

ZONING BOARD OF ADJUSTMENT
JANUARY 5, 2017

PRESENT: Wendy Juchnevics-Freeman, Chair, David Lage, Stanford Long, Edwin Somero, Walker Farrey, Joanne Meshna, Lori Rautiola

The meeting was called to order at 7 p.m. at the Town Office.

7:00 p.m. Submission of a variance application - Dennis and Carol Alix: Ed Rogers spoke on behalf of Mr. and Mrs. Alix who own lot 6/21A, 36 Boynton Hill Road, rural district. The variance application is to permit dredging and filling within the wetland conservation district for the purpose of constructing a driveway culvert to access a proposed subdivision lot. The Board discussed the location of the driveway and Mr. Rogers stated he cannot get the driveway completely out of the buffer or wetland setback but agreed to try and shift the driveway to have the least amount of impact on the wetland.

David made a motion to except the application as complete. Stan seconded the motion and it passed unanimously. The public hearing was scheduled for February 2, 2017 at 7 pm.

7:15 p.m. Public hearing for a variance application - Patricia and Dean Card:

The applicants own lot 11/123, 155 Turnpike Rd, village district. A variance application from Article XII. A. of the Zoning Ordinance was submitted to allow replacement of a failed septic system within the wetland setback.

Mrs. Card explained the replacement system meets the State's setback of 50 feet from the wetland but does not meet the Town setback, which is 75 feet. Sharon Monahan was present on behalf of Mr. and Mrs. Card. She explained the house is a five bedroom and the system is going to be larger than most. Wendy questioned if the neighbor's wells were within the 75 foot setback. Mr. Card stated they are not within the 75 foot setback. Wendy questioned if they were asking for any relief from the State and Mrs. Monahan stated she is asking for one waiver from the State for the side slopes because the system is very close to the driveway. Mrs. Monahan mentioned this would be the best possible location for the new system.

The five criteria for granting the variance application were reviewed:

- 1) The proposed use would not be contrary to the public interest – it would be an improvement over the existing system and improve value of surrounding properties.
- 2) The use is not contrary to the spirit of the ordinance - It meets State requirements for setbacks and it is pretreated thus protecting the groundwater and wetlands.
- 3) Granting the variance would do substantial justice – the current system has failed and the new system would increase property values and enhance the neighborhood. It would also protect the wetlands.

- 4) The proposed use would not diminish property values- It would enhance the value of the property and the house cannot be sold with the failed system.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner... - the current system meets state requirements but not town setbacks. The property cannot be sold with a failed system.
 - 5a) 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 – The property cannot be sold with a failed system.
 - 5B) The proposed use is a reasonable one – it would increase property values and replace a failed system.

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

The Board discussed the criteria and concluded this would be in the best interest of the homeowners and neighborhood. The house would not be useful without the new system and the proposed use is a reasonable one.

David made a motion to approve the variance application to allow the septic system within the 75 foot wetlands buffer. Edwin seconded the motion and it passed unanimously.

7:35 p.m. Public hearing for a special exception application – Adam and Tiffany Haavisto:

Mr. Haavisto owns lot 5/8-6, 39 Ashlawn Farm Road, Rural District. He applied for a special exception from Article XII. N. of the Zoning Ordinance to permit an accessory dwelling on their property. He would like to turn an existing barn which already has a septic system, small kitchen and heat, into a one bedroom accessory dwelling unit. Wendy questioned if the alteration would alter the barn's character and Mr. Haavisto stated if anything it would improve the appearance. Wendy also mentioned the 20 foot setback from the driveway to the property line. Mr. Haavisto noted he would be making the driveway more defined and intends to landscape the yard as well. He feels he will be at least 20 feet away from the property line.

The criteria for granting the special exception was reviewed:

- 1) The specific site is an appropriate location for such use – There is an existing barn there already and nothing will change except adding a bedroom and expanding the kitchen and a few other minor alterations inside. The outside appearance will remain the same and it will still look like a barn not another house.
- 2) The use as developed will not adversely affect the adjacent area – it will not impact the neighborhood and it will be housing for elderly in-laws.
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians – there is plenty of area for parking and it has access to a shared common drive.

- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use – All the steps will be followed in order to bring it up to code with the Town.
- 5) Such approval should be consistent with the intent of the Master Plan... - The homeowners fully intend to review and execute all recommendations and suggestions from the Boards.

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

The board discussed the application and reviewed the criteria. Wendy noted it meets all requirements for an accessory dwelling unit.

David made a motion to approve the special exception application for an accessory dwelling unit. Walker seconded the motion and it passed unanimously.

8:15 p.m. Adam Aimes - Submission of a variance application and a special exception application:

Adam Aimes owns lot 11/120, 571 Turnpike Road, Village District. He purchased the Central School building over a year ago and has been restoring the building since. New windows have gone in as well as a new heating system, new plumbing and electrical work. The building has been brought back to its beautiful grandeur. Mr. Aimes has had input from the community showing interest in a “town center” with a collection of shops, such as a hair salon, real estate office, attorney’s office and a restaurant.

Wendy questioned the square footage of the building. Mr. Aimes stated the square footage is 13,800. David asked if he would be able to meet code regulations and Mr. Aimes stated he has been working closely with the Building Inspector and the building does meet code. David also questioned Mr. Aimes if he had come up with a plan as to how many retail spaces, how many office spaces etc. Mr. Aimes did not have an exact count or plan. Wendy noted in Village District II the small retail space is limited to 1,500 square feet. Mr. Aimes explained that is the reason for the variance application as the building is almost 14,000 square feet. David asked Mr. Aimes if his plan was to submit a definite plan at the public hearing. Mr. Aimes stated he envisions seven small businesses and he intends to submit a plan at the public hearing.

Mr. Aimes stated he has been working with Fieldstone Land Consultants with an existing driveway plan. He is planning on having one side (off Turnpike Rd) an entrance and the other side (off Temple Rd) an exit and landscaping will be done as well. Wendy stated she did not see a need for a special exception but more a need for a variance for an allowed use, and that the building will now need to conform to all the zoning requirements which would also need to be a part of the variance application. David disagreed stating the building is pre-zoning. Wendy also questioned if the septic system was legal and requested Mr. Aimes look into finding out if there is a septic design. Mr. Aimes stated he would do so and that he was told the system was fairly new.

Wendy noted before the Board could accept the variance applications, they would need to know all the variances required for this use and present them at the same time rather than “piece by piece”. She requested Mr. Aimes have a plan determined for how many square feet will be utilized in the building, and to have a parking plan. This will determine where the relief is needed. Wendy suggested Mr. Aimes compile information needed for the variances and then the Board will know what relief is needed. The Board discussed the submission of the variance application and agreed it would be best if Mr. Aimes

compiled more information to determine a plan and submit the application at the February 2nd meeting. This meeting was scheduled for February 2, 2017 at 7:30 p.m.

8:30 p.m. Nathan and Danielle Sikkila - Submission of a variance application and a special exception application:

Nathan Chamberlain from Fieldstone Land Consultants presented the applications. Mr. and Mrs. Sikkila own lot 14A/4, Ashburnham Road, Rural District. Mr. Chamberlain submitted a variance application to Article X.D. of the Zoning Ordinance to permit a proposed wetland crossing to access property for a future barn and paddock area.

Mr. Chamberlain submitted a special exception application to Article VI. C.6 of the Zoning Ordinance. Mr. Sikkila is proposing to excavate the land and remove materials from the site and take down the land about 20 feet for a horse paddock and future barn. Wendy questioned if the owners were making a gravel pit and Mr. Chamberlain replied it would not be a gravel pit but would be a leveling of the land. The Board discussed what Article the special exception falls under and determined it would be under Article VI. C.6. Wendy requested a letter from the owners asking Mr. Chamberlain to speak on their behalf unless they are present at the public hearing. Wendy also requested a copy of the Massachusetts Tax map showing the abutters in Massachusetts.

Stan made a motion to accept the variance application and special exception application as complete. Walker seconded the motion and it passed unanimously. The public hearing was scheduled for February 2, 2017 at 7:30.

David made a motion to adjourn. Stan seconded the motion and it passed unanimously. The meeting adjourned at 9 p.m.

Respectfully submitted,

Lori Rautiola
Land Use Clerk