

June 15, 2006

Present: Edmund White, Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts

Alternates: Georgia Middlebrook

Guests: Tim Lee, Peter Arnold, William & Jeanne Byrne, Joline Ensign

Edmund White, Chairman called the meeting to order at 7:30pm and read the legal notice for today's meeting.

PUBLIC HEARING

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0613 Request of Foothills Group, 55 West Shore Road, petition for Special Exception for expansion of nonconforming dwellings to renovate existing buildings. Tim Lee and Peter Arnold were present to represent their application. Certified mail notice was sent out to 7 properties owners on June 1, 2006, 5 cards were returned. The unreturned cards were for the Lecher and Adams properties. Mr. Lee and Mr. Arnold bought the property as an investment but may end up keeping it as a summer place. The applicants submitted a letter amending their plans for the garage; they have decided not to add a second story. They will reroof the garage going from a 6' pitch to an 8' pitch and adding a cupola, total height approx. 17 1/2 '. The property is located off of Tinker Hill Road with 10' of road frontage on West Shore Road. It is a one acre parcel which has a right-of-way off of Tinker Hill Road. Mr. Lee believes the original house was built in 1901 and was part of the "old Casino property". He went on to describe the house as being in disrepair and in need of remodeling and updating. They would like to bring it up to today's standards and codes. Mr. Lee went on to state that they are proposing a second story to include a bedroom, study and bath, the first floor will have 2 bedrooms. The applicants presented a photo board showing the existing structures. Mr. Sedito asked which part of the house was historically 1901, it was thought that 1/2 of the existing structure dated back to 1901. Mr. Lee noted that the existing structures are preexisting nonconforming and do not meet any setback requirements. Mr. Lee went on to state that other properties in the area are being rebuilt. Mr. Sedito asked if there was a historical significance to the structure. Ms. Roberts read a letter dated June 11, 2006 submitted by William and Jeanne Byrne neighboring property owners expressing concerns with the expansion plans. Mr. and Mrs. Byrne were present. Mr. Byrne stated that the property was a summer home until 15 years ago when it became a permanent residence. Mr. Byrne went on to explain an existing easement which allows 7 properties spring access, 6 of these 7 properties have their own wells now. Mr. Byrne stated that the right-of-way off of Tinker Hill Road doesn't get much use, Mr. Byrne accesses his property off of Tinker Hill Road, and the applicant is the only one to use it year around. The applicant's purchased the property in May of 2006. Mr. Arnold submitted lot coverage calculations showing existing coverage being 5891 sq. ft. and the allowable lot coverage as 6449 sq. ft. they will not be increasing lot coverage. Mr. White asked if the applicant's had looked at other options, such as redesigning to make the structure lower. Mr. Lee stated that it was topographically tough because of ledge and added that they are not increasing the footprint of what exists. There was much discussion about the increased height for the second story. Photographs were submitted showing the view which exists from the Byrne's porch toward the lake, over the applicant's existing structure. Mr. White asked for comments or questions from the public. Mr. Byrne addressed ZBA members by saying that he wasn't against the increase only concerned that the proposed does not impact his property. Mr. White addressed the applicants by saying that members are careful to listen to neighbors input on applications, this application makes dramatic changes, and members agreed that a site visit is required. Several members had tried to do a sight visit but could not locate the property, the applicants gave directions. Mr. White went on to say that they need clarification on the age of the structure and members agreed that they are struggling with whether this should be a special exception or

a variance.

MOTION: to continue ZBA-0613 request of Foothills Group, 55 West Shore Road, petition for Special Exception for expansion of nonconforming dwellings to renovate existing buildings was made by Ms. Roberts, seconded by Mr. Snook by a 4-1 vote.

Mr. White, Ms. Leab, Mr. Snook, Ms. Roberts voted to continue.

Mr. Sedito voted not to continue.

PUBLIC HEARING

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0614 Request of Joline A. Ensign, 106 Bee Brook Road, petition for Special Exception for expansion of nonconforming dwelling to renovate existing dwelling. Joline Ensign was present to represent her application. Certified mail notice was sent out on June 6, 2006 to five property owners and all cards were returned. Ms. Ensign went over the proposed changes to the existing structure which included adding a second story, replacing the front porch with a smaller covered entry way and changing the side entry to the back of the structure. Ms. Ensign stated that she had already removed the front overhang and has started reroofing and residing of the garage. The parcel is .45 acre. Ms. Ensign located the well on the south side of the garage and the septic on the north side of the house. Ms. Ensign went on to state that Brian Neff has located a reserve septic area in front of the house. The existing house was built in 1957. Ms. Ensign explained that adding the second story will add approx. 10' of height to the structure and that at present the garage is 10'. Mr. White asked if she had thought about other options. Ms. Ensign felt that with other houses in the area being two stories it made sense to go up and use less land. Mr. Snook read from Section 17.5 of the Zoning Regulations noting that the proposed changes promote moderate income households and is in keeping in line with the neighborhood. It was clarified that the structures maximum height would not exceed 26' from grade, the existing footprint will remain the same (22' x 36 1/2 '), a covered entry way will be created in the front and the side entry will be removed and relocated to the rear.

MOTION: to close ZBA-0614 request of Joline A. Ensign, 106 Bee Brook Road, petition for Special Exception for expansion of nonconforming dwelling to renovate existing dwelling was made by Mr. Sedito, seconded by Mr. Snook, by a 5-0 vote.

MEETING

Ms. Leab felt this request was reasonable and keeping with what exists in the neighborhood. Mr. Snook has no objections with granting this special exception because it promotes moderate income housing. Mr. Sedito agrees, it is a moderately priced home and the mass is consistent with what is in the neighborhood. Ms. Roberts is in agreement also, the proposed is an improvement and will remain within the same footprint. Mr. White agrees.

MOTION: to approve ZBA-0614 request of Joline A. Ensign, 106 Bee Brook Road, petition for Special Exception for expansion of nonconforming dwelling to renovate existing dwelling, per floor plans labeled Exhibit A with a maximum height of 26' from grade, by a 5-0 vote.

MOTION: to approve the minutes of the May 11, 2006 meeting of the Zoning Board of Appeals as submitted was made by Mr. Sedito seconded by Ms. Leab by a 5-0 vote.

Other Business/Discretion of the Chair

Members briefly discussed the proposed Zoning Regulation changes. Several ZBA members attended and voiced their concerns at the May 22nd public hearing of the Zoning Commission. There are changes being made to the draft of proposed zoning regulations, the secretary will email members the latest draft when it is available.

The June 15, 2006 Zoning Board of Appeals meeting was adjourned at 8:55pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary