. The motion CARRIED.
4. R. LaFlamme made a MOTION, second by L. Denton, that criteria 4 has been met. The motion CARRIED.

MANSUR VARIANCE #1 continued:

5A. L. Denton made a MOTION, second by A. Dolloff, that criteria 5A has been met. Mr. Denton stated that the house is already in the setback and the use goes with it. The motion CARRIED.

5B. R. LaFlamme made a MOTION, second by L. Denton, that criteria 5B has been met. Mr. Denton stated that the location of the house creates the hardship making 2 of the 3 directions also within the setback. The motion CARRIED.

R. LAFLAMME MADE A MOTION, SECOND BY L. DENTON, TO APPROVE 19VAR06 VARIANCE FOR NORMAN AND MELODY MANSUR AS PRESENTED. The motion CARRIED and the Notice of Decision was signed.

19VAR07 VARIANCE: NORMAN & MELODY MANSUR

Ms. Laferriere read the application, abutters notified, where the hearing was advertised, and stated that there were no phone calls, written messages, or Dept. Head comments received.

Mr. Denton asked why the egress is to be on the back where it will be in the setback. Mr. Mansur answered that the back has an open lower level, the front is the ground level. Mr. DeStefano asked where the egress will be coming from and was told the kitchen. Mr. Denton asked if there is a door and Mr. Mansur stated that they will have to put one in. Ms. Mansur added that they want this in case of fire as the only other egress is in the basement garage.

R. LaFlamme made a MOTION, second by L. Denton, that the application is complete. The motion CARRIED.

Ms. Mansur addressed the criteria:

1. Public Interest – It will not affect views for the public. The stairway would be between the house and the neighboring home without impacting any current usage.
2. Spirit of the Ordinance – It will be used as a secondary egress and does not add to the living area.
3. Substantial Justice – The home has a raised foundation on the south side. The primary egress is at grade and located on the north side. This egress would add a secondary egress located in the living area.
4. Values to surrounding properties – It does not affect the views or current use of the surrounding properties.

5A1 and 5A2. No fair & substantial relationship exists between the general public purpose of the ordinance and the specific application of that provision and the use is a reasonable one because – The current second egress is from the basement and not the living area. The new egress would be on the opposite side of the current main egress.

MANSUR VARIANCE #2:

5B. Unnecessary Hardship – The house is in the SW corner of the lot and in the setback which limits the options.

There were no further questions from the Board or comments for or against from the audience. Mr. DeStefano closed the public hearing portion of the Variance.

L. DENTON MADE A MOTION, SECOND BY R. LAFLAMME, K TO HAVE ONE DISCUSSION AND ONE VOTE. The motion CARRIED.

Mr. Denton stated that this is important for safety. There is not much room for it and to place it on the other side of the house would be next to the current egress. Mr. LaFlamme added that going out a window would not be safe.

R. LAFLAMME MADE A MOTION, SECOND BY A. DOLLOFF, TO APPROVE THE 2ND VARIANCE FOR NORMAN AND MELODY MANSUR AS PRESENTED. The motion CARRIED and the Notice of Decision was signed.

Mr. DeStefano reminded the applicants that there is a 30-day appeal period from this date.

19VAR08 VARIANCE: PAUL FLEMMING

The Board looked at the application and R. LaFlamme made a MOTION, second by M. Mansur, THAT THE APPLICATION WAS INCOMPLETE.

Photos were found in the main file and Mr. Flemming had brought elevations with him but the Board had not had time to look at them. Following a discussion, R. LaFlamme made a MOTION, second by L. Denton, to CONTINUE THIS CASE TO SEPTEMBER 3, 2019 AT 6:00PM. The motion CARRIED.

19SPX01 SPECIAL EXCEPTION: DANIEL A STEBBINGS

Ms. Laferriere read the application, the abutters notified, where the hearing was advertised, and stated that she did not receive any calls, written correspondence, or Dept. Head comments.

R. LaFlamme made a MOTION, second by M. Mansur, that the application was complete. The motion CARRIED.

Ms. Mansur questioned why this is needed for 18" where the increased height is still below what is allowed. Mr. DeStefano and Ms. Dolloff explained that, in the Lake District, any increase over 1' must come for a Special Exception due to possibly blocking views.

Mr. Stebbings explained that the original footprint is 18' x 18'. The Association allows 18.2' x 25.2' so they are planning to make it 18' x 25' which will bring the roof up to 18" higher to meet code.

Mr. Stebbings then went over the criteria:

Of adequate size for the use because - The only increase will square of the building footprint.

STEBBINGS SPECIAL EXCEPTION continued:

Will not adversely affect the character of the area – it will be consistent with the other residences that have already been renovated.

No nuisance or serious hazard to vehicles or pedestrians – There will be no changes that would affect either.

The use will not place excessive or undue burden on Town services or facilities – No change in the number of bedrooms or bathrooms or anything else to affect the Town. The cottages are tied to a private septic system.

No significant effect to public health, safety, and general welfare of the neighborhood – There is no change to affect these things.

Mr. Denton verified that he is increasing to what is allowed by the Association and to have a 6-pitch roof as required. Mr. Stebbings agreed. Ms. Mansur asked about any close neighbor and Ms. Dolloff answered that there is no-one behind this cottage.

There were no comments for or against from the public, at this time, so Mr. DeStefano closed the public portion of the hearing.

Mr. Denton repeated that the Association allows this and the 6-pitch roof is required. He suggested that the Board consider this as a one-vote issue.

L. Denton made a MOTION, second by R. LaFlamme, TO VOTE FOR THE ENTIRE APPLICATION ONCE AS HE IS FOLLOWING THE ASSOCIATION ORDINANCE AND THE REQUIREMENTS FOR A NEW ROOF. The motion CARRIED.

R. LAFLAMME MADE A MOTION, SECOND BY A. DOLLOFF, TO APPROVE THE SPECIAL EXCEPTION FOR DANIEL A. STEBBINGS AS PRESENTED. The motion CARRIED.

Mr. DeStefano commented that this was a well thought-out application. Mr. Denton added that he did it with minimum requirements and Mr. DeStefano added that the reason for the Special Exception was so as to not block someone's view.

Mr. DeStefano repeated the 30-day appeal time, signed the Notice of Decision, and thanked Mr. Stebbings for his thorough application.

COMMUNICATIONS: None.

UNFINISHED BUSINESS: None.

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ZBA Minutes
8/6/19

NEW BUSINESS: Mr. DeStefano stated that the Woodland hearing will be next month and the O'Hara's asked if they will be back for it and found that they will. When asked, Mr. O'Hara stated that he spoke with Mr. Cuneo after the last hearing and both are not talking. He mentioned that he will talk with the son. Mrs. O'Hara added that the Cuneo's offered \$12000 for 1 ½ acres of land (the lot behind) and the O'Hara's said no.

Once the public had gone, the Board held a discussion of process. It was determined that we have previously told an applicant what was missing before they left. Things were missing from tonight's file folders, though everything was e-mailed to the Board. The majority of the Board said that they do not have time to read the e-mails and would prefer to pick up the information before a meeting. This will be done and the information will be in the folders the Friday before a meeting.

Ms. Goodwin announced that Jackie Elliott will be a new alternate for the ZBA as well as a full member for Planning and Bruce Beaurivage will be a Planning alternate.

NEXT MEETING: Tuesday, Sept. 3, 2019 at 6:00pm. There will be the two continued cases from tonight. Applicants have until Aug. 9th to apply.

With no other business, R. LaFlamme made a motion, second by M. Mansur, to adjourn at 7:35pm.

Respectfully submitted,
Jan Laferriere,
Land Use Adm. Assistant

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