Zoning Board of Adjustment

June 2, 2021

Site Walk

5:30 PM

Members Present: Walter Baird, Michelle Cooper, Chris Stafford, John Russo

Others Present: Gail Turilli, Brian Sultzbach, Linda Sultzbach, Carsten Springer, Vince Edwards, Robert Loree, Edward Lang

**Case # 2021 – 2:** A Variance request from Zoning Ordinance Article VIII, section D.1.A and D.2.A for the property at 37 Ward Way, known as Danville Tax Map and Lot 1-45-15-5 and owned by Brian and Linda Sultzbach. This is to install a 12’ X 26’ foot inground pool encroaching within the wetlands in a cluster development.

The Zoning Board and Conservation members met at 5:30pm and walked the outside of the property. The original placement of the pool, in the back of the home just outside of the sliding glass door, has been changed per Conservation Commission’s recommendation. The new proposed placement has been moved North and East of the original placement and is now 6ft off the back deck and will consume 3ft of the wetland setback. There is a very steep slope on the backside of the property.

Mr. Sultzbach stated he will have a 2 – 3ft apron around the pool and has offered to put in a French drain and dry well for runoff. Carsten stated that the plan shows the pool as being 7 ½ ft wide. Mr. Sultzbach stated that the pool is 26ft long, 12ft wide and is the smallest inground pool made. Carsten observed that the pool can be placed in a different location on the side of the home without encroaching the wetlands but, may be more costly as a retaining wall would need to be in place. Carsten also stated that the scale on the plan shows 30ft to one inch but the actual scale on the left side of the new plan shows the actual scale being 15ft to one inch. This needs to be clarified by a licensed surveyor.

Chris stated that there are 2 Variances that need to be addressed, wetland setback and internal setbacks of 30ft between structures in the Zoning Ordinance for Cluster Developments. Our current Zoning Ordinance for Cluster Developments states the internal setback shall be 30ft between structures. Clarification is needed from the Planning Board on the intent of this section of the Zoning Ordinance: 30ft between internal structures between lots or within the lots. A developer may choose to have internal boundary lines in a cluster development.

Vince asked what the French drain would do. Mr. Sultzbach explained that it will bring the water to the dry well, away from the wetlands and, he also plans to add plantings of 5 high bush blueberry plants and 5 Maple trees along the backside of the property.

Carsten asked if a wetland delineation was done and how accurate it was. If it was not done, Lewis Builders has a soil scientist that could be contacted to do so. Mr. Sultzbach is in agreement and will contact Josh Manning to have the wetland delineation double checked and define the edges of the wetlands. Carsten also stated he has some questions he would like addressed.

Second meeting with Conservation Commission will be held on June 3, 2021 at 7:30pm.

Continuance with the ZBA will be held on June 8, 2021 at 7:30pm.

The site walk concluded at 6:30pm

Respectfully submitted,

Gail L Turilli