

Zoning Board of Adjustment

February 11, 2021

Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, James Cahill, John Broker Campbell, Willis Wood, and Jaime Wyman. Chris Whidden, land use administrator, was also in attendance.

Dana Chase, Nola Watkins-Chase, and Luke Blake were in the audience.

Prior to the meeting, there was a site visit at 0 Reservoir Road at 4:00 PM. Todd Hindinger, James Cahill, John Broker Campbell, Willis Wood, and Luke Blake were in attendance.

There was also another site visit held 148 Grace Drive at 4:45 PM. Todd Hindinger, James Cahill, John Broker Campbell, Willis Wood, Dana Chase, and Nola Watkins-Chase were in attendance.

2. Call to order

Willis Wood called the meeting to order at 7:00 PM.

3. Approval of Meeting Minutes – 5/14/2020; 7/23/2020

James Cahill made a motion to approve the minutes of 5/14/2020 with corrections. Willis Wood seconded it. All were unanimous to approve the minutes.

James Cahill made a motion to approve the minutes of 7/23/2020 with corrections. John Broker Campbell seconded it. Willis Wood abstained. The motion passed.

Todd Hindinger made a motion to postpone the approval of the minutes of 8/13/2020 to their next meeting. Willis Wood seconded it. All were unanimous to postpone approval of these minutes.

4. Public Hearing:

a. 146 Grace Drive variance hearing

Willis Wood opened the hearing at 7:21 PM. The Board had no conflict of interest or exparte communication. Dana Chase and Nola Watkins-Chase have interested party status and affirmed. Chris Whidden stated that the applicants are seeking a variance for a single-family

dwelling. The property is located in RR 1 and has 0.53 acres. Chris Whidden stated that Mrs. Griswold, an abutter, called him and stated that she has no concerns with this.

James Cahill stated that this is a non-conforming structure. The prior house was grandfathered, but when the house was demolished, it was not grandfathered anymore. Nola Watkins-Chase stated that they would like to put a manufactured new home on the property. The new house would be 28 feet by 56 feet. There would be a garage on one side of the house. They are seeking a variance of 15 feet vs. 25 feet from the boundary line.

Exhibit #1 was the site plan drawing (page 2). Exhibit #2 was the drawing showing the 15 feet setback for the garage variance (page 3). Exhibit #3 was the original site plan (page 1).

Nola Watkins-Chase stated that this is a small parcel of land with wooded lands behind it. They would like to stay close to the well and power line. It will be a shorter driveway. The land slopes on the back side. The setback of 25 feet does not allow it. A 15 feet setback would be better. There is no opposition from the neighbors. They really would like to keep it closer to the utilities and away from the woods. Dana Chase showed the Board on page 2 and 3 where the dry well and artesian well, and the septic are located. He stated that the previous house was demolished in the fall of 2020. Chris Whidden gave the Board members in attendance copies of the new site plans. He will provide the Board members attending the meeting remotely with those documents. Exhibit #4 was the natural resource atlas dated 2/1/2021.

Willis Wood stated that a home could be built on a pre-existing lot with more than 1/8 of acre. You would need to follow the existing setbacks for 1 acre lot. There is a setback of 40 feet road frontage and 25 feet from the side and rear setback. The applicants wish is to change to a 15-foot setback from the side and front. He reviewed the natural resource atlas with the applicants. If the applicants were to do 40 feet back from the right and 25 feet from the sides, it could be done without a variance. Nola Watkins-Chase stated that there is a private road in front of their property. The right of way was put in because there wasn't any access to their property.

Dana Chase stated that the shaded triangle on the site plan is the legal right of way. The previous owner could not sell it until he put in a right of way. Willis Wood asked them if they could enter from the other property. Dana Chase stated that they could not enter from there. Willis Wood stated that the State does not like the Board to grant variances. The Board has 5 criteria that has to be met. He went over the criteria. He asked that they explain to the Board why it needs to be closer vs. further back. Nola Watkins-Chase stated that all other homes in the area are close to their private driveway. They would like to be closer to utilities and it is a small lot. Willis asked them if the Board asked for it to be moved further back, how would that affect the wells and utilities. Nola Watkins-Chase stated that he did not know. Dana Chase stated that the septic has been inspected.

Todd Hinderger stated that small lots can be developed according to State rules provided that septic and water systems don't change. There are permit exception with reconstruction. The applicant has to follow certain criteria. The Board could consider to meet the variance for criteria #1. If the replacement home connects to sewer and water system, then the replacement design doesn't increase the waste water or water system. The replacement home has to be entirely within 50 feet of previous or existing well of previous structure. There is a limitation of the footprint for the new structure. It is up to the State to maintain conformation with the septic and well design. If it falls outside of the 50-foot limit, the applicants loses the exemption. The applicant would need to get a State permit for water supply and waste water system if this exemption is not met. The Board needs to consider the State requirements.

John Broker Campbell stated that sometimes the State says one way and the Board says something different which doesn't mean you get a variance. Willis Wood stated that with this information, the Board could postpone and the applicant could do a 50-foot square around it and see if you can put it in there. Nola Watkins Chase stated that they would like to do that. John Broker Campbell stated that the setback should be put on the drawing. Todd Hinderger stated that they should also bring in the subdivision in regards to the right of way and the private driveway. Willis Wood stated that the survey should show the house and garage on it. At the request of the applicant, John Broker Campbell stated that the Board might not grant a variance because this is not a hardship and the applicants could meet the setback. Todd Hinderger stated that there is not enough evidence to grant a variance today.

James Cahill made a motion to continue the hearing till February 25, 2021. John Broker Campbell seconded it. All were unanimous to continue this hearing.

b. 0 Reservoir Road conditional use hearing

Willis Wood opened the hearing at 8:15 PM. The Board had no conflict of interest or ex parte communication. Luke Blake affirmed and has interested party status. Chris Whidden stated that Luke Blake would like to have a camp there with some form of a driveway. It is located in RRR 3-5 with 10 acres. Exhibit #1 was an email from Sage Roy, abutter, which stated he has no concerns about the stone removal. Exhibit #2 was the site plan drawing.

Luke Blake stated that there is a small road that goes up and loops around. He puts the stones at the bottom and then brings some to his house. His wife wants a stone wall built at their house. He might try and build a stone cottage on this property. He doesn't want to keep the stone by the road. He has taken down only a couple of trees. He wants to keep the road natural looking and the trees anchor it. The road is narrow and would only be accessible by a four-wheeler or walking. It is too steep and rocky for a vehicle to travel. He does not want to demolish the hill. Willis Wood stated that soil extraction can happen up to 100 yards per year without a reclamation plan and soil extraction for roads. A dump truck contains about 15 yards. Luke Blake stated that he is slowly picking away at it in the evenings or the weekends. He doesn't think he would take that much out per year. Todd Hinderger stated that if Luke Blake was to, he would need to come to the Board for a review.

Todd Hinderger asked Chris Whidden if he had reached out to the natural resource office. Chris Whidden stated that he had not. Todd Hinderger stated that we rely on their expertise. They would say if it is or isn't a deer wintering area. This project would go up into that area. Luke Blake stated that there is a trail that goes through, but he hasn't seen any deer beds. Willis Wood stated that it is not where your road goes, but could be within 300 feet of your building. Todd Hinderger stated that the resource office would discuss the impact on the deer wintering habitat. Luke Blake stated that he put in a culvert and merged it into the ditch which is where the water goes. The culvert is where the driveway enters the property. There are no adjacent streams. Willis Wood stated that Luke Blake might need to put in some berms. He read the Bylaw 7.10B. Todd Hinderger asked if there was an application for a building. Luke Blake stated that a potential cabin is years off. He asked if he should get a permit now. Willis Wood stated that the Board is likely to give a permit for the road building, but to it is not to exceed 100 yards. If Luke Blake does exceed 100 yards, then he would need a reclamation plan which is complicated.

Todd Hinderger stated that the driveway is a development. The Board could do a permit if the building is forth coming. The Board is concerned about the development of the road. Chris Whidden stated that the cabin is a permitted use. Todd Hinderger stated that according to the natural resource atlas, there is a deer wintering area on this site. Luke Blake stated that there are no deer bedding areas around there. Todd Hinderger stated that this site does have steep slopes and a building is not permitted with slopes greater than 25% according to the Bylaw 6.10.10. He mentioned to Luke Blake that he should keep an eye on the slope of the road.

Exhibit #3 is the Natural Resource Map. Exhibit #4 is the zoning application (3 pages). Exhibit #5 is the Notice of Violation. Chris Whidden stated that there was a complaint. He issued a violation because there was not a permit for this. The Board would like Chris Whidden to get in touch with the natural resource office in regards to the deer wintering area on this site.

James Cahill made a motion to continue this hearing to February 25, 2021. Willis Wood seconded it. All were unanimous to continue this hearing.

5. Any other business – There was none.
6. Adjournment

James Cahill made a motion to adjourn at 9:03 PM. John Broker Campbell seconded it. All were unanimous to adjourn the meeting.

Respectfully submitted,

Diana Stillson