



Monday, June 25, 2007

**BOARD OF APPEALS
Minutes**

Jordan Small Middle School Broadcast Studio
7:00 pm

Members present: Chairman Matthew Schaefer; Lawrence Murch; Michael Higgins; and Elden Lingwood.

Absent: Mary Picavet and Peter Leavitt.

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

1. Call to order: Chairman Schaefer called the meeting to order at 7:02 pm at the JSMS Broadcast Studio for the purpose of reviewing two applications.

2. Election.

Motion: moved by Larry Murch and seconded by Elden Lingwood to elect Matt Schaefer to serve another term as Chairman.

Vote: 3/0/ 1 abstention

3. Approval of minutes dated April 30, 2007.

Motion: moved by Michael Higgins and seconded by Larry Murch to approve the minutes dated April, 30th, 2007 as distributed.

Vote: 4/0

4. Public Hearings:

a. Map 55, Lot 4 C
1248 Roosevelt Trail

Michael E. & Ruth E. Schmidt

Requesting an Administrative Appeal to retain the residential lot as a separate lot from the commercial lot in order to sell the commercial lot.

Presentation by applicant:

The Schmidts stated they initially had purchased two lots- a commercial lot of 15,064 and a second lot of 2.85 acres. Around the time of purchase, after speaking with the

code officer, they brought the second lot up to three acres in order to build a residence. The properties were deeded as two separate lots, so in the future they could sell the commercial lot and keep the residence. They would like to sell the commercial property, but need the lots to be separate to do this.

Public comment:

Jim Stephenson, a neighbor, spoke in support of their request stating that even though they have a non conforming lot, in no way can this lot be made conforming. The Town per the Ordinances will not allow the commercial district to be enlarged. In Stephenson's opinion the lots should not have been merged.

No one spoke in opposition to the request.

Discussion:

Code Officer Jack Cooper told the Board the lots were merged because they were in the same name, even though they were in separate zones. One lot is commercial and the other is residential; the lots are separated by old route 302. Route 302 was discontinued in that area. Originally the Town did not have minimum lot size for commercial zone; it now has a 20,000 sq.ft. requirement. The business is now on a non conforming lot. In July of 2000 the lots were separated by route 302. If the State had not discontinued the road, and Town had not set minimum standards for the commercial district there would not be a problem.

Comments from the Board:

Consensus from the Board was that things were changed after the Schmidts bought the property. Ordinances got changed, and a portion of route 302 was discontinued.

Motion: a motion was made by Michael Higgins, seconded by Larry Murch to grant this Administrative Appeal.

Jim Stephenson added that the actions of State and Town created this situation. This was truly not act of applicant and would meet the hardship criteria. The members agreed that the application would meet the hardship requirement, if applicable.

Vote: 4/0 to approve the appeal.
7:31 pm.

b. Map 15, Lot 37 LRR1
82 Hancock Road
Charles & Susan Cahoon
Requesting an 8' (eight foot) southerly side set back reduction in order to build a new garage. This setback will be reduced to 12' from the 20' required by the LUO.

Presentation by applicant:

The Cahoons were requesting an eight foot southerly side set back reduction in order to build a new garage. They stated that this was the only location to fit the garage without blocking the view from the neighbors or the house. They added that they had put a temporary garage on their back lot, but with little success. He further stated that he planned to give the backlot to his children and did not want to build on it.

Discussion:

Board member Higgins expressed concerns about a “walling in” affect that a garage might pose and asked when the house had been constructed. The applicant responded that the house had been built about five years ago and they wanted to build a garage to match. Higgins also asked CEO Cooper if there were any other area on the lot that the garage could be located to meet the set back requirements. Cooper responded that the garage could be located in another area.

Public comment:

Abutter Ellen Jensen Bartlett spoke in opposition to the garage. She read an email from Miriam Jensen of 80 Hancock Road stating her opposition, as well, to the building of a garage referencing privacy, septic, and water concerns. A copy of the email is part of the files.

No one spoke in favor of the request.

Comments from the Board:

Chairman Schaefer stated that one of the issues he was concerned with was the “walling in” effect especially at the shore. He would like to see it sited in a way that was less nonconforming.

Motion: Mike Higgins moved, seconded by Larry Murch to deny the request for the set back reduction.

Vote: 4/0 to deny the request.

5. Other Business:

Site walks – After some discussion it was agreed that future site walks would be held on a Saturday at 9:00 am. The next site walk to be held on Saturday July 21st at 9:00 am.

6. Adjournment.

Motion: Elden Lingwood moved and Larry Murch seconded a motion to adjourn at 8:00 pm.

Karen G. Strout

Recording Secretary