

Present: John Deleire, Chairman; Frank Perry, Vice Chairman; Larry Job, David French, Members; Patricia Young, Alternate; Mark Sikorski, Building Inspector; Susan Ayer, Secretary
Absent: Steve Bryant, Peter Robart

The Chairman named P. Young a voting member of the Board for this meeting, in the absence of S. Bryant.

AVESTA HOUSING

Mike Garrepy of Tuck Realty was present as a representative of Avesta Housing, to address questions that had arisen over the language of Condition #4 to the approval of Avesta's application (Case # 15-03) for a zoning variance. Mr. Garrepy was recognized out of order due to time constraints.

Asked about his interpretation of the condition, M. Garrepy noted that it is worded, "Three buildings are to be constructed over a 3- year period with approximately twelve months between completions of each building." He said that this could be interpreted in two ways, and he wants to be sure the Town and Avesta are on the same page as to the intent. He said Avesta's expectation was that it would get a permit for the first building, and then could not begin the next building until at least a year later, quite possibly longer. He said that he felt the Town's intent in the condition was to avoid having all the construction done at once, but that the language might be interpreted to mean all three buildings need to be finished within a three year window, which is not feasible. Given the manner in which funding is secured for this type of project, it could be up to 6 years before all three buildings are completed.

F. Perry said that what he tried to encapsulate in Condition #4 was that the project should be staged, or staggered, to avoid a massive amount of construction taking place at once. The intent was not to impose a 3-year restriction on finishing all construction.

J. Deleire said that this clarification will be put in a letter to Avesta, including a statement that there will be at least one year between the construction of buildings.

D. French asked if the first building would need to be occupied before starting another, and M. Garrepy said yes, that the second building could be delayed in the financing process if the first was under 50% occupied.

There was a discussion about different aspects of the process, including that much of the site work will be done during Phase 1.

M. Garrepy said that considerable time is being spent on the layout of the campus, and that he is certain there is sufficient demand for the housing that will be offered.

Case #15-05: Application from Michelle Lozuaway and Joshua Lanahan, for variance to the terms of Article III, Section 7.2.1.2 (accessory dwelling unit), to permit use of 960 square feet of structure attached to a primary dwelling as an accessory dwelling, for property located at 49 Sanborn Road (Map 6, Lot 10).

Applicant Michelle Lozuaway addressed the Board and described her property and buildings. The property is part of the old Sanborn farm, with conservation land abutting it. The primary dwelling has a kitchen built in the 1970's attached to it, then a breezeway, then an antique (early 1800's) barn that was moved from Rye in the 1980's, all attached.

The goal of the project is to make livable space for family only in the upstairs of the barn. The applicants also hope to have the extra space for their own use while renovating the kitchen in the house.

M. Luozaway said that the Building Inspector has no problem with the project. M. Sikorski concurred, saying the applicants already have a building permit for the first floor of the barn, but he knew that a permit would be needed to do the upstairs as it would go over the allowed square footage. He said the only way to get upstairs is through the downstairs of the barn.

Asked by F. Perry about possible building code issues, M. Sikorski said the only thing needed is an egress window. M. Luozaway said she has already talked to a window contractor.

F. Perry said that there will be no visible change as far as the neighborhood is concerned. The egress window would be at the back of the building.

Asked if the septic system is sufficient for the proposed changes in living space, M. Lozuaway answered that she already has an approved septic design.

J. Deleire asked the applicant to go through the 5 criteria and address each one.

M. Lozuaway read from her application in which she had addressed the criteria, and summarized:

1. The Variance will not be contrary to public interest: It will have no impact on the public at large; she does not think anyone will even know changes were made.
2. The spirit of the Ordinance is observed: The purpose of the accessory dwelling ordinance is to expand housing opportunities and flexibility in household arrangement, and this is precisely the intent for the structure.
3. Substantial Justice shall be done: Allowing the applicants to use the full 960 square feet of the attached structure gives them the opportunity and flexibility of their household arrangement without impinging on the rights of others or expanding the footprint of the structure.
4. The values of surrounding properties are not diminished: There is no external alteration to the house, and part of the reason for the request is to improve the main structure of the house. If anything, this will improve values.
5. Literal enforcement of the provision would result in an unnecessary hardship:
 - Special conditions exist such that literal enforcement of the ordinance would grossly limit use and enjoyment of the structure.
 - The proposed use is reasonable; the applicants are not asking to increase the size of the building. The downstairs apartment is very small.

P. Young said that the Article and Section are written as Section VII, Article 2.1.2 and that it should read Article III, Section 7.2.1.2.

J. Deleire said that it is clear what the issue is and the Board can work around a clerical error.

M. Sikorski said that Ms. Lozuaway and her husband have been very forthcoming; he said the work will only complement the property and there is no other use for the upstairs of the barn but storage. There is no room for a bed downstairs as it is, and there is no way to get to the upstairs other than from the downstairs of the barn.

D. French asked about the possibility of a breezeway, but M. Sikorski said that would mean structural changes that would be detrimental to the house.

D. French then noted that the Heritage Commission would be very interested in getting documentation on the barn. Antiques inside would be of interest to the Historical Society.

Jack Gendron of Frying Pan Lane introduced himself as an abutter and said he has no problem at all with the proposal.

P. Young questioned why the ordinance was changed to begin with, and F. Perry said that it had to do with the aesthetics of the community, not wanting a large house with no proportion, and therefore the 1/3 (of total assessed living space) maximum.

MOTION: To permit use of 960 square foot of accessory dwelling space attached to a primary dwelling, with the understanding that the correct citation is Article III, Section 7.2.1.2, for the reasons that it will not be contrary to public interest; the spirit of the Ordinance is observed; Substantial Justice is done and it would be, on balance, unjust to restrict; values of surrounding properties will not be diminished; special conditions exist as the entire structure already exists, and the proposed use is reasonable.

MOTION: F. Perry

SECOND: D. French

UNANIMOUS

MOTION: To approve the minutes of July 16; a letter will be written to clarify the conditions of approval for Case #15-03

MOTION: J. Deleire

SECOND: F. Perry

UNANIMOUS

MOTION: To approve the minutes of April 23 as written

MOTION: D. French

SECOND: P. Young

UNANIMOUS

MOTION: To approve the minutes of May 28 as written

MOTION: J. Deleire

SECOND: F. Perry

UNANIMOUS

MOTION: To approve the minutes of June 25 as written

MOTION: J. Deleire

SECOND: P. Young

UNANIMOUS

MOTION: To adjourn, at 7:38 PM.

MOTION: J. Deleire

SECOND: F. Perry

UNANIMOUS

ZONING BOARD OF ADJUSTMENT
AUGUST 27, 2015

draft

7:00 PM
TOWN HALL