

APPROVED 11/1/2023

ZONING BOARD OF APPEALS
WEDNESDAY, September 6, 2023
RESOURCE ROOM

Attendance: Chair Dan Heney, Vice chair Mike Fitzpatrick, John Bombara, Ron Forget, Jim Palmer, Ken Frasier Building Inspector.

Dan Heney called the meeting to order at 7 PM.

(0:10 TS) Reorganization:

John Bombara made a motion to leave the positions as they currently stand 2nd by Ron Forget. The vote passed unanimously.

7:00 PM Public Hearing: Donald & Katherine Desjardin (#2023-12) 14 Shady Lane

Date of Application: 7/31/2023

Decision Date for Variance: 100 Days of Application (11/8/2023)

The certified mailings were all returned, and the abutters were notified, and this was advertised in the Telegram and Gazette. The work involves removing an existing non-conforming shed and building a new 24 x 24 garage within the setback in an RA zone. Dan Desjardin the applicant's son stated that the existing shed is falling down, and they positioned the proposed garage to be the same distance as the existing shed to the neighbor's property and does not encroach any further than the house is towards the street and is also outside the 100-foot buffer to the reservoir. Mr. Bombara did a site visit on Saturday and stated that the existing shed is in fact is falling down and has no issue with the proposed garage.

(6:30 TS) Motion to close the public hearing made by John Bombara, 2nd by Ron Forget. The vote passed unanimously.

(6:50 TS) Motion to approve the plans as submitted by Jarvis Land Survey dated July 5, 2023, showing the garage setback as 32.6 feet from the road and 10.2 from the side lot line made by John Bombara, 2nd by Ron Forget. The vote passed unanimously.

Discussion:

(8:15 TS) Signatures: Vouchers, Decisions, Legal Documents

The Board passed around vouchers and decisions to be signed.

(15:15 TS) 7:15 PM Public Hearing: Jonathan Whipple (#2023-13) 88 West Street

Date of Application: 8/16/2023

Decision Date for Variance: 100 Days of Application (11/24/2023)

This was posted in the town hall and advertised in the Telegram and Gazette. The work involves construction of a home within the front setback in a VR zone district. Mr. Whipple the applicant is present to answer questions from the Board and stated that this is for a house not a garage and the advertisement was a typo. Jonathan Given, 92 West St just wanted to make sure the record would be corrected to a house and not a garage, the Board stated they would make sure under approval that is was stated correctly, and that the drawing already submitted stated that it is a residence. Shelly Foley, 89 West St stated for the record that she is for the construction of this house. Susan Chilton, 96 West St stated they are against this house being built and that if any other structure goes up on this property that it will block their line of sight from their driveway. David Molvar, 90 West St wanted to make sure like the other neighbors that this was not a garage as was stated in the letter he received.

(26:44 TS) Motion to close the public hearing made by Mike Fitzpatrick, 2nd by John Bombara. The vote passed unanimously.

(27:05 TS) Motion to approve the variance for 88 West St for the front yard setback, made by Mike Fitzpatrick, 2nd by John Bombara. The vote passed unanimously.

(31:05 TS) 7:30 PM Public Hearing: Beth Lonergan (#2023-14) 278 Northwest Main Street

Date of Application: 8/16/2023

Decision Date for Variance: 100 Days of Application (11/24/2023)

This was posted in the town hall and advertised in the Telegram and Gazette and the variance is for a road frontage and lot area relief under dimensional regulations under appendix B to build a single-family home in an RA district. Margaret Bacon with Civil Site Engineering representing the applicants for an existing vacant wooded lot that is pre-existing, non-conforming and only has 24K square feet and not the required 90k square feet and the frontage is only 100 feet and 200 feet. The house being proposed can fit within the zoning setbacks and there has been perk tests done. The Board stated that the highway department sent a comment via email about concerns with the drainage. Ms. Bacon stated that she was not aware of the issues and concerns and would like to go out to the site when it is raining to see what is happening and try to come up with something to prevent the problem. The Board discussed continuing the public hearing and let Ms. Bacon meet with the highway superintendent to discuss the issues and resolutions. The highway department stated in the email that there is already a water and drainage issue there and they want to make sure this project will not contribute to the problem. The residents at 250 Northwest Main Street stated that they have already gone through the town with this issue and that nothing has ever been done to mitigate the problem.

(42:20 TS) Motion to continue the public hearing to October 4, 2023, made by John Bombara, 2nd by Ron Forget.

Discussion:

(48:40 TS) North Brown, LLC – Ken Frasier stated that they have been moving along, there is some sediment controls they need to take care of and they are staying up with removing extra soils out of the site. Mike Fitzpatrick asked about the stockpiling and if they would need to get a permit if they decided to process it with a crusher. Mr. Frasier will check into that. Mr. Fitzpatrick also asked how wide the sidewalks were and Mr. Frasier will check into that as well.

(54:05 TS) ZBA Fee Schedule – Possible votes

Jen Couture sent the Board the new postage rates to see if the Board wanted to update their department fees to coincide with the USPS rates. The Board discussed the advertising fee and the mailing fees. The department would like to get away from having applicants issue a check for \$200.00 and then when the advertising fee is established return that check and ask for a new one with the ad amount. They would like to do a flat rate for the advertising fee of \$200.00, an application fee of \$250.00 and postage to be set at whatever the current USPS rate is at the time of mailings.

(1:02:30 TS) Motion to approve the rate as submitted by Community Development which would be an application flat fee to \$250.00, an advertisement flat fee of \$200.00 and cost of abutters mailings would be the current USPS rate at the time of mailing, made by Mike Fitzpatrick, 2nd by Jim Palmer. The vote passed unanimously.

(1:03:30 TS) Notice from the Planning Board that there is an application for Earth Removal with a hearing on Thursday August 24, 2023.

(1:04:05 TS) Motion to adjourn the meeting made by John Bombara, 2nd by Mike Fitzpatrick. The vote passed unanimously.

Respectfully submitted,

Stephenie Gosselin