

Danville Zoning Board of Adjustment
Jan. 26, 2016
7:30 pm

Members present: Chris Stafford-chairman, Jason Holder, Joe Luna, Curt Springer, Janet Denison-clerk

Excused members: Tara Burkhart

Others present: Charlie Zilch, Charlie Lucas, Jackie Fitzgerald-Boyd, Sheila Johannesen arrived at 8:30

It was noted only four members were present. Jason was designated a voting member.

Minutes

Curt made and Joe seconded a **motion to accept the December 1, 2015 minutes as written.** The motion **passed** unanimously.

Chris began the meeting by explaining a request was sent from Attorney Cronin, representing the Cotes, to continue the discussion to another date. A similar request was obtained in December, asking for the meeting to be continued to January 12th. That meeting was canceled due to the weather and illness of Board members.

Chris further explained that he had been discussing the Cotes request for an appeal with town counsel, Peter Loughlin, who had also been discussing this with Mr. Cronin. The two attorneys had been trying to reach an agreement that would be acceptable to all parties involved and to keep the town out of court, which would be expensive. A proposal was obtained from the Cotes through their attorney. A counter proposal was offered by the Town Attorney, although there had been no discussion with the Board of Selectmen.

Chris explained that this Board could vote to continue the hearing to another date, but preferred to not draw out the continuance too long, because it's already been going on for a while. Curt made and Jason seconded a **motion to accept the request for a continuance.** The motion **passed** unanimously. The Board discussed a possible date to meet again which included allowing time for the Selectmen to meet regarding this issue. Joe made and Curt seconded a **motion to continue the Cote hearing to March 1 at 7:45pm.** The motion **passed** unanimously.

Rules of Procedure

An email policy was incorporated into the Rules of Procedure. There were minor grammatical items discussed. Curt made and Joe seconded a **motion to approve the Rules of Procedure with the amendments provided for in section VI.** The motion **passed** unanimously. A final version was printed and signed by those present. It was agreed that any other questions can be addressed at the annual meeting to be held in May.

The meeting adjourned until 8:30pm.

Variance request for Cotton Farms MHP, LLC

Jason and Sheila were designated as voting members to discuss the Cotton Farms variance request.

Charlie Zilch introduced himself as the engineer working for Charlie Lucas, the manager of Cotton Farms. Mr. Zilch explained this is for the reconstruction of a 1,456 square foot, 2 story, four unit one-bedroom apartment building within the wetland conservation district buffer zone. This is on Beatrice Street, known as Tax Map and Lot 3-87. The site is 123 acres, established in 1980 and through a court order is allowed 160 units. Five years ago the unit at #47 Beatrice Street was razed. Two units were rebuilt on Wesley Street. Two others were planned for elsewhere in the park but were never built. Since that time, some units have been removed, leaving the current unit total at 155. A plan was presented to the Planning Board to raze units 41 and 43. These will be rebuilt to be outside the wetland buffer and bio-retention areas will be incorporated into the grounds. Mr. Zilch said there is a great need for this type of housing.

The building is proposed to be 18' high. The impervious surfaces will be reduced from 3000 square feet to 1700 square feet: approximately 57%. The Conservation Commission has reviewed the plans and stated this is an improvement. The town engineer has also reviewed the plans and supports the idea of the bio-retention areas.

The Board discussed the criteria for granting a variance. Mr. Zilch said there are no other areas to place other buildings due to septic areas and the well head. Curt said that the court order allows them to have 160 units, therefore this density maximum cannot be denied them. It was mentioned that many things about this park are non-conforming to current zoning. The proposal tonight improves an existing situation.

The proximity to the abutters was discussed briefly. Impact fees have not been discussed with the Planning Board yet. The maintenance of the rain gardens was discussed briefly. No site walk was needed as all present said they were familiar with the site.

The point of the wetland ordinance, which is to protect the wetlands, was discussed. This plan seemed to find the least impactful location. It removes the septic system from the buffer and reduces the impervious surface area, which is in line with keeping the spirit of the ordinance. Overall this is a benefit to the town and there is no basis to think this will adversely impact the value of surrounding properties.

Curt made and Joe seconded a **motion to approve the variance with the condition that the rain gardens be maintained per the industry's best management practices on an on-going basis**. The motion **passed** unanimously.

At 9:35pm Curt made and Joe seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison-clerk