

**Town of Sandown
Zoning Board of Adjustment
Minutes 4/30/15**

- Meeting Date:** April 30, 2015
- Type of Meeting:** Public Hearing
- Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office, Sandown Website, *Tri-Town Times*
- Meeting Location:** Sandown Town Hall
- Members present:** Vice Chairman - Christopher True, Dave Ardolino, Brian St. Amand, Chris Longchamps - Alternate
- Members absent:** Chairman - Steve Meisner, Curt Sweet, Donna Green – Alternate, Tom Tombarello – Selectmen’s Liaison

Opening: Mr. True opened the meeting at 7:00 p.m.

Case #01 – M3 L10 – The property is located at 142 Main Street and identified on Map 3 Lot 10. An application submitted by Thomas and Jessica Sawyer requesting a special exception to permit an accessory apartment.

Mr. True made Mr. Lavelle aware that there was not a full board and he had the right to postpone until there could be a five member board. Mr. Lavelle wanted to proceed.

Mr. Tim Lavelle presented the application. The home is an existing five bedroom home. They are proposing to add a 28x40 one-story addition that would house a one-bedroom apartment. The septic system was approved by the state and the town. The case is slightly different in that the septic system is just for the apartment so it will need to be installed. They had a difficult time getting the plumbing from the home to utilize the existing septic system. The addition will be on the back of the dwelling so the home will still have the appearance of a single-family home. The footprint of the apartment is smaller than the existing structure. The existing well is far enough away from the septic and will be used for both. There is plenty of off-street parking. It has a circular driveway and has an existing pad for additional parking. There is probably parking for 6 or more vehicles.

Mr. Lavelle read the criteria from the application.

1. The building will have the appearance of a single-family dwelling
2. The structure (dwelling) is presently a single-family use
3. The existing structure is 1,200 sq. ft and the proposed apartment is 1,065 sq. ft.
4. The existing dwelling is and will continue to be occupied by Thomas and Jessica Sawyer
5. Off-street parking areas greatly exceed four spaces
6. The structure will not be converted to condos
7. A new septic for the apartment will be installed; floor plans provided
8. Separate control for heat and electric will be provided for each unit

- 47 9. Construction will not begin without a building permit
48 10. No one will occupy the apartment prior to an occupancy permit
49 11. Any future owner will comply to the previous conditions
50

51 Mr. True opened up to the public. There was no public comment.
52

53 Mr. True closed the hearing to the public and the applicant.
54

55 **MOTION:** Mr. St. Amand made a motion to approve Case #01 – M3 L10 for the
56 property located at 142 Main Street and identified on Map 3 Lot 10. An application
57 submitted by Thomas and Jessica Sawyer requesting a special exception to permit an
58 accessory apartment. Mr. Ardolino seconded the motion. The board voted unanimously in
59 favor. The motion passed. 4-0-0.
60

61 Mr. True noted for the applicant that there was a 30-day appeals timeframe.
62

63 **Case #02 – M5 L7-6, 7-6-1, 7-6-2 – The property is located at 58 Tenney Road and**
64 **identified on Map 5 Lots 7-6, 7-6-1, 7-6-2. An application submitted by Robert**
65 **Loranger and Michael Maroney Trustee requesting a variance from Article II, Part**
66 **B, Section 3B to permit two lots each having 100’ of frontage where 200’ is required.**
67

68 Mr. True made Mr. Lavelle aware that there was not a full board and he had the right to
69 postpone until there could be a five member board. Mr. Lavelle wanted to proceed.
70

71 Mr. Lavelle presented the application Mr. Lavelle noted this was a confusing application
72 and explained the history of the project. He noted it is an approved three-lot subdivision
73 with a road – Maria Lane. Maria Lane has not been constructed. They are proposing to
74 eliminate one of the lots and the road. One of the lots is owned by Mr. Genest and already
75 has a home constructed on it. Mr. Genest would pick up some additional property,
76 essentially acquiring the front lot so he can gain road frontage for his lot.
77

78 Mr. True questioned why they were proposing the change. Mr. Lavelle noted they were
79 trying to avoid building the road. The proposal would mean that the town wouldn’t need
80 to maintain Maria Lane. They would have a shared driveway, so there would only be one
81 driveway on Tenney Road.
82

83 Mr. True opened the meeting up to the public.
84

85 *Richard & Season McIver, 72 Tenney Road.*

86 The McIvers are abutters. Ms. McIver was told when they recently purchased their home
87 that there wouldn’t be a home back there because it was wetlands. They would be very
88 unhappy to see a home go in back there. They were told by the realtor that there were two
89 attempts to build back there and they failed because it was too wet.
90

91 Mr. Lavelle noted the criteria for mapping wetlands is exactly the same as when the
92 subdivision was approved. The soils have been mapped and test pits have been done. The

93 plans would still need to go through the Planning Board for review to make sure they are
94 buildable, but he does not see any issues with the proposed lot. The wetlands are actually
95 on Mr. Genest's property.

