

Zoning Board of Adjustment
August 28, 2018

Members Present: John Krebs, Karl Ogren, Craig Niiler Vice Chair, Scott Lees Chair, Jake Stephan, John Quigley (A) Dennis Anderson (A)

Members Absent: Tim Cupka, (A)

Others Present: Janice Zecher, Recording Secretary, Don Harris Zoning Officer,

Meeting called to order at 7:00pm by Scott Lees. Scott introduced the board members to the public, and explained the rules and procedures. There was a quorum present of 5 members.

The minutes from July 24, 2018 were reviewed by the board.

Add statement that Karl informed all applicants that there was a 4 member board present and that the applicant has the right to wait for a 5 member vote.

Dennis Anderson (A) will be a voting member for the Thomson application in place of Karl Ogren who will be coming to the meeting later.

Case # 3-58-18 Laura & Maynard Thomson *Continued from July*

Applicant seeks an appeal for a variance under Article 3, section 304.1 setbacks to build a 24 x 32 barn at 5 Village Road, Tax Map #3, Lot # 58.

Maynard and Laura Thomson approached the board with plan showing the final request to build their barn 11 feet from the edge of the pavement. There were no abutters present. Peter Park spoke as a member of the public stating he felt that if this project went through it would open the doors for everyone. No further comment from the public and no questions from the board. The board took an informal vote resulting in 2 in favor, 3 against. John Krebs and Scott Lees being in favor, Denny Anderson, Jake Stephan, and Craig Niiler being against.

John Krebs suggested to the Thomsons that before a formal vote take place which would result in a denial, the Thomsons consider withdrawing their application. If they go through with the denial, they will have to make substantial changes to any future applications brought before the board. If they withdraw their application before a denial is issued, they can bring another application before the board with minor adjustments. Maynard and Laura Thomson requested to withdraw their application. The board took a vote, all in favor of accepting the withdrawal of the application.

Dennis Anderson (A) will be a voting member for the Farmer's Lane Association application in place of Karl Ogren who will be coming to the meeting later.

Case # 20-4-18 Farmer's Lane Association. *Continued*

Applicant seeks an appeal for a Variance under Article 3, Section 304.5 side setbacks to construct a perched beach/waterside structure at Clover Lane, Tax Map 20, Lot 4.

Mark McConkey and Jake McConkey passed out a copy of a full size plan titled "Wetlands Plot" and dated 07/23/18 and a "Drainage Analysis and Design" report from Paul King. There were no dates on Paul King's report. There was discussion about vegetation and planting

required by the state. Mark said there is no requirement for vegetating the hillside. It had been planted but was then mowed.

Abutter Anthony Raynes stated he was the president of the board in 1986. The state did ask for vegetation and a few rogue members then mowed it down. Maureen Raynes stated they spent \$450 on mowing. The state had said vegetation had to be at 6ö.

Mr. Raynes asked what 5 conditions of hardship exist when there is already a beach present. John Krebs answered that the hardship is not the perched beach, it is actually the retaining wall. More discussion on the low cost of planting trees that will not interfere with anyone's view.

Paul Elie asked how wide the opening is. Mark said it is 23.7 feet and that the state allowed a wider opening because it was an association beach. Paul then asked if using a 50 year rain event is sufficient, or should the 100 year rain event be used. Abutter Anthony Raynes mentioned his concern that sand will wash into the lake with spring runoff. John Krebs said he feels the water will not actually be running so will not move the sand.

Mark was asked by the board if anyone parks at the beach. Mark said they can, but most people don't. Craig Niiler said the Association has shown disregard for conditions and directives in the past and he remains concerned about their commitment going forward.

The board took an informal vote: Scott would like to get input from the Conservation Commission about plantings. Denny agrees that there should be more plantings. Jake agrees and said DES recommended 20 Junipers in 2006. Craig needs assurance that the Association will stick with approvals and recommendations. John Krebs asked Mark to verify that the beach is not high enough that it doesn't need railings, and would like some plantings put in that would be safe from mowing.

Mark McConkey asked for a continuance to the September meeting. Board approved unanimously.

Case # 40-30-18 James & Nichole Blute. Applicant seeks an appeal for a variance under Article 7, Section 706.1 expansion of a non-conforming structure/setbacks. Applicant wishes to build a 16øX 32ø addition at 40 First Street, Tax Map 40, Lot 30.

Ray Desmairas represents Mr. & Mrs. Blute and reviewed the application. After a brief discussion and review of the ordinance, the board was unanimous in its agreement that this application does not need a variance. Application was dismissed.

Case # 30-21-18 William & Marguerite Hatch. Applicant seeks an appeal for Variance under Article 7, Section 706.2 sideline setbacks. Applicant wishes to remove existing home and replace with a new one at 315 Huckins Road, Map#30, Lot #21.

Ray Desmairas approached the board and presented this application as agent for the Hatch's. After review of the plan, Scott made a motion to continue the application, seconded by John. The following items are required to be submitted to the board on this application:

Extend the grids for tree cutting further back because of the slope of the lot. Bring a full tree cutting plan back to 300 feet.

Need coverage calculations. Show anything impervious.

Square up the house

Show all setbacks.

New Business

John Krebs asked if there is a way for the board to request \$5,000 from the Farmers Lane Association to be placed in escrow for 2 years. If the association shows that it is followed guidelines and its plantings are approved and prospering, the money will be returned with interest. If not, the money will be used to bring the lot up to the conditions outlined by the ZBA. Attorney Malia will be consulted as well as the selectmen for advice.

The board discussed the joint meeting in September with the Planning Board. The topics to give to the Planning Board will be:

1. Village Setbacks
2. Tree cutting on a lot with grade 12.5% or greater
3. Is it possible to introduce more specific wording for one dwelling per lot.

John Krebs, Karl Ogren and Scott Lees will attend the joint meeting with the Planning Board meeting on September 20.

Motion was made by Karl to adjourn meeting, seconded by Scott.

Meeting adjourned at 9:20 pm.

Respectfully submitted,

Janice Zecher