

Zoning Board

July 2, 2007

Memorial Building

7:00 PM

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Present: B. Manning, Bill Sullivan, Mark O'Halloran, Cynthia Hayes, Gene Hayes, Bob Anderson (Selectman Representative).

Minutes: A motion was made by Mark O'Halloran to accept the minutes of the June 6, 2007, meeting, seconded by Cynthia and unanimously approved.

Reports: The Planning Board sent a copy of the Town of Hopkinton Noise Ordinance and the Town of Newbury's zoning. These were briefly discussed by the Board. A copy of the draft of the Home Business/occupation letter was sent to the Board for review. The Board agreed that all three Boards need to get together to decide how best to approach this issue, with the Selectmen having final say. There was also discussion about who handles questions from the public regarding zoning/planning issues.

Colena: Public hearing for Area Variance for garage which does not meet setback requirements. Present: Jocelyn Colena. A site visit took place at 6:00 PM this day. The meeting was re-opened at 7:16 PM. There was some concern by the Board about the size of the garage. The doors of the planned garage are 10' wide, according to Mark average garage doors are 9'. Cynthia suggested that the Board keep in mind the long term effects of their decision and how the area may change. The Board asked Jocelyn if a 24' x 32' garage would be acceptable- reducing the width would increase the setback. They then decided that she would need 36' in length to fit in the stairwell. Gene assured her she would be able to stand in the upstairs storage area. Cynthia made a motion to grant an area variance for a 24' x 36' garage 24' from the Right of Way as staked out by the Springfield Highway Department. Conditions are that there be no outside lighting on the back of the building and the building not be used for human habitation. The Board reviewed the worksheet for approval of the variance. The Area Variance was approved 5-0 by the Board.

Hansen: Continued Public Hearing. Present: Michael Hansen. The first issue discussed was the old road on the border of Michael's property and Bell's. There was a letter from Pierre Bedard which was read by B. There is record of the Town voting to discontinue the road on 3/10/1863, but no information on State approval. The Board wants to look further at this issue.

Michael showed his new plan 35' from setback of road, 80' from Bell's property. A line of spruce trees will be planted as a screen. Michael explained his plan for directing the water to Bob's well. He also presented his business profile which he thought answered a lot of the Board's questions.

B. felt there were three issues: the building, the land with the water and road issues, the business(es)

B. read the description of the proposed businesses. There is no plan currently for a septic system.

There are three proposed businesses: 1) A heated boat storage for 100 boats 2) A valet service for boats 3) New and used boat sales. Michael would own business #1, #2 and #3 would be tenants.

Cynthia expressed frustration with the amount of changes Michael has made to his plans over the past four months. She made a motion to reject his plans for a special exception until his plans are complete. She went over the list of requested information for this meeting and does not feel the information has been supplied. B. feels that the meetings with Michael have been conducted more like a Planning meeting. Michael contends that his plans have not essentially changed since the beginning. B. would like not to reject the Special Exception because then Michael would have to start all over sending notices and all. Bill feels no time would be saved by rejecting. A new site visit was suggested.

There was discussion again about the water and if the building needs to be 100' from it. It was decided that the letter from the soil scientist should be sent to Ross.

Michael wants all businesses included as one package.

Pierre Bedard arrives. He does not think all roads had to go before the State in order to be discontinued. He showed the Board on the map the area he researched, and why he thinks it was discontinued. The ownership of the road appears to belong to landowners on one side or the other of the road according to various deeds. Landowners along the road may have rights to use the road if they have been for years. Bill Sullivan found a passage that stated that no Town votes to discontinue a road have ever been overturned by the State.

Michael's Hearing will be continued to August and the issues he needs to address are:

- 1) confirmation from DES that it is ok to have portable toilets as a bathroom facility for the businesses.
 - 2) an actual plan for the water changes that Ross can see, include well, dimensions from corner of building, materials to be used.
 - 3) more clear plan re: where boats will be inside and outside of building, location of maintenance
- Hearing was continued to August 1, 2007 at 7:30 PM.

Lauderdale and Windsor: Special Exception Hearing for a driveway to a single family residence through a wetland. Present : Jim Lauderdale, Peter Schauer Wetlands Scientist , who was hired by Mr. Lauderdale. He submitted the plan to the State, and the permit has been granted by DES. Where the crossing is planned there is a more undefined wetland requiring a culvert but not a box culvert, which would increase the cost dramatically. There is no possible way to access this property without crossing a wetland. Peter Schauer had investigated other driveway sites and included his reasoning for choosing this site. John Trachy requested that Peter compare the traditional round/oval culvert to the open-bottomed box culvert (concrete). John Trachy stated the Conservation Commission had filed for intervention on this case because they thought a box culvert would be most appropriate and wishes for the Zoning Board to make this a condition for approval. Peter Schauer believes that critters will not enter a box culvert of this length because there is "no light at the end of the tunnel . At this time the Board closed for Public comment. A motion was made by Jean, seconded by Bill to grant the Special Exception to James Lauderdale and Jean Windsor for construction of a driveway through wetlands as presented by Peter Schauer. The vote was 5-0 in favor. The Board also praised Mr. Schauer for his well prepared and presented plan.

Paul Biebel: requesting a Variance to construct an 8'x16' storage shed that does not meet setback requirements and to add to an existing deck. Present: Paul Biebel. Paul wants to add a 5' landing to his deck in order to construct a set of stairs. He feels this is a safety issue. The deck needed a variance to be built in the first place.

B. feels a site visit would be helpful. Mark asked for a letter from Mr. Lewis, an abutter who stated to Mr. Biebel that he was OK with the plan. Cynthia also thought it would be helpful. Bob says that notices have been sent to abutters and that is enough notice. B. says if abutters are not here they must not have a problem. Mark withdraws his request.

Mr. Biebel plans to tuck the shed into the hillside near the parking lot, he is hoping the building will help with the drainage of water onto the parking lot. Septic systems are in this area. He is only 20' from the property line in order to change the water direction. The building would be sided towards the road, made with pressure treated lumber and landscaped. According to Paul very little of the building would be seen. This is probably not 100' from water.

A site visit is scheduled for August 1, 2007 at 6:00 PM. Paul will have the area staked out. Brad will be asked to come to the site as the drainage in this area has been an issue for some time. The Hearing will then be continued to August 1, 2007 at 7:15.

Star Lake Farm: Special Exception Hearing to build a farm pond with a disturbance of less than 20,000 ' of wetland. Cynthia states she is an abutter but the area in question is $\frac{3}{4}$ of a mile from her, she doesn't think this is an issue. Present: Pierre Bedard. The land is a 70 acre pasture for cattle that presently drink for the brook when it is running, or need to have water trucked up to them. The pond would be constructed in a wet area. The stream and most of the pond would be fenced off to prevent damage and contamination by the cattle. The water would be pumped to a trough. The pond would be about 10' deep. There would be an inlet from a drainage swale and an outlet into a wetland area before emptying into the brook. There is as yet no approval from DES, Pierre says this is a minor permit. He needs a Special Exception before he can go to the State.

Cynthia made a motion to grant the Special Exception to Star Lake Properties to construct a farm pond according to plan presented by Pierre Bedard dated June 2007 and signed July 2, 2007, for the purpose of obtaining the necessary permits. The motion was seconded and all members voted in favor. (5-0) . All appropriate permits must be obtained from the State and presented to Town Officials.

With no further business the meeting was adjourned.

Respectfully Submitted,

Linda Huntoon
Recording secretary