

Zoning Board of Adjustment
July 7, 2020

Members Present: Chris Stafford, Walter Baird

Members Present Remotely: John Russo, Roger Whitehouse

Others Present: Gail Turilli, Daniel Anzalone, Carsten Springer, Bobby Loree, Tom Gordon

Present Remotely: Janet Denison

Roger made and John seconded a **motion to accept the June 30, 2020 minutes as amended**. The motion **passed** unanimously.

Case #2020-4:

Charlie Zilch of SEC and Associates was contacted regarding a new plan. This was reviewed by the Conservation Commission (CC) at their last meeting. It is their recommendation that the applicant talk to the Planning Board to clarify what needs to happen.

A letter from the CC to the ZBA was read.

It appears a conditional use permit should have been reviewed by the Planning Board. That board would have required accurate plans with current conditions. Carsten explained that the matter is in the hands of the ZBA now. At least one member of the CC has driven by and looked at the property from the road. There appear to be steep slopes. The question remains where the garage can be placed and if it can be placed beyond the setbacks.

Chris asked if the culvert affected the wetlands on the property. It appears the culvert was put in after the map was drawn that shows the wetlands. The applicant produced a boundary survey which was reviewed by those present. Since there were four-members for tonight's meeting, the applicant was asked if he wanted to continue tonight or continue to a later date with a full board.

Chris read an email he received from Michelle Cooper, a member of the Zoning Board. She was not able to attend tonight's meeting and sent the email to the chairman to express her opinion. She stated that she is concerned that the Board was presented a hand-drawn map with no wetland delineation or topography. She stated that without an accurate survey, there may be other places to place the garage, which would make this application not meet the hardship criterion.

There were no other questions at this time.

Chris explained that it would be helpful to have an accurate plan to clear up questions regarding the culvert and wetlands. He'd like to go with the recommendation from the CC. The hardship criteria was explained. If approval of the application is sought tonight, it could come with restrictions.

There was a short discussion about orienting the garage differently. A plan is needed that will show the property and the building to scale. Chris said the setback needs to be known or the Board cannot proceed.

Mr. Anzalone said he didn't know all the required information necessary for submitting an application to the Board. Chris suggested considering the recommendation of the CC. This hearing can be continued to another date after an updated plan is obtained. Going to the Planning Board for a conditional use permit is a separate issue. This Board would like to see an accurate plan with the wetlands delineated. That can be obtained by going through the Planning Board process, but this Board will focus on the variance criteria. It was pointed out that it is difficult to demonstrate a hardship without a complete plan.

Mr. Anzalone asked if there is a retro-conditional use permit and asked if he needed to speak with a surveyor. Chris said this becomes an enforcement issue and not within the scope of this Board. He explained the most difficult criterion for a variance is proving hardship. An application to the Planning Board does not affect the variance application.

Dates were discussed regarding when the Planning Board and Conservation Commission meet next. It was stated that working with the Planning Board may help the ZBA process, but the most important thing to know is the boundary for the wetlands. The CC will meet again on August 6, the Planning Board meets on August 13. It was agreed that no one from the ZBA needs to walk the property at this time. Chris made and Roger seconded a **motion to continue this hearing to August 11 at 7:30pm**. The motion **passed** unanimously.

Case #2020-5:

Chris mentioned this is a continuation of the hearing held June 30, 2020. The Board conducted a site walk on June 24, 2020 to view the proposed location of the pool and shed within the wetland setback.

Mr. Gordon asked if a different roof material would make a difference. The wetlands would be better protected if there were gutters and some sort of way to channel the flow away from the wetlands. He asked if the shed can be in its originally proposed location but have gutters on it. Chris said that the request was to get it out of the wetland setback as much as possible.

Possible locations were discussed. It was explained to Mr. Gordon that there are four members present for tonight's meeting. He was given the option to continue to a different night with a full board. He indicated he is fine with continuing tonight.

An email to Chris from Michelle Cooper, a member of the Board, was read. She stated her opinion that the pool should be oriented in a way so that the impact in the wetland buffer would be minimized, with the idea this will lessen the amount of chemicals that could enter the wetlands. The shed should also be moved away from the wetlands as much as possible.

There was a short discussion about changing the location and orientation of the pool. If it is rotated, there will be less impact to the wetlands. It was agreed the pool will be rotated 90 degrees, making it 45' from the wetlands. The shed will move from 6' to 30' from the wetlands. The applicant explained there is some undulation in the topography. He is willing to put in gutters with a French drain.

The criteria for granting the request were reviewed. **For each criterion, the four voting Board members voted in favor of granting the request.** Chris noted that the vote is granted with the restriction that the pool is parallel to the house and not closer than 45' to the wetlands and that the shed is moved to a location at least 20' from the wetlands and has a gutter system and French drains.

97 John made and Roger seconded a **motion to accept the June 23, 2020 minutes as amended**. Chris
98 abstained. The motion **passed**.
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100 The upcoming agendas were reviewed. The Board will meet on the 14th for the continuation of the
101 Delridge discussion. The Board will meet again on the 21st.
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103 At 9:20pm Roger made and John seconded a **motion to adjourn**. The motion **passed** unanimously.
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105 Respectfully submitted,
106 Janet Denison