Town of Whitingham

ZONING BOARD OF ADJUSTMENT

Minutes of 08/05/15

ATTENDEES: David Dumaine, Chair, Marshall Dix; Dana Dix; Troy Felisko; Lyman Tifft; Craig Aekus; Scott Reed; Gig Zboray, Zoning Administrator; guests: Kevin & Lynn Feal-Staub and Larry Gates.

**7pm motion was made and seconded to open Hearing. Introductions were made.**

The Feal-Staubs explained that they demolished part of the structure and replaced it with a deck in what they say was the original footprint. Their application is to extend the deck up to 25 feet towards the rear of the property, 6 feet of the width would not meet the required set back from the neighboring property line and therefore requires a ZBA waiver.

They are currently camping on the property in a small camper, using various locations for personal hygiene as the property has no toilets and only a hose coming from the house they own next door (which currently has tenants).

David Dumaine read the definition of a primitive camp which is how the Feal-Staubs are currently using the property. Its prior use was as a machine shop and garage.

The ZBA strongly recommended that the Feal-Staubs apply for a change of use permit for a primitive camp which would have to go through the ZBA hearing process because primitive camps are not allowed in the Rural Residential district.

**7:15pm motion was made and seconded to close the hearing.**

Larry Gates presented his questions regarding setbacks to a private Right of Way (Tyanoga Road). He would like to build on land that he owns but if he were to meet the required setback from the lake and the ROW he doesn’t have much left for a house.

Because Tyanoga is a private ROW and not a town road the ZBA notified Mr. Gates that it is OK to build 50 feet from the center of the ROW without a variance. Mr. Gates spoke to the state about Shorelands Protection Act. There was talk that if Mr. Gates connects to the town sewer there might be more wiggle room on the required lake setbacks, which would allow more room to build. Mr. Gates was provided with the phone number to contact Dave DiCantio.

**7:40pm Mr. Gates departs.**

Discussion of the Feal-Staub application**. A motion was made and seconded to deny the application based on incorrect information submitted on the application. All in favor.**

**8pm Adjourn.**

Respectfully submitted,

Gig Zboray,

Acting Clerk