

**Town of Newcomb**  
**Zoning Board of Appeals Special Meeting**  
April 2, 2009

Members Present: Chairman Charlotte Demers; Lorraine Miga; Dave Olbert; Matt Winslow; Maureen Lynch

Others present: Mike Moses, Code Enforcement Officer; Bob Hampson, Zoning Officer; Mike Hill, Esq. Zoning Board Attorney; Mike Tracy, liaison Town of Newcomb; Jennifer Fifield, clerk; Brett Winchip, agent for the homeowner; Bob Lilly, Chairman Planning Board, Don Bott, Planning Board

RE: Zoning Board of Appeals App. # ZBA2009V.1

The special meeting of the Zoning Board of Appeals was called to order at 6:34 PM, with a quorum being present.

The Board reviewed the application and discussed the issues and found the following:

FINDING OF FACTS

1. This Board felt there will be no undesirable change in the character of the neighborhood or a detriment to nearby properties.

There is an overall change in Goodnow Flow, it is not camps and cottages anymore. A lot of people are making these existing camps into year round residences. Many of these places are changing as more variances come before the ZBA. This will not affect change in the entire character of the neighborhood, there is incremental change as time goes on.

2. This Board felt that the benefit could not be achieved by any other means other than the granting of this variance.

Topography, desire to use existing flat spot to locate septic farther from the lake, utilizing the old building's current footprint and the fireplace prohibit other means.

3. The Board felt that it was not substantial.

Only a small portion of the building will be requiring the variance, and more substantial variances have been granted in the past. The current APA regs call for 50' shoreline setback and the homeowner would be well within that distance.

4. This Board felt there would be no physical or environmental effects by granting of this variance.

The homeowner plans to improve the existing septic, and have the building blend in, and there are not many trees will be removed.

5. This Board felt the difficulty was not self-created.

The structure is pre-existing non-conforming, and the configuration of the lot was not self created.

## DECISION

A motion was made by Matt Winslow to approve an 11' variance to the 75' shoreline setback due to the irregular shoreline and lay of the land, and the desire to locate the septic in a flat area and also in reference to the above mention criteria. It is understood that the building will be constructed of natural colors and match the angle of the existing structure and minimal trees will be removed. The motion was seconded by Maureen Lynch.

In Favor: Demers, Olbert, Miga, Lynch, Winslow

Against: None

Absent: None

Motion carried

A 11' shoreline setback variance is hereby granted.

For the record, Mike Hill asked to review the APA guidelines to support the granting of this variance:

Minimum relief was addressed: Only a portion of the building will require the variance, and it will match the angle of the existing structure.

Substantial with regards to adjoining property: This project will not be setting a precedent in the area, the building will be made to blend in as much as possible and the neighbors are in favor of the project.

Difficulty self created, feasible other than variance:

It was not self created, the topography, site constraints and existing footprint constraints prohibit any other feasible alternatives.

Manner in which the difficulty arose:

The building is a pre-existing non-conforming structure, and the irregular shoreline and topography present the problem.

Will the granting of this variance adversely affect the shoreline by runoff, character or other that would not naturally occur:

No, the homeowner intends to improve on the septic, and have the building blend in. Mike Hill asked if a new septic would be required due to the increase in the size of the building. Brett Winship stated he was unsure, the homeowner wanted to see if the variance would go through before having the septic engineered. The prior homeowner had sent a sketch of the septic to the APA. CEO Moses stated the New APA regulation requires an engineers stamp on a septic system. The building permit application will require verification of the existing septic or a new septic application. Appropriate measure will be taken to prevent erosion and runoff.

Imposition of conditions that will impact the above:

The variance approval stated that the building is to be finished with natural colors, runoff and erosion will be addressed, and the septic will be covered under the building permit process.

Dave Olbert moved to adjourned at 7:04 p.m., seconded by Lorraine Miga.

Respectfully submitted,