

## **ZBA Minutes Meeting of December 12, 2007** – Anctil/Kinnear

Members Present: Robert Cadle, Chase Duffy, Jay Prager, Alison Manugian, Megan Mahony

Chairman Cadle convened the Anctil/Kinnear hearing by reading the legal notice.

Atty. Anctil, agent for Kinnear, said that his client bought the property years ago and it is in a general state of disrepair. He said that his client is an avid barefoot water skier who competes statewide and thus hasn't needed his house much for the past several years. He noted that the property is located on Ridgewood Ave, which is a peninsula that separates Lost Lake from Knops Pond and has a narrow roadway. He said that there are a number of houses (6 to 8) leading to the end of the property, where the Fletchers live, along with two other families. He said that the only change in dimensions is to square off the dwelling to line up with the road. He said that currently the front setback is 4.7 feet on one side and 8.2 feet on the other side and the new setback will be 4.7 feet on both sides. He said that he thinks the vast majority of homes are set about 5 feet from the roadway because the distance between the two ponds is 50 feet total and they have been built as close to the road as possible. He stressed that the new dwelling will be no closer to the street than the closest existing point, and some of the lower level space will be freed up for living space. He said that his client has approval for a septic system with the ejector pump located on the other side of the road which is a parcel also owned by Mr. Kinnear. He said that there is a two bedroom deed restriction (the existing dwelling is currently two bedroom) and looks like a ranch type home which will remain essentially the same in design.

Chairman Cadle asked whether they are planning on a complete teardown.

Atty. Anctil said that they will leave one wall up if necessary but would prefer not to.

Mr. Prager said that it would be hard to keep one wall with the design changes, noting that the new design is bigger.

Atty. Anctil said that they are making up for space by straightening the Point C corner on the Plan and making it a little closer to the road.

Chairman Cadle asked whether it is used infrequently now.

Atty. Anctil said yes but noted that the dwelling has heat and could be used year round. He said that he wanted to alleviate doubts and thus is asking for a seasonal conversion as well.

Chairman Cadle said that it does look like a ranch from the road but it is hard to tell what is underneath and facing the lake. He said that he wants to know what is there now and what will be there after rebuild.

Mr. Kinnear said that it is a super steep hill and the back of the house is filled in with latticework making it look like two separate structures. He said that there is not any living space underneath currently.

Atty. Anctil said that they are not adding any bedrooms but that they did get permission from the BOH to slightly increase the living space. He noted that it is an open floor plan with one bedroom downstairs.

Chairman Cadle asked for a copy of the floor plan and the septic system permit.

Atty. Anctil said that he doesn't have the floor plan but does have the BOH approval. He also provided copies of the deed restriction regarding the bedroom count.

Mr. Prager asked whether the height of the building is changing.

Mr. Kinnear said yes said that it would be increasing slightly.

Atty. Anctil said that he is unsure of the exact measurements but knows that he doesn't need a height variance.

Discussion ensued regarding whether the existing structure complies with the height requirement and whether the new complies as a three story ranch. There was also discussion of the floor plan as such.

Chairman Cadle asked whether the septic needed to be pumped from lake level to a higher level across street.

Atty. Anctil said that it did.

Chairman Cadle also noted the requirement that seasonal conversions need a BOH review within 35 days under section 218-17, noting that there are a couple of issues that the BOH need to opine on.

Discussion ensued regarding what is needed exactly regarding variances vs. a special permit.

Atty. Anctil said that side line setbacks are conforming, noting that the distance to the water is greater than 15 feet.

Mrs. Duffy noted concerned regarding part of the septic system being located across the street.

Atty Anctil said that it is better located there because it is farther from abutters and suggested conditioning a permit that that lot 61 shall not ever have a dwelling or be separated from lot 70, which contains the house.

Chairman Cadle asked whether the septic system has already been installed.

Atty Anctil said no and there is presently a cesspool that is basically a hole in the ground. He noted that they also need to go to the Conservation Commission after receiving this approval.

Discussion ensued regarding who has jurisdiction over the deck that is facing the water, with a setback of 24 feet.

Atty. Anctil said that he feels he protected himself via the way the application worded.

The Board noted that a variance from acreage, frontage, front setback and 150 circle of dryland is required but no seasonal conversion special permit is necessary.

Mrs. Duffy stressed that she wants to keep the two lots together and not have the permit tied into the existing footprint because that design doesn't make sense.

Ms. Mahony said that she agrees with Mrs. Duffy, that the two lots need to be tied together.

Mrs. Manugian asked whether the Board has any jurisdiction over the well and septic system and how abutters may be affected down the road.

Mr. Kinnear said that he located the well on the other side of street to avoid neighbor problems.

Discussion ensued regarding abutter notifications from the BOH, etc.

Chairman Cadle said that he is concerned that the lake be protected and it is shown that it is with this septic plan.

Mrs. Manugian asked about the height of the retaining walls.

Mr. Kinnear said that it is contoured and six feet at the tallest point.

The Board moved to grant a variance from acreage, frontage, front setback and the 150 foot dryland circle for the house requirement (218-22G, computation of lot area), subject to the perpetual requirement that parcel 61 and 70, Map 105, never be separately conveyed and that owner of parcel 70 always be allowed a septic easement allowing location of the septic system on said lot. Additionally, no permanent year round structure may be constructed on parcel 61 and all BOH and Conservation Commission conditions shall be met. The motion was seconded and was unanimous.

The Board moved to authorize Town Counsel to pursue settlement pursuant to the draft settlement agreement sent by Atty. McKertich on 12/12/07. The motion was seconded and passed unanimously.

The meeting adjourned at 8:45 pm.