

ZONING BOARD OF ADJUSTMENT
JULY 7, 2016

PRESENT: Wendy Juchnevics-Freeman, Chairman, David Lage, Vice Chairman, Marianne Graham, Edwin Somero, Stanford Long, Walker Farrey, Joanne Meshna, Lori Rautiola

The meeting was called to order at 7:00 p.m. at the Town Office.

7:15 p.m. William Poole – Public Hearing for a special exception application: Mr. Poole owns 11 Porter Hill Road, lot 11/6-1, rural district. He applied for a special exception from Article V.D.3 of the Zoning Ordinance to permit retail sales of chocolate products.

Mr. Poole stated he would like to restore the carriage barn and bring retail to his property. The retail shop would be about 440 square feet and would be open three days a week, Thursday through Saturday, and on some special holidays. Wendy noted she did not think it was necessary to have restrictions with the hours unless the neighbors felt it was needed.

Mr. Poole added the sign for the small retail shop would be kept within the Town's Master Plan and would only be hung while the store was open. He added they have six parking spaces which would allow four for the Inn and two spaces for the retail shop if the inn is full.

The criteria for granting the special exception was reviewed:

- 1) The specific site is an appropriate location for such use -- Mr. Poole stated the retail shop would be in the same location as the previous owner's gift shop and has a separate door and entry from the main house.
- 2) The use as developed will not adversely affect the adjacent area -- Mr. Poole stated there is minimal impact to neighbors as it will be confined to the carriage barn area.
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians -- Parking is all contained within the site.
- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use -- Mr. Poole noted all sales will be confined to the 440 square foot space and the space is ample for retail use.
- 5) Such approval should be consistent with the intent of the Master Plan... - David noted during last night's Planning Board meeting it was brought up a site plan review may be needed and if so the Planning Board will send a letter. Mr. Poole noted it would be conducive for the area and retain village charm.

William Birch, an abutter to the property, stated he supports the idea and views this as a positive asset for the village.

Stan made a motion to close the public hearing for deliberations. David seconded the motion and it passed unanimously.

David stated the retail fits well within the Town's Master Plan for promoting small business within the village districts and Wendy agreed. Marianne stated the only concern she had would be the parking but seeing there are no concerned abutters and Mr. Poole has met the criteria for parking, there should be no issues.

David made a motion to approve the special exception application for the 440 square foot retail shop. Marianne seconded the motion and it passed unanimously.

7:30 p.m. Gregg Somero – Submission of a variance application: Joanne presented the application to the Board for Gregg as he was out of Town. She explained Mr. Somero recently subdivided his land which has frontage on both Ashby Road and Will Drive (a private driveway) and would like to put the driveway off Will Drive which already has four driveways. The applicant met with the Planning Board and was told the driveway must be off Wheeler Road. The Board agreed the application would be a variance. Joanne submitted the variance application for Mr. Somero. The Board reviewed the application and noted it was incomplete. Marianne made a motion to accept the application conditional upon completion by June 14, 2016. Wendy seconded the motion and it passed unanimously.

Minutes: David made a motion to approve the June 2, 2016 meeting minutes. Edwin seconded the motion and it passed with one abstention.

7:45 p.m. Malcolm and Mary Rode – Public Hearing for a variance application:

The applicants own lot 12/25, 168 Main Street. A variance application from Article XII. A. of the Zoning Ordinance was submitted to allow replacement of a failed septic system within the front and side building setbacks.

Chris Guida from Fieldstone Land Consultants explained the new system would be replacing the old dry well and would be an upgrade from the old system. Mr. Rode noted the house is an older one in the Village District and they would like to keep the village charm and not have a mound of dirt in front of the house or disturb the large tree in the front yard. Wendy questioned the location of the proposed leach field and if it were to fail years down the road, where would the water flow. Mr. Guida answered the new system would be about 12 feet from the side setback and is about the same for the front setback. It would flow into the owner's front yard not the neighbors. Mr. Rode mentioned this would be the best location for the new system as it would be tucked back along the edge of the woods line with other vegetation.

The system will have a 13 foot vent which is recommended by the manufacturer. Mr. Guida mentioned there are other ways to make the 13 foot vent shorter but it would be a bit more costly. Upon further discussion, it was agreed the length of the vent would be shortened.

The five criteria for granting the variance application were reviewed:

- 1) The proposed use would not be contrary to the public interest – It meets the State requirements for setbacks and it is a replacement for a failed system that was a pre-existing, non-conforming use.
- 2) The use is not contrary to the spirit of the ordinance – It meets the State requirements and is outside the 75 ft. radius of the dug well which is the backup water supply.

- 3) Granting the variance would do substantial justice - It replaces a failed system, meets State requirements, and is outside the radius of the backup water supply.
- 4) The proposed use would not diminish property value – It is replacing a failed system and the proposed location would not destroy the historic aesthetic value of the property by having a raised mound in the center of the landscaped yard.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner ... -- The hardship of the ordinance would destroy the aesthetic historic value of the property and place it within a 75 ft. radius of the backup water supply
 - 5a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property – There will be no effect or burden to the abutting property owners due to the nature of the proposed system.
 - 5b) The proposed use is a reasonable one – The proposed system was designed according to state requirements. The Town Building Inspector reviewed and approved the system design subject to the Zoning Board approval.

Arnold Suokko, an abutter of the property, stated he had no objection, it is a beautiful house, and they have done a nice job with it.

Marianne made a motion to close the public hearing for deliberations. Edwin seconded and it passed unanimously.

The Board discussed the criteria and concluded this would be the best location for the septic system and the proposed use is a reasonable one.

David made a motion to approve the variance application for locating the septic system within the side and front setbacks. Stan seconded and it passed unanimously.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,
Lori Rautiola, Secretary