96

97 *Doug Martin, 5 Tenney Farm Road*

98 Mr. Martin abuts the property from the back. He also wanted to disclose that he is a
99 member of the Planning Board. He has some information that he would like to share with
100 the board.

101

102 Mr. Martin gave a brief history of the project.

103

104 Mr. Martin feels the request won't be uniform with the established neighborhood and the
105 shared driveway would not have the proper safe site line.

106

107 There is no hardship. Mr. Maroney fought hard to get the three-lot subdivision. The
108 market changed and he is trying to get out of the deal cheap by just putting in a shared
109 driveway and get out of building the road. There was off-site work done to Tenney Road
110 that the applicant was to complete but never did. In turn, the town completed the road
111 work and should be reimbursed by the applicant.

112

113 Mr. Martin added that changing the lots will cause a title issue with Mr. Genest's home.
114 It will change the underwriting conditions and may cause the property to be undesirable
115 on the secondary market and could have significant impact on the value. He feels the
116 request should have approval from the banks and the town attorney should review the
117 application so there is not liability to the town for damage to the value of the home.

118

119 Mr. Lavelle noted that the banks are involved and informed and any real estate transfers
120 created will have to be released and accepted by the bank. They are fully aware of the
121 legal ramifications. Mr. Genest is willing to do this. If he has any issues with
122 marketability, he has to take them up with his bank. The mortgage will need to be re-
123 written, it's simply a title issue which happens all the time.

124

125 They are trying to create two larger lots instead of a road.

126

127 Mr. Martin thinks it will create more than just a lot line adjustment and asked the board to
128 vote against the request.

129

130 Mr. True noted that the board is not here to decide whether the property value will be
131 lowered since Mr. Genest is agreeable to the situation.

132

133 Mr. Lavelle noted that the lot behind the McIvers will actually be larger, so there will be
134 a bigger building envelope and more space between their property and the new home.

135

136 Mr. True had Mr. Lavelle read the variance questions and realized the final question had
137 not been answered on the application. Mr. True noted the hearing would need to be
138 continued until the following month so the application could be completed.

139

140 The hearing for M5 L7-6, 7-6-1, 7-6-2 – 58 Tenney Road will be postponed to May 28,
141 2015 at 7:00 p.m.

142

143 Review of Applications**144 M22 L24, 31 Elizabeth Road submitted by 1378 Realty LLC**

145 Mr. St. Amand and Mr. Ardolino reviewed the abutters list. There were envelopes and
146 postage for all the letters. The application fee had been paid. The application was
147 complete.

148

149 Mr. Lavelle explained the situation. He noted the house is a tear down and will be rebuilt
150 with an accessory apartment. The apartment will likely go in the existing garage. The
151 owner may not actually build the apartment but wants the approvals.

152

153 **MOTION:** Mr. St. Amand made a motion to accept the application for M22 L24 for the
154 property located at 31 Elizabeth Road. The application was submitted by 1378 Realty
155 LLC requesting a special exception to permit an accessory apartment. Mr. Ardolino
156 seconded the motion. The board voted unanimously in favor. The motion passed.

157

158 M27 L18, 49 Trues Parkway submitted by William Dow

159 Mr. St. Amand and Mr. Ardolino reviewed the abutters list. There were envelopes and
160 postage for all the letters. The application fee had been paid. The application was
161 complete.

162

163 **MOTION:** Mr. Longchamps made a motion to accept the application for M27 L18 for
164 the property located at 49 Trues Parkway. The application was submitted by William
165 Dow requesting a variance from Article II, Section 3.C.1 to permit the use of a lot having
166 less than 20,000 sq. ft for year-round use. Mr. Ardolino seconded the motion. The board
167 voted unanimously in favor. The motion passed.

168

169 Review of the 3/26/15 Minutes

170 L 125 change Tenny to Tenney

171 **MOTION:** Mr. St. Amand made a motion to accept the 3/26/15 minutes as amended. Mr.
172 Ardolino seconded the motion. All members voted in favor. The motion passed.

173

174 **MOTION:** Mr. Ardolino made a motion to adjourn. Mr. St. Amand seconded the motion.
175 All members voted in favor. The motion passed. Meeting adjourned at approximately
176 8:33 p.m.

177

178 Respectfully Submitted,



179

180 Andrea Cairns