

ZONING BOARD OF ADJUSTMENT
AUGUST 2, 2018

PRESENT: David Lage, Vice Chairman, Walker Farrey, Stan Long, Lori Rautiola

ABSENT: Wendy Juchnevics-Freeman, Edwin Somero

The meeting was called to order at the Town Office on August 2, 2018 at 7 p.m. Lori was appointed to fill the vacancy of Wendy.

7:00 p.m. Marla Somero (Be Fit)-Submission of a variance application: Marla Somero (Be Fit), Lot 7/37A, 5 Dark Lane Road, Rural District, stated they are seeking relief from Article XIII.F.4.C of the Zoning Ordinance in order to forego a free standing entrance sign and allow one large wall sign with a display area not to exceed 32 sq. feet. Mrs. Somero added the face of the building is very large and a smaller sign would not look appropriate. It was noted Mrs. Somero will bring the plans for the proposed sign to the Town Office as soon as they are available. Walker made a motion to accept the variance application as complete. Stan seconded the motion and it passed unanimously. The public hearing was scheduled for September 6, 2018 at 7:15 p.m.

7:05 p.m. Ed Rogers-Submission of a variance application: Mr. Ed Rogers was present for Rebecca Lehtonen who owns Lot 12/68, 9 Manley Road, Rural District. Mr. Rogers stated the applicant is requesting a variance to Article XII.A. of the Zoning Ordinance to allow construction of a septic tank not closer than five feet to the right-of-way and construction of a leach field not closer than ten feet from the right-of-way and side setback. Mr. Rogers stated the system is about sixty years old and showing signs of failure. David made a motion to accept the application as complete. Walker seconded the motion and it passed unanimously. The public hearing was scheduled for September 6, 2018 at 7:45 p.m.

7:15 USA Properties Inc., Bruce Simpson- Lot 10/7, Stowell Road-Continuation of a public hearing: The hearing was continued from June 28, 2018. Mr. Bruce Simpson stated he would like to amend the variance application and decrease the number of buildings from nine to five on the lot. David questioned the size of the buildings and Mr. Peter Holden, Engineer, stated the buildings are about 13,600 square feet per building. Mr. Holden distributed a revised plan showing the five buildings and pointed out there was more of a buffer to Hollyview Drive. David referred to a discussion at the last public hearing and noted the applicant and members of the Board had some disagreement on the interpretation of the dimensional controls. He also recalled the Board looking for clarification on whether or not the applicant was seeking relief for a certain amount of square footage for the dimensional controls. David questioned if Mr. Simpson had amended the application to show the new numbers for dimensional controls. Mr. Simpson responded he did not and stated they had reduced the impact by 40% by removing two of the buildings.

David stated according to the ordinance in the Rural District for a multi-family a minimum of a 2 acre lot and 30,000 square feet per dwelling unit (30,000 sq. ft. x 40 dwellings) = 1,200,000 is required. David asked for clarification on the amount of acreage the property would have after the standing water is subtracted. Mr. Holden did not have that information available and stated according to the calculations he had done, one could have 160 units on the property. David questioned if the applicant would still need to use the directional boring for the leach fields and Mr. Holden stated they would. It was noted at the public hearing in June that some abutters on Jacqueline Drive were concerned with the run off from the

buildings as there are already water issues present. David questioned if the applicant would be willing to rotate the buildings to lessen the run off on Jacqueline Drive. Mr. Holden stated that could be done, adding the project would not contribute any more water on Jacqueline Drive because it would be retained on site.

Abutters were asked to speak: Mr. Stephen Riggs - Temple Road, questioned the contour on the map and stated a legend on the map would be helpful in interpreting the map. Mr. John Belleview - Hollyview Drive, questioned the buffer of Hollyview Drive. Mr. Holden stated the buildings have been relocated and there would be a wooded buffer between the condos and Hollyview Drive. Mr. Brian Monaghan, Green Farm Road stated his concern would be the increased amount of traffic on Stowell Road.

