

Danville Zoning Board of Adjustment
May 12, 2015
7:30 pm

Members present: Chris Stafford-chairman, Tara Burkhart-vice chairman, Roger Denison, Jason Holder, Joe Luna, Curt Springer, Sheila Johannesen-selectmen's rep, Janet Denison-clerk

Others Present: Carsten Springer, Molly Sheely, Andrew Sheely

The hearing for Case #2014-2 Regarding the variance request from Gordon Smith and Maureen Paolini of 5 Red Pine Road, scheduled for 7:30pm this evening, has been withdrawn.

Minutes:

The following minutes were reviewed for final approval:

June 26, 2014—Joe made and Tara seconded a **motion to approve the June 26, 2014 minutes as amended**. The motion **passed** unanimously.

July 22, 2014, site walk—Joe made and Curt seconded a **motion to approve the July 22, 2014 minutes as written**. The motion **passed** unanimously.

July 22, 2014, 7:45pm meeting—Joe made and Curt seconded a **motion to approve the July 22, 2014 minutes as amended**. The motion **passed** unanimously.

April 14, 2015—Chris made and Curt seconded a **motion to approve the April 14, 2015 minutes as amended**. **Joe abstained**. The motion **passed**.

April 18, 2015—Roger made and Curt seconded a **motion to approve the April 18, 2015 minutes as amended**. Joe, Tara, and Roger abstained. The motion **passed**.

Nomination of Officers:

Curt made and Joe seconded a **motion to nominate Chris as Chairman of the Zoning Board of Adjustment**. Chris abstained. The motion **passed** and Chris accepted.

Curt made and Joe seconded a **motion to nominate Tara as Vice-Chair of the Zoning Board of Adjustment**. Tara abstained. The motion **passed** and Tara accepted.

Case #2015-4 regarding the variance for Molly and Andrew Sheely from Zoning Ordinance Article VII.D.1.a to permit the construction of an in-ground pool within 75' of wetlands. The subject property is 7 Pigeon Hill Road, known as Tax Map and Lot 2-23-2.

It was noted that the ZBA had a full board and Jason, not a voting member for this meeting, will represent the Conservation Commission along with Carsten Springer.

The Sheely's introduced themselves and explained they had a 24' diameter above-ground pool that collapsed during the past winter. They are hoping to build an in-ground pool, with an approximate size of 18'x32', steel and foam walled, on the same location as the other pool. A variance was granted for the location of the first pool. A plan was presented to the Board and

they explained the proximity to wetlands will be no less than 31' and about 6-8' from the existing treeline. The pool will have a 4' stamped concrete deck surrounding it, increasing up to 12' near the house. The deep end of the pool will be 8'. It was suggested that the deck slope toward the pool and to locate the pump away from the wetlands. Joe suggested a 1/8th inch per foot slope.

Carsten suggested an in-ground pool may be better near wetlands than an above-ground pool which can obviously collapse.

There was a short discussion of using the material dug out of the ground and building a berm at the end of the driveway. This may allow run-off to be filtered more before entering the wetlands. Curt asked about using the fill at another property. Carsten pointed out that conditions on site determine what is best and that a condition for building a berm may be too restrictive.

The hearing was left open while the Board members reviewed the five criteria.

#2—The spirit of the ordinance will be observed: It was agreed that this application does not affect the surrounding lots.

#3—Substantial justice: It was agreed an alternate location would require the trees to be cut down, which will significantly affect the terrain. That loss would not outweigh any gain to the public.

#4—Surrounding property values: Abutters to this property have pools; a pool at this location would be value neutral.

#5—Unnecessary hardship: There is not another location on the lot suitable for a pool. Any other location would require excavation which would be more impactful to the wetlands than their proposal. A pool would not alter the character of the neighborhood.

#1—Contrary to public interest: The proposal is a reasonable use of the property.

The Sheely's said they are not opposed to moving the pump to a different location. Joe made and Curt seconded a **motion to close the public hearing**. The motion **passed** unanimously.

The Board discussed restrictions for granting the variance. It was agreed the surrounding deck should be sloped away from the wetlands and the drain be placed on the opposite side of the wetlands. A berm or swale should be built at the end of the driveway to divert the flow of runoff away from the wetlands as much as possible. The pump should be moved to the location of the existing heater.

Joe made and Roger seconded a **motion to grant the variance with these aforementioned conditions**. Curt abstained. The motion **passed**.

At 9:15pm Joe made and Roger seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison-clerk