

**ZONING BOARD OF APPEALS
MEETING MINUTES
July 31, 2019
25 Lake View Drive**

Members Present: Jim Reinke, Chair; Jim Buckley, Vice Chair; Vaughn Hathaway

Members Absent: N/A

Alternate Members Present: Richard Johnston

Staff Present: Michelle Buck, Town Planner; Maureen Schur, Department Assistant

The meeting was called to order at 7:30PM.

Approval of Minutes: 6/26/2019

MOTION: Mr. Hathaway moved to approve the minutes.

SECOND: Mr. Johnston

DISCUSSION: Mr. Hathaway noted the satellite parking for Cultivate is not a mile down the road. Mr. Buckley agreed. Mr. Reinke explained he thought Mr. Hill was speaking figuratively.

VOTE: All in favor

Approval of minutes: 7/10/2019

MOTION: Mr. Johnston moved to approve the minutes.

SECOND: Mr. Buckley

DISCUSSION: None

VOTE: All in favor

Public Hearing, 25 Lake View Drive, Special Permit and Variance

Mr. Reinke opened the hearing at 7:34PM and provided an overview of the hearing process.

Voting members for this application are as follows: Vaughn Hathaway, Jim Buckley, Richard Johnston, and Jim Reinke.

Jim Buckley read the hearing notice and application for the record. In summary, the applicant is proposing an addition to existing non-conforming structure (single-family home) in the Suburban Agriculture zoning district. This requires a special permit under Section 1.4.02 to extend a non-conformity, and a variance from the front setback requirement contained in Section 4.2 (40' front setback required; 16.1' proposed).

Mr. Reinke opened the hearing up to the petitioner.

Ms. Cooney gave an overview of the application. She explained she and her husband have owned a home at 43 Manville Street for 40 year and it has been her dream to live on the lake, downsize, and retire there. She stated the house located at 25 Lake View Drive was built in 1940; it is very small and not handicapped-accessible. She told the Board she and her husband bought the property from the Keyes family. Ms. Cooney explained the need to make the home accessible to accommodate friends, family and some of her disabled clients. There is a need for an attached garage in order to have the ramp into the house due to the slope of the land. The Cooney's own land on both sides of Lake View Drive (on the water and across the street). She stated the

covered front porch/door area does not follow the front plane of the existing home. Jay Gallant, engineer for the proposal, explained the original plan that Mr. Keyes gave to the Cooneys was for a much smaller addition and for a garage across the street. Mr. Gallant explained there is plenty of land to make this addition work. The house is located on a private road. He explained there is a small deck on the home that will be removed in order to build the addition. Mr. Gallant stated the existing front door would be moved and it would stick out 6 feet from the front of the house. He maintains that moving the front door is necessary to make entering the home more comfortable. Ms. Cooney explained there is a paved area near the entrance where parking can be located. She wants to take advantage of the property and the views as well as maintain the integrity of the original house. A deck will be added to the back of the house that will run parallel to the road as the topography of the land makes a ramp running in the other direction too steep.

Mr. Reinke asked if the Board had any questions.

Mr. Johnston stated the major difference in this plan and the one Mr. Keyes originally planned is that the garage will be attached and not across the street. He also commented that the septic would be moved across the street and that the applicants are just trying to update the property. Ms. Cooney stated in moving the septic across the street it will be further away from the water.

The Board had a brief discussion as to whether a Variance from the front setback was in fact needed for this project (since the applicants own both sides of a private road) and it was decided it was needed (front setback from front lot line still applies).

Mr. Hathaway stated he was glad to see the proposed septic and leach field was being moved. Ms. Cooney stated they would be taking down as few trees as possible. Mr. Hathaway cautioned not to leave too many as they do not want to have problems with tree roots.

Mr. Reinke explained to Ms. Cooney a Variance is hard to get and there is a need to prove a hardship.

Mr. Buckley asked if the proposed covered porch was necessary as this is not going to be used for an accessible entrance to the home. He asked if the front door could be located in a different spot. Mr. Gallant explained that due to the topography of the land it wasn't possible to relocate the main entrance, as every home needs a front door. He went on to explain the location of the front door is integral to accommodating the living space inside. Ms. Cooney explained the hallways and doorways in the home would need to be wider due to the handicap accessibility. Mr. Buckley asked if the front door was relocated could it overcome the slope of the land and Mr. Gallant responded no.

MOTION: Mr. Buckley moved to approve the Variance for the addition to a non-conforming house in the front setback.

SECOND: Mr. Johnston

DISCUSSION: None.

VOTE: All in favor.

Findings of Facts:

Mr. Buckley voted in favor as it met the criteria for hardship and is not detrimental to the surrounding area

Mr. Johnston voted in favor as hardship was proven and it is not a detriment to the surrounding area.

Mr. Hathaway voted in favor as hardship is demonstrated in terms of topography and handicap accessibility.

Mr. Reinke voted in favor based on hardship of the topography and that the project is in harmony with the neighborhood and is not detrimental.

Mr. Reinke asked for a motion on the Special Permit

MOTION: Mr. Buckley moved to approve the Special Permit for 25 Lake View Dr. addition to non-conforming house as the proposal is in harmony with the purpose and intent of the Zoning Bylaw.

SEOND: Mr. Johnston

DISCUSSION: None

VOTE: All in favor

Mr. Reinke explained the post-hearing and appeals process to the applicant.

MOTION: Mr. Buckley moved to close the hearing.

SECOND: Mr. Johnston. Discussion: None.

VOTE: All in favor.

Applicants for ZBA Vacancies

The Board asked about the two applicants referenced in the meeting packet (Katherine Flynn and Christopher Reiley). Ms. Schur told the Board she emailed both applicants with the date and time of the meeting and that neither applicant had responded to her email. Ms. Buck noted that Select Board would like communication regarding any potential appointments. There was a brief discussion as to whether the applicants may have had a conflict with the meeting date/time. Therefore, Mr. Reinke asked if they could be contacted again with information for the next meeting date (8/7/2019). Ms. Schur stated she would email both applicants in the morning.

Planning Board Applications for Comment

Ms. Buck told the Board members that the Planning Board had received 2 new applications: site plan review application for 103 Marshall St. Pyramids Disc Golf Course (construction of a 4,000s.f. pro shop), and special permit application for Smuggler's Cove, an Open Space Residential Development (OSRD) proposed by Matt Schold.

Board members briefly discussed the criteria for Site Plan approval and OSRD developments.

Mr. Reinke briefly looked at the information on both proposed projects and asked Ms. Buck if the plans were online. Ms. Buck stated they were.

MOTION: Mr. Johnston moved to adjourn the meeting.

SECOND: Mr. Buckley

VOTE: All in favor
The meeting adjourned at 8:15PM.

Respectfully submitted,
Maureen Schur, Department Assistant

Documents included in meeting packet or otherwise sent to ZBA in advance of the meeting:

- Zoning Board of Appeals Agenda 7/31/2019
- Email from Kristen Forsberg
- Public Hearing Notice
- Application materials for volunteer for ZBA vacancies
- Minutes dated 6/26/2019 and 7/10/2019

Documents submitted at meeting:

- none