David questioned if the applicant had an amended application and Mr. Simpson stated he did not. Mr. Simpson was asked if he would like to proceed tonight with the hearing or table the discussion and continue at a later date. David recommended continuing the hearing until a full board was present. Mr. Simpson stated he would like to table the discussion and postpone the hearing. David made a motion to continue the public hearing. Walker seconded the motion and it passed unanimously. The public hearing was scheduled for October 4, 2018 at 7:15.

8:00 p.m. Lou Lioio, 102 Upper Pratt Pond Road. - Continuation of a public hearing: The hearing was continued from June 28, 2018. Mr. Lou Lioio owns 102 Upper Pratt Pond Road, Lot 3/12, Rural District. Mr. Lioio distributed a letter from Jonathan A. Sisson III, Certified Soil and Wetland Scientist, Beaver Tracks LLC. The letter stated a wetland delineation was completed on the property on July 30, 2018 due to concerns from the Zoning Board. In the letter Mr. Sisson stated the southwest corner that was in question is not a jurisdictional wetland, adding there is a culvert outlet on the northeast corner of this lot. The culvert inlet is in a road side ditch. The water from the culvert flows through the culvert and quickly disappears into the soil. This area is not a jurisdictional wetland.

David stated the letter does not address whether or not Mr. Sisson did a soil test where the land had been filled in. Mr. Paul Grasewicz, Graz Engineering, stated Mr. Sisson did soil auger tests in that area and showed members on the plan where the tests were done. Mr. Grasewicz noted the area that has been filled is not a jurisdictional wetland, adding his delineations were conservative the first time due to it being winter. The measurements on the old plan and revised plan show the driveway area (filled area) is not within the 50' wetlands setback.

David questioned if Mr. Sisson's cited sources were in accordance with the Zoning Ordinance's definition of a jurisdictional wetlands. After a few moments of researching the Ordinance David stated Mr. Sisson's "Army Corp of Engineers" description does closely match the Ordinance with a slight discrepancy. David requested the applicant ask Mr. Sisson to clarify for the Board that it matches the Zoning Ordinance. (Example: Town Ordinance states US Fish and Wildlife Service "National List of Plant Species That Occur in Wetlands", 1988.) and Mr. Sisson's references the US Corps of Engineers. David stated based on the delineations shown it appears the filled in driveway area is not a wetland.

Abutters were asked to speak: Mr. Dwayne White, 120 Upper Pratt Pond Road, stated the applicant is not within the setbacks to the wetlands. Mr. John O'Brien, 88 Upper Pratt Pond Road, asked for clarification

on the wetland setback and Mr. Lioio showed him on the revised plan the work being done is not within the setback. David questioned the amount of undisturbed square footage in the upper right corner of the property and if the applicant meets the Ordinance requirements. Mr. Grazewicz stated as of right now there is 10,429 square feet but the total number will be because of the septic system. The proposed unaltered land is 8,378 square feet. Mary Fortier, 158 Lower Pratt Pond Road, questioned the land that had been filled in and if it was determined wetlands and David responded according to Mr. Sisson it is not a jurisdictional wetland.

David noted the variance requested is for a driveway within the 50' wetland setback, but according to the wetland delineation and revised plan a variance would not be required. David made a motion that the variance application is not required due to the driveway not being within the setback. Walker seconded the motion and it passed unanimously. The variance application was rescinded.

The variance application for the placement of the well within the front setback was discussed. David suggested moving the well to a location on the other side of the driveway and out of the 30' front setback. Mr. Lioio and his contractor Russel Martin both agreed, as well as Mr. Grasewicz. It was determined the variance application for placement of the well was no longer needed. David made a motion that the application for a variance is no longer required because the applicant has agreed to move the well out of the front setback. Stan seconded the motion and it passed unanimously. The application was rescinded.

The minutes of the June 28, 2018 meeting were reviewed. David noted in the first paragraph, fourth line down, change the sentence to read "eight of the eleven structures". David made a motion to approve the minutes as amended. Stan seconded the motion and it passed unanimously.

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Lori Rautiola