

ZONING BOARD OF ADJUSTMENT
February 7, 2019

PRESENT: Wendy Juchnevics-Freeman, Chairman, David Lage, Vice Chairman, Walker Farrey, Stan Long, Lori Rautiola

ABSENT: Edwin Somero

The meeting was called to order at the Town Office on February 7, 2019 at 7 p.m.

7:00 p.m. Nels Traffie – Lot 9/52-8, 104 Collins Rd. - Submission of a special exception application: Mr. David Sikkila was present on behalf of Nels Traffie. A variance application was submitted from Article XIII. N. of the Zoning Ordinance to permit an accessory dwelling unit above a detached garage. Wendy noted to have Mr. Traffie answer question 5 on the application. Walker made a motion to accept the application as complete. David seconded the motion and it passed unanimously. The public hearing was scheduled for March 7, 2019 at 7 p.m.

7:10 p.m. Eversource Energy - Line 367 ROW- Utility Easement – Submission of a variance application: Ms. Katy Wilkins was present on behalf of Eversource. A variance application was submitted from Article X.D. of the Zoning Ordinance to permit the replacement of existing overhead electrical utility structures and addition of insulator weights on structures within the Wetlands and Surface Water Conservation Overlay District. Wendy asked why Eversource did not replace these structures with last year's variance application. Ms. Wilkins explained how Eversource makes their projections for these projects and stated, due to their budget they cannot accomplish all the work in one season. They have to repair the structures as needed and budgeted for the year. Wendy questioned the amount of impact to the wetlands and Ms. Wilkins responded there would be about 27,000 square feet of impact.

Wendy questioned if the applicant would be willing to come up with a multi-year plan in order to cut down on the temporary wetland impacts. Mr. Jeremy Fennels, Eversource, stated he would reach out to the Board regarding a multi-year plan, but unfortunately they cannot replace all of them at the same time. Walker recalled Eversource did mention they would be back before the Board in the future and they had only replaced the most important structures last summer.

David made a motion to accept the application as complete, upon payment of fees. Walker seconded the motion and it passed unanimously. The public hearing was scheduled for March 7, 2019 at 7:30 p.m.

7:20 p.m. Suvi Hills – Lot 7/83-9, 97 Malthouse Rd. – Submission of a special exception application: Suvi Hills owns Lot 7/83-9, 97 Malthouse Road, rural district and has submitted a variance application to Article VI.C.1. of the Zoning Ordinance to allow a family daycare service. Wendy suggested the applicant answer the questions on the application in full sentences before the public hearing. Stan made a motion to accept the application as complete. David seconded the motion and it passed unanimously. The public hearing was scheduled for April 4, 2019 at 7:00 p.m.

7:30 p.m. USA Properties Inc., Bruce Simpson- Lot 10/7, Stowell Road-Continuation of a public hearing: The hearing was continued from December 6, 2019. Mr. Simpson recapped the November hearing. He stated his engineer, Mr. Holden, has submitted an amended plan showing ten units with four dwellings in

each unit, for a total of forty new dwellings. The plan also showed the buildings were positioned further away from Hollyview Drive in order to give the abutters more of a buffer. A swale/ditch was added to eliminate any water problems for the abutters. Mr. Simpson continued stating this plan gives the area more of a "village feel". The majority of the lot would remain in its natural state. David noted it was mentioned at least one owner of the units would need to be 50 years of age or older and Mr. Simpson agreed.

There was discussion on how the applicant would gain access to construct and maintain the leach fields. Mr. Simpson stated he has been in contact with the land owner and did not foresee any issue gaining an easement in order to access the leach fields. Wendy questioned if there was an existing culvert at the end of the cart road and Mr. Simpson responded there was. Wendy also questioned if there was a need to upgrade the culvert and Mr. Simpson responded he did not see a need for that, nor would there be any impacts to wetlands.

Directional boring will be used for the leach fields. It was noted the piping for the septic system will need to meet the side setback requirements of 20 feet. Wendy asked where the septic tanks would be located and Mr. Holden explained there will be four tanks located between the units.

