

ZBA

3/23/11 (Pg. 2)

Watson to the lake. He said they purchased the home from Ron Ecklund in 2006 and share a ROW with Jay and Lori. He said there is about 30' between 3632 and 3636 and if 8' is taken from that it will seriously impede their view from their deck to the lake. He said they have no issue with the remodel, but with the infringement on their view and its effect on the resale value of their property.

Mr. Kuntz said he understood that the Kyser's are selling their property to the Eckert's. He said he had kept the Eckert's informed of his general plans. Mr. Kyser said they had sold the home under a land contract to the Eckert's, but their name is still on the title. Mr. Levesque asked Mrs. Thomas if the notice of hearing had been sent to the Eckert's. Mrs. Thomas said her records indicate that the notice was sent to the Kyser's. Mr. Kuntz said they have the only ROW which is known as Cherry Way which provides access from Watson Road to the lake. He said if they are granted their variance they will only be covering 17% of their lot. He said the Groth front cottage is about the same but the back cottages belonging to Kyser's and Groth are roughly at 22% lot coverage. He said their plans are under the size of what exists in the two cottages in question. Mr. Levesque asked Mr. Kuntz when he is in his home which way does he look; to the lake or behind? Mr. Andrews, contractor said the tentative design of the home is a Cape style home that will fit there. Mr. Levesque asked Mr. Andrews if he had reviewed the zoning law prior to designing the home. Mr. Andrews said yes. He said this was the size and design the owners wanted. Mr. Levesque asked if the same footprint but longer had been considered.

Mrs. Emick asked if the health department had been provided the same information as the ZBA when they had submitted their septic plan. Mr. Andrews said yes. Mr. Kuntz said they did not have a copy of the site plan; they had a copy of the lot proposed dimensions of what was being built and the health department had been on site to review the plans. Mrs. Emick asked what type of system they would use. Mr. Kuntz said an aeration system. Mrs. Emick asked the location of the water well that serves the area and about any potential impacts. Mr. Kuntz pointed it out on picture 5 of the site plan. He said there should not be any impact on the well. Mr. Stapleton asked if the water had been discussed with the health department. Mr. Kuntz said the health department had reviewed the well and had put no stipulations on the project use of the well.

The board spent time in review of photos provided by Mr. Kuntz.

Mr. Kuntz said photo #2 shows that there is roughly a 36' opening between their property and the Stroke's to the south that would be reduced by 28% and there would be a 26' buffer space between the two properties. Mr. Levesque clarified that the proposed addition will extend an additional 10' to the south. Mr. Kuntz said with the narrow 16' width of the existing house there was no way they could get a first floor bedroom which they feel is critical as they head toward retirement. He said if you stretch it back, you would have to walk through every living space to get to the next one. Mr. Levesque asked why the entire 10' addition was shifted to the one side and asked Mr. Kuntz if he had considered splitting the addition to 5' on the north side and 5' on the south side. Mr. Groth said although the site plan shows the septic tank at 15' from the Kuntz home there is actually only about 8' to the edge of the shared septic tank because the tank itself is about 7' wide.

Mr. Lawson said the Planning Board (PB) has been diligently working the past years on the recently adopted Comprehensive Plan of the town. He said in that plan there are situations which call for the PB or other boards to look at view sheds and Area Variance percentages, especially along the lake. He said the PB would have some insight on this project.

Mr. Groth said he also has concerns that full time use by Mr. Kuntz might impact the water and that ingress and egress by the contractor on the public ROW could damage the water/storm sewer lines. Mr. Levesque asked how the home would be brought onto the property. Mr. Andrews said by truck and it can be brought in using smaller loads to prevent any damage. He said smaller trucks would need to be used because there is limited access. Mr. Levesque asked how the demolition would be done. Mr. Kuntz said they would

ZBA

3/23/11 (Pg. 3)

probably use a backhoe. Mrs. Emick asked if appliances would use propane or gas. Mr. Kuntz said with it being a year round residence, and with no place to put a propane tank, they would use natural gas for the furnace. Mr. Levesque asked what the proposed start date of the project was. Mr. Kuntz said they would start 10/12/11, in order not to interrupt summer residents and hope to tentatively get a certificate of occupancy by 5/12/12.

Mr. Levesque asked Mr. Kuntz to think about what he has heard as far as neighbor concerns and perhaps consider what he could potentially change to minimize the impact of some of those concerns.

Mr. Levesque asked if anyone wished to speak regarding the application.

Mr. Kyser said that Mr. Kuntz needed to speak to the Eckert's. He said Mrs. Eckert is upset at what they thought was an 8' addition on the south side and 10' would be even worse. He said 10' is 30% of their view and that is not acceptable.

Mr. Levesque said that is why he suggested Mr. Kuntz start thinking about the concerns that are expressed and additionally talk with the designer about opportunity. Mr. Levesque asked the applicant to take into consideration the tightness of the neighborhood, the plan that we see today 10' to one side and the considerable increase to a non-conformance.

Mr. Levesque motioned that the request for an Area Variance by Jay Kuntz and Lori Benson to demolish an existing home and replace it with a new home closer to setbacks than allowed in Sec. 401 of the Zoning Code at 3636 Watson Rd, Specifically Sec. 332.16-1-11 (Old# 20-6-2.2) be referred to the Planning Board for review and recommendation using the Comprehensive Plan guidelines. Mr. Barton seconded and a roll call vote was taken. Mr. Levesque, yes; Mr. Barton, yes; Mr. Michalak, yes; Mrs. Emick, yes; Mrs. Ortman, abstained. The motion was carried.

Mrs. Thomas advised that the Planning Board meeting date was located at the town website. Mr. Lawson said that the Planning Board might have other issues on their agenda for their next meeting.

The hearing was closed at 9:10 PM.

Nancy M. Thomas
Town Clerk