

Zoning Board of Adjustment

Oct. 15, 2013

Members present: Chris Stafford-chairman, Tara Burkhart-vice chairman, Roger Denison, Joe Luna, Curt Springer, Annemarie Inman-alternate, Janet Denison-clerk

Others present: Kevin Hatch, Ed Delorey, Henry Corey

The meeting began at 7:30pm and was televised.

Minutes: The minutes of September 24 and the site walk minutes from October 5 were reviewed. Joe made and Annemarie seconded a **motion to edit the minutes of September 24, 2013**. The motion **passed** unanimously. Curt made and Joe seconded a **motion to accept the September 24 minutes as amended**. The motion **passed** unanimously. Chris read the site walk minutes with suggested edits. Curt made and Roger seconded a **motion to edit the October 5 site walk minutes as suggested**. The motion **passed** unanimously. Curt made and Roger seconded a **motion to accept the October 5 site walk minutes as amended**. The motion **passed** unanimously.

Case #2013-4: a variance request from Zoning Ordinance Article VII.D.1.a for the property at 15 Main Street, known as Danville Tax Map and Lot 3-168 and owned by Henry Corey. This is to allow an addition to the existing garage foundation which will reduce the wetland setback from the existing 24 feet down to 22 feet.

Chris read the comments from the Conservation Commission and mentioned the site walk raised many questions. Kevin Hatch explained they plan to leave the drilled well and cap the dug well. The office is to be on the northwest portion of the building, closest to the wetlands. The well will be inside the office. The bays have to be pitched toward the front of the building.

Mr. Hatch explained the state is not concerned about the setbacks of the building to the road as long as the structure is outside the right of way. He said there is no ledge on the property. Also, if the house is not removed it will be difficult to make a proper slope possible. Without any addition to the building, the existing garage will support two bays but will not have an office.

It was pointed out after viewing the property that it seems there will be more significant encroachment on the property than was shown on the plans. Even without the additional 2', the entire building is encroaching on the wetlands. Mr. Hatch showed an aerial photo and explained their plan will improve the site even though it encroaches further on the wetlands. The prior owners of the site used the rear and north side for parking vehicles and for trash receptacles. This proposal will use rain gardens and vegetation as natural filtration. Mr. Hatch said they will keep the impact numerically the same but still be able to improve the property with better grading and water treatment.

The south portion of the building will need to be removed in order to use the parking lot effectively for moving vehicles in and out of the bays. Having only one building allows for fire department access and parking away from the wetlands.

There was a short discussion about whether the proposal is in line with the spirit of the ordinance. The point was made that the area is already disturbed; this offers a chance to improve the situation.

Mr. Hatch explained the design of the building. The entrance to the bays will be on the south side and there will be no floor drains. A fire door only will be on the north. All vehicles will be kept on the parking lot or in the bay. The owner plans to do light mechanics such as oil changes, not engine or transmission repair. The bathroom will be near the office. He said that using the south portion of the building puts the stormwater closer to the wetlands. The building will act as a buffer; any spills inside will be treated with an absorbing agent, swept up, and another agency will be paid to take it away. Connecting to the dance studio parking lot allows for a better flow of traffic. The owner plans to have water testing done for Bartlett Brook to establish a baseline of quality. The existing septic system will stay.

Curt explained that the 75' distance from wetlands was chosen arbitrarily when the wetland ordinance was first written. The placement of permanent structures could be controlled with the ordinance while non-permanent things, like lawn chairs, pool chemicals, etc could not. The 75' allowed for some control over these household items.

Mr. Hatch suggested using crushed stone along the north side of the building rather than rain gutters and down spouts. He could probably plan for a 4' wide strip along the north side of the building and still maintain a 2% slope.

The Board discussed how to put restrictions on the property's proposed use. Mr. Hatch supplied a list of possible restrictions, or suggested conditions of approval, which were discussed and edited by the Board.

Curt said the property is already so out of kilter, the question is: how can this board improve it? If the property is kept as it is, the wetlands will remain as they are and the building will remain there with no treatment plan and improper drainage and swales. The proposed use also has a smaller impact on the septic than a four apartment building.

The size of the building as is and as proposed was discussed. Mr. Hatch estimated that almost 400 square feet will be removed and 320 square feet will be added, making an overall reduction in building size. The advantage to their proposal is that the area will have better drainage and treatment. Joe suggested maintaining the existing 24' encroachment distance, not the proposed 22'.

Putting restrictions on the property and their details were discussed. This included the type of roof drainage system and a access deterrent to the north of the building. The exact measures to prevent vehicles from using the north and west sides of the building and the drainage methods will be left to the Planning Board during site plan review.

The Board discussed the following while reviewing the criteria for granting a variance:

1. The proposed building will be located no closer than 24 feet from the edge of the wetland as shown on the site plan with the revision date of 10/2/2013 presented for Corey Motors by Cornerstone Survey Associates.
2. The existing gravel driveway to the north of the existing building shall be re-vegetated and discontinued as an active driveway with an access deterrent installed as determined by the Planning Board.
3. The finished building will have a roof drainage system installed and maintained to control sediment from entering the wetland. All grading around the building will be in the direction away from the wetland area.
4. Car access is allowed only from the southern side of the proposed building and no vehicular access is allowed on any unpaved surface.
5. These conditions shall be noted on the recorded site plan.

Curt made and Roger seconded a **motion to grant the variance request subject to the five conditions discussed**. The motion **passed** unanimously. A notice of decision will be sent to the applicant.

Other Business:

There is money in the budget for training if someone would like to attend a class at the upcoming seminar.

At 9:30pm Joe made and Curt seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison-clerk