

ZONING BOARD OF ADJUSTMENT
JUNE 7, 2018

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

The meeting was called to order at the Town Office on June 7, 2018 at 7 p.m.

7:00 p.m. - Mathew Cardin (Eversource Rep.), Line 367 ROW-Utility easement-Submission of a variance application: Mr. Mathew Cardin spoke on behalf of Eversource. A variance application was submitted from Article X.D. of the Zoning Ordinance to permit the replacement of four existing overhead electrical utility structures and replacement of cross arms on four structures within the Wetlands Conservation Overlay District. The work will be done within the 367 Transmission line which runs from Rindge to Amherst. All work will be done in the right-of-way of the utility easement. Mr. Cardin explained the structures themselves are not located in the wetlands, but is seeking relief to cross through the wetlands in order to access the structures.

Wendy questioned how the properties will be accessed. Mr. Cardin stated they would use the existing cross roads to access the right-of-way. The wetlands have been delineated along the route. Mr. Tom Sullivan, Project Manager, mentioned there is a section at the end of Rumrill Road that will be used to access the property which is about 200 feet from the right-of-way. This part of the road is close to but not in the wetlands but those wetlands have been delineated as well. Mr. Sullivan explained the towers are roughly 50 years old and some are rotting and need to be replaced. Some of the new towers are up to 20 feet taller than the present ones. The total temporary impact to the wetlands would be 41,400 square feet.

The abutters list was verified. David made a motion to accept the variance application pending payment of fees. Walker seconded the motion and it passed unanimously. The public hearing was scheduled for June 28 at 7 p.m.

7:15 p.m. - Lou Lioio, 102 Upper Pratt Pond Rd, Lot 3/12-Submission of a variance application: Mr. Lou Lioio owns lot 3/12, 102 Upper Pratt Pond Road and has submitted a variance application to Article X.D. to allow a driveway within the 50' wetland setback. Mr. Lioio stated the driveway was permitted and work has been started. Mr. Lioio's engineer is scheduled to delineate the wetlands. This is the best location for the driveway due to the hillside on the other end of property which is steep and could be dangerous to travel.

Mr. Lioio gave a brief description of the property. Wendy questioned if the Town was notified of the wetlands on the property when issuing the driveway permit. Mr. Lioio responded the drawing was submitted with the permit, adding the State shoreline permit has been amended and is approved with the driveway in this location. David questioned if this was the location of the driveway on the plans submitted to the Building Department. It was noted the driveway was in a different location on the original plans that were submitted. Mr. Lioio stated this was not done intentionally and apologized for causing any issues. Wendy noted the applicant would need relieve from Article XII.A. as well as X.D. Walker

questioned the current state of the property. Mr. Lioio responded a retaining wall has been built to the right of the driveway and excavation was started but he was issued a stop work order because of the situation. Mr. Lioio asked the Board if they would allow him to clean up the property since it was left in a bad condition when the stop work order was issued. He added the residents are upset that the property was left in such condition. Wendy stated that would be under the Board of Selectmen's discretion. David stated the stop work order means no excavation but you are allowed to move logs and clean up the property. Mr. White (an abutter) asked if Mr. Lioio had permission to clean up the logs and the dirt piles near the road and Selectman Lage stated he does have permission as long as he is not doing construction.

A site visit was scheduled for Saturday, June 23, 2018 at 8:00 a.m. David made a motion to accept the variance application as complete. Walker seconded the motion and it passed unanimously. The public hearing was scheduled for June 28, 2018 at 8:00 p.m.

8:00 p.m. – Mr. Bruce Simpson, USA Properties Inc. – Public Hearing for a variance application: USA Properties Inc. owns lot 10/7, Stowell Road, Rural District. A variance application was submitted from Article VI.C.1 and B.1 to allow more than one multi-family unit on one lot consisting of 98 acres. Peter Holden from Holden Engineering spoke on behalf of USA Properties stating previous plans of a cluster subdivision with open space have been placed on hold with the Planning Board. He displayed some different examples of what they could do with the property and stated most of the designs were not conducive to the rural character of the town. The applicant is now proposing 9 buildings with 8 townhouses in each building with parking out front, two well locations, and septic located in the back part of the property. They would build these one unit at a time.

Mr. Holden explained how they would meet the density calculations, adding a two acre lot would need 30,000 square feet per dwelling unit which would be enough for 160 units and USA Properties are seeking 72 units. The parcel is 98 acres in total. Wendy questioned the amount of acreage after the wetlands are eliminated. Mr. Bruce Simpson stated according to the Ordinance in order to reach the density calculations the standing water is subtracted off the acreage. Wendy asked what the number of acreage was for standing water on the property and Mr. Simpson did not have that figure but figured it was about 15 acres. Wendy questioned the number of units and the density control calculations asking how many units the applicant would be able to fit on the property after subtracting the non-wet and non-steep areas. Mr. Holden stated there is no slope at all where the buildings will go. Wendy clarified how many units would fit on the whole property, not just where the units would go. Mr. Holden responded 160 units according to the 30,000 sq. feet per dwelling unit. Wendy stated it is a minimum of 2 acres but at least 30,000 sq. feet per dwelling unit. David commented he did not understand their calculations for the density control, adding there is nothing in the Zoning Ordinance that allows more than one multi-family unit on one lot; and nothing in the Zoning Ordinance about cluster developments with more than one multi-family unit. David stated to get the number of units subtract the wetlands and the steep slopes, then divide by 2 (2 acre lot min.) and to get the number of units.

