

ZONING BOARD OF ADJUSTMENT
MARCH 2, 2017

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

ABSENT: Marianne Graham

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

7:00 p.m. Diane Somero – Public Hearing for a variance application:

Diane Somero owns lot 7/57, Locke Road, Rural District. A variance application from Article XII.A and X.D of the Zoning Ordinance was submitted to cross a stream in order to access the proposed building lot. Carl Hagstrom of Monadnock Septic Design gave a brief description of the land which recently had a lot line adjustment. The owner is hoping to put a driveway in to access the proposed building lot. Mr. Hagstrom noted this is the only way to access the property and it does meet all town setback requirements. The Board viewed photos taken last fall.

Mr. Hagstrom noted the construction of the driveway would have a 24 inch culvert. Wendy questioned the culvert being so large and Mr. Hagstrom responded this is the new State requirement and the necessary measures for erosion control will be taken. The Board discussed the elevation of the driveway at the culvert and determined in order to have that large of a culvert there will need to be a minimum of 18 inches of fill on top. Mr. Hagstrom stated the culvert is oversized but this is the stream calculation which needs to be followed.

The five criteria for granting the variance application were reviewed:

- 1) The proposed use would not be contrary to the public interest – It will provide access to the proposed building causing the least amount of impact to wetlands.
- 2) The use is not contrary to the spirit of the ordinance – potential impacts have been avoided to the maximum extent practicable by causing the least amount of impact.
- 3) Granting the variance would do substantial justice – allows the proposed building site to be used.
- 4) The proposed use would not diminish property values – it would not diminish property values and would not impact the surrounding homes.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner because it was not allow the owner to build a house on their property.
 - 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 – it is in an area with existing homes and the least wetland impact.
 - b.) The proposed use is a reasonable one – It will permit the use of the proposed building site with the least amount of wetland impact.

David made note of the vegetated buffer and questioned if it would be maintained. Mr. Hagstrom stated the vegetation would be maintained on both sides of the crossing. The total amount of wetland impact would be 235 square feet.

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

The Board discussed and concluded the property meets the criteria and would provide access to the building site with minimal impacts to wetlands.

David made a motion to approve the variance application with the stipulation that the impact does not exceed the disturbance of 235 square feet. Stan seconded the motion and it passed unanimously.

7:30 p.m. Adam Ames – public hearing for a variance application:

Mr. Ames owns lot 11/120, 571 Turnpike Road, Village District II, and submitted a variance application to Article V. C and D of the Zoning Ordinance to permit a change of use for the former Central School. Mr. Ames gave an update on the use of the building stating he has continued to make improvements on the building over the past year and had input from the community as to what they would like to see happen with the building. Mr. Ames would need a variance to permit a mixed use building with the possibility of a restaurant, office space, and small retail.

Wendy questioned if there was a floor plan of where the restaurant would be located verses where the office space would be located. Mr. Ames responded the kitchen is already there and is located in the lower part of the building and the office spaces/retail would be located upstairs. David questioned how much parking would be needed for those specific uses. Chris Guida of Fieldstone Land Consultants spoke in reference to the parking. They calculated the parking with the largest business in mind. The calculations were as follows: 9920 square feet for office space and one space per 300 square feet which equals 31 spaces and a 24 seat restaurant/café would need one space per 3 seats equals 8 spaces for a total of 39 spaces. The total proposed parking is 43 spaces.

Wendy questioned what the plan was for storm water runoff in the parking area and Mr. Guida responded the parking lot is existing and the proposal would be to restore the existing pavement. Wendy stated her concern is the pavement goes directly up to the brook in one area and a better buffer is needed in that area. She also noted there is run off already going into the brook and the situation needs to be better not worse. Mr. Guida added an infiltration trench along the edge of the parking lot may be possible. Wendy asked if a catch basin system would be possible to change the grade of the pavement so it pulls into a drainage area, then filters the water before it goes into the brook. Mr. Guida noted there is not a lot of space on site and that would be significant infrastructure to a small area.

Wendy questioned the septic system. Mr. Ames stated the septic design was done by Steve Eaton in 1989 and was approved by the State. Wendy questioned the year and stated she had thought there was another system put in during recent time. There was discussion on parking and types of filtration for run off. Wendy stated there is nothing in the proposed parking plan that will help the brook. David noted there is nothing that is making it worse either. Wendy disagreed.

Wendy stated there is too much parking. In order to protect the brook the area for parking needs to be restricted and the number of spaces reduced therefore reducing the use of the building, or the applicant needs to come up a way to control the storm water runoff and snow melt. David noted the applicant could apply for a variance for fewer parking spaces which would be better than not using a portion of his building. Mr. Guida noted they would like to protect the buffer as well and be able to compromise on a parking plan without the cost being excessive. There was discussion regarding rain water runoff from the building. Mr. Ames gave a brief description stating the rain water is directed underground away from the brook not directly onto the pavement. Mr. Guida mentioned they will look into getting a treatment system for the parking lot.

There was more discussion on the septic system and what the waste load limit would be. Mr. Guida stated the load was 2,262 gallons per day and the required square footage of the leach field is 3,167 and the one on site is 3,500 which is slightly over-sized.

David mentioned according the Zoning Ordinance only 1500 square feet for office space is permitted. Mr. Ames should apply for a special exception as well as a variance. The Board discussed the need for a special exception and variance and determined Mr. Ames would need a special exception as well.

Wendy opened up the discussion to interested parties. Mr. Caron, an abutter, stated the Board answered his questions already and questioned if the 1500 square foot applied to the building or if it was just for a new building in Village District II. Wendy responded there is an allowance of small retail/office space in the district but it is limited to 1500 square feet. Margret Lee, also an abutter to the property, stated she likes the way the building looks and was hopeful the parking lot does not turn into a place where people gather after hours squealing tires and honking horns etc. David Cotzin stated his concern was for the New Ipswich Market that has limited parking and is hopeful Mr. Ames will allow customers to park in that lot.

Stan made a motion to continue the public hearing. Walker seconded the motion and it passed unanimously. The hearing was continued to April 6, 2017 at 7:30 pm.

8:35 p.m. Jason Lehtonen – public hearing for a special exception application:

The Board received a letter from Mr. Lehtonen asking for a continuation. Walker made a motion to continue the hearing. Stan seconded the motion and it passed unanimously. The hearing was continued to April 6, 2017 at 8:00 p.m.

The minutes of the February 2, 2017 meeting were reviewed. Lori was appointed as a regular member. David made a motion to approve the minutes. Wendy seconded the motion and it passed unanimously.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lori Rautiola