**Minutes for Zoning Board of Adjustment**

**April 27, 2022**

Meeting call to order at 7:00 PM

* Members Present: Gary Carney, chairmen, Mark Florence, and Andrew Hatch
* Visitors: Linda Marshall, Tom Carr, Roy Tinsley, Jed Schwartz, and Dan Deuse

Minutes for 01/05/2022

* Gary briefly read the minutes, Florence approved the meeting minutes, Carney second, all voted in favor.

Appeal # 1 Dan Deuse

Carney: explained this is a continuance of Deuse variance requesting a 13’ variance from the road (Juniper).

Deuse: explained the permit has not changed

Carney, mentioned an abutter questioning if Juniper Rd would be affected. DeFosse explained it would not affect the road.

Hatch: After reviewing your application the board found that the impervious was calculated incorrectly, we found you calculated the walkway twice. After the recalculation, we found that your impervious is 9.57, not the 10.35 as submitted. Do you understand this new calculation?

Deuse: Yes, and confirmed the allowance was 10% and now I am under, no additional variance is needed.

Hatch: I would like to make sure this is recorded on his record.

Appeal # 2 Jed Schwartz

Carney: Opened by asking Schwartz to briefly explain his application.

Schwartz said explained we spoke on the lot and that I am here to answer any questions he was here to answer any questions. Also, were there any concerns from my abutters?

Carney: Yes, read the letter acknowledging they are in favor of the variance.

No further comments closed for vote.

**Chontos**: Tm. # 14-131, Ellen Chontos, and Ms. Curtin On conference call throughout the hearing.

The purpose of this plan is to depict a conceptual single-family home with zoning variances to reduce the frontage setback from 50 feet to 30 feet and the wetland setback from 50 feet to 30 feet. This lot will be serviced by a private on-site well and septic system.

Tom Carr: reviewed his architect drawing to explain the variance on Madison & Presidential, development in Lake Ashuelot Estates (LAE). Showed the board the wetlands area and explained the steps that would be taken to preserve and protect the wetlands. Explained where the house and garage would be constructed, finding no other feasible place to construct. Carr also mentioned he met with Conservation Commission to show the plans as an advisory only.

Schwartz: Confirming they attended the Conservation commission hearing to seek some litigation, the board was happy to see he worked out our suggestions. Schwartz also mentioned it is unusual to come to visit the board, but thought it was great.

Hatch: Tom could you speak on the worksite prep and topography.

Carr: Essentially a walk-out retaining wall a little fill on the side to retain up to the driveway and culvert on Madison.

Carney: Does the culvert already exist?

Carr: Yes, only flows in rain events.

Proposal to protect the wetlands:

1. Proposed silt fence or silt sock along the XX line on the exhibit provided and left with the property file.
2. Poorly drained wetlands, Construct a 2’ X 2’ stone drip edge trench for roof water infiltration and recharge (See Exhibit Plan)
3. Construct a rain garden detention area for driveway runoff recharge and treatment (See Exhibit Plan).
4. Down below on the property, create a small detention area for footing drain discharge.
5. Construct a shallow stormwater treatment swale, by presidential, (See exhibit map for location.

Atty. Tinsley: Read over the 5 criteria along with one's answers, (See property file for full application).

Curtin: Expressed her concern that she would like to build on her lot also. She did explain she only received her letter Tuesday before the hearing and if she would have received additional information like a map she would have realized she was across the street and it would not affect her at all.

Washburn: DeFosse explained the property owner phoned with concerns about more flooding on Madison. Carr explained where her property was which was up above and the road would not change due to the construction.

Chontos: thanked the board and chose not to stay on the phone while the board deliberates.

The public hearing ended at 8:02

Closed session on voting:

**Deuse**: The board was set to vote on his variance back in September 2021, there is already a stone area with parking, he would need a 13’ variance from Juniper.

Hatch moved to approve the 13’ variance from Juniper noting that the board recognized he did not require an impervious variance some of the items Mr. Duese calculated were doubled. Florence second all voted in favor.

**Schwartz:**

Carney: the lot size is 10 plus acre property, 1st Carnet noticed the layout digging into the hill & boulder, I guess there’s a lot of ledge, I see a big problem 10 acres and only place is to construct.

Florence: Clear 10 acres, 8 acres on one side of the road and 2 on the other side of the road.

Hatch: On Sunday I observed a wood cutting exercise, and took photos it was staked very clearly. Minor side road variance, see no objectives. I understand this would provide some challenges. 24’4” variance no concerns

Florence: Confirmed a 24’ 6” from the road where 50’ is required and moved to approve the variance, Hatch second all voted in favor.

**Chontos:**

Florence: The last time we heard of a rain garden is the Kimball case, and we were worried about what if everyone did this, something to keep our eyes on. Wanted to mention the Kimball case, we did feel they litigate & plant a few more feet and do the planting.

Carney: This is the 2nd time in five years rain garden.

Florence: Only one possible object valuation is not a real challenge.

Hatch: The way the select board is tasked is to review and deny the building permit and goes back to the board once the variances are approved or denied, I want to make sure the proposals are recorded and encumbered in the minutes when the variance is signed-off.

Hatch moved to approve the 30-foot setback from Presidential drive and a 30-foot setback from the wetlands, Florence second all voted in favor.

Carney: announced the next Zoning Board meeting is May 25, 2022, at 7:00 pm at Town Hall.

Meeting adjourned at 8:24 PM.

After the meeting, Carney brought up a possible change that was brought to his attention from a phone conversation with Revane, Selectmen. To have the building permit denied without having to go through the expense of septic, energy permit, etc. The permit would be with the condition of a septic system etc. for final approval.

The board agreed to meet with the select board on May 19, 2022, at their evening meeting for further conversation.

Respectively submitted,

Deborah DeFosse