Mr. Holden explained his calculations per Article XII. B as 2 acre minimum lot; 30,000 sq. feet per dwelling unit in the rural district. David commented 2 acres minimum per building are needed and the applicant is seeking a variance to allow multiple buildings on one lot, not to allow buildings on less than a two acre lot. These are two different issues. David asked if there was a way to make nine buildings work on 18 acres

of land and questioned how many square feet each unit would be. Mr. Simpson stated each unit would be 18x24, 2 story units (roughly 1800 Square feet). Wendy calculated for 8 units on a single lot 5.5 acres. (8 units @ 30,000 sq. feet per dwelling unit divided by 2= 5.5 acres) are required for each building with 8 units in each building. Mr. Holden stated they are seeking to have multi-family buildings with no lot lines instead of each building having their own lot line because the lot lines would be going in all directions if it was done that way.

Wendy questioned how much acreage there is in the area where the proposed units would be. Mr. Holden responded about 20 acres. Wendy stated there is a density control issue. David noted the area will be very congested and questioned if there was any way to spread it out or have fewer units. Mr. Holden stated their goal was to keep the units in one location preserving the back land. There would be no wetland impacts. David stated the issue is the applicant is trying to combine two zoning issues into one. Wendy stated the density is just too much. Mr. Holden referred to the Zoning Ordinance under density control (Article XII.B) which states it encourages preservation of open space and protection of natural resources and special wildlife habitat. Wendy responded the open space is a great idea but it should be open space of value. Mr. Simpson stated it follows the Ordinance by keeping more density in one area and leaving the open space alone. David added it is challenging because of the number of units in such a small area.

Wendy asked for clarification on Stowell Road. Mr. Holden explained the driveway would come off of the Class V part of the road. The leach fields will be located out back and can be accessed off the Class VI part of the road and would not impact wetlands.

The five criteria for a variance application were discussed.

- 1) The proposed use would not be contrary to the public interest because there is a shortage of houses in New Ipswich and by doing so this will provide additional housing for the community of people 55 and older. It will also keep much of the property preserved with open space.

David and Wendy questioned the impact to the public interest. There was discussion on the unit being targeted at people 55 and older. David asked for clarification on whether or not it would be restricted to 55 and older and Mr. Simpson said it would be restricted to 55 and older.

Wendy also questioned the egress of the road access and with only one entrance and one exit and not being in the best interest to the public. Wendy suggested making a loop with the driveway so there would be two entrances/exits off Stowell Road and Mr. Holden stated that would be possible. Wendy stated this exceeds the density times three with only one entrance/exit. David stated the court ruled this is not a dead end road because you never ever have to back up your car to get back out. This was a decision from the judge.

David stated it is too dense for the area. Wendy added it is a tough lot to work with and stated this would not be in the best interest to the public because of the density. Mr. Simpson asked what level of density would be acceptable and David responded maybe four or five buildings instead of eight.

Mr. Holden asked the Board if they could table the hearing to seek other options. Members agreed.

Abutters were asked to speak:

Brian Monahan, 125 Green Farm Road, stated he highly questioned the marketing information of houses needed for housing over 55, adding he has witnessed these type of units in areas like this for corporate developments, such as Kinder Morgan. Another concern was Stowell Road being able to handle the traffic it will bring to Green Farm Road.

Robert McArthur, 45 Jacqueline Drive, stated his concern was more run off down Jacqueline Drive, adding there is so much water that flows downstream and it travels all the way down the road. The traffic on Green Farm Road was also a concern.

Sam and Daphiney Benedict, 53 Jacqueline Drive-Mr. Benedict stated he was concerned about the run off as well because of the ongoing water issues already present.

Wendy stated there needs to be discussion on how the land is being graded in order to keep the water on the same property and will discuss that at the continuation hearing. Mr. Holden stated it would be very easy to reroute the water and Mr. Simpson added it would also be easy to put a swale in but was unsure if the water was coming off their property or the power lines property.

John Schaumlöffel, 55 Jacqueline Drive, stated he was concerned about the higher density effecting the impervious surface and the direction of the water flow and also concerned about the distance from the units to the leach fields. Walker stated at the last meeting it was mentioned this would be done by directional boring. Mr. Schaumlöffel was also concerned with added traffic and the condition of Stowell Road.

John Belliveau, 43 Holly View Drive, was concerned with the condition of Stowell Road, the density and safety of residents with added traffic and the rural character of Stowell Road.

Jeffrey McCabe, 51 Jaqueline Drive, stated he has the same concerns that have been discussed and fears putting 72 units off the dirt road would be too much for the road. He believes people will try and by pass Stowell which would bring more traffic to Green Farm.

Stan made a motion to continue the public hearing. Edwin seconded the motion and it passed unanimously. The public hearing was scheduled for August 2, 2018 at 7:00 pm.

The minutes of the May 3, 2018 meeting were reviewed. David noted to remove the word "auger" and replace with "directional boring". Stan made a motion to approve the minutes as amended. David seconded the motion and it passed unanimously.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