Abutters were asked to speak:

Mr. Peter Barry, 35 Hollyview Drive, questioned the significance of the age restriction and asked who would oversee that. Wendy stated it would be a condition on the deed and David noted the owner could rent the unit out to a person; however, at least one owner would need to be fifty or older. Mr. Barry also questioned if the road would be upgraded prior to any construction. David clarified this hearing is solely for a variance to permit multiple buildings on one lot; The Planning Board would address the upgrades and improvements for Stowell Road.

Kerstin Dilda, 38 Hollyview Drive, stated she was concerned with the increased traffic on Stowell and Green Farm Road. Bobby and Susan Robinson, 175 Thayer Road, stated they were also concerned with the amount of increased traffic. Alison Monahan, 125 Green Farm Road, questioned the amount of acreage the proposed units would be on out of the 98 acre parcel. It was determined the buildings would sit on about 16 acres.

Todd Renshaw, 250 Stowell Road, stated there are a couple culverts there now that would not affect the wetlands; however, the culvert on the driveway to access leach fields would not be able to handle the weight of heavy equipment and he feared it would impact the wetlands. Wendy noted the culvert replacement would require a separate variance application. Mr. Renshaw feared the road would deteriorate without proper culverts in place.

Richard Fressilli, land owner in Temple, referred to Board of Selectmen minutes from 2013. He stated at a meeting in 2013, the Selectmen conversed about cutting trees down near the Temple boarder. David responded there has been no discussion in the last several years regarding the cutting of trees. Mr. Fressilli also questioned if the applicant would continue Stowell Road through to Boynton Hill Road in Temple. David responded the applicant would not. Mr. Simpson stated at one point in time, they did approach the Board of Selectmen in Temple, inquiring about putting the road through; however, they did not entertain the project.

Stan made a motion to close the public hearing and enter into deliberations. David seconded the motion and it passed unanimously.

The five criteria for a variance were reviewed:

- 1) The proposed use would not be contrary to the public interest - the proposal would benefit the public interest by providing additional housing for the community. David stated there is a shortage of affordable housing, especially for residents looking to downsize. Wendy stated this plan is more in the best interest of public than any other application put before the Town from this applicant, adding she still would like to see another means of egress. Wendy noted the Planning Board should place a condition that will allow for a pull off area on Stowell Road. David suggested the applicant speak with the abutter regarding access on the other side of the road in order to have a way of egress through Cedar Ridge in an emergency.
- 2) The use is not contrary to the spirit of the ordinance- Wendy stated the forty units and townhouse design fits more with the character of New Ipswich and allows a good amount of acreage to be left in open space.
- 3) Granting the variance would do substantial justice- Stan stated it would provide a lot of people a place to live and is much more desirable than a large subdivision. Members agreed the proposal is the best fit and configuration for the property.
- 4) The proposed use would not diminish property values – David stated this project would not diminish property values; members agreed.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner... - Wendy stated the density is fairly consistent with the amount of acreage being utilized and mentioned the lot is “a tough lot” to work with.

AND

- a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property – Wendy stated the applicant has worked with the Board to make improvements to the property, including no wetland impacts and the applicant has agreed that no building permit will be issued until they gain an easement to access the leach fields.
- b) Wendy stated the proposed use is a reasonable one.

The conditions for approval would be:

- 1) There will be no more than 10 units, with no more than four dwellings in each unit.
- 2) The existing tree buffer will be kept and maintained along the property lines.
- 3) A swale on the south side of the property will be constructed to keep the water flow draining towards the west wetlands as shown on plan dated 2/7/19.
- 4) The undeveloped property will remain undeveloped, public open space.
- 5) Units will be sold not rented.

- 6) Applicant will provide a plan and documented easement showing how they will access and maintain all leach fields prior to any construction.
- 7) Directional boring for sewer lines are required to meet all dimensional control setback requirements.
- 8) Installation of piping for septic systems will have no impacts on wetlands and/or wetland buffers.
- 9) Applicant will contribute to the cost of upgrading/improvements to Stowell Road as required by the Planning Board and Board of Selectmen.
- 10) Ownership of units must include at least one person fifty (50) years of age and older.

David made a motion to approve the variance application with the above conditions. Stan seconded the motion and it passed unanimously.

The minutes of the December 6, 2018 meeting were reviewed. Stan made a motion to approve the minutes as written. Walker seconded the motion and it passed unanimously.

The meeting adjourned at 9:50 p.m.

Respectfully submitted,
Lori Rautiola