

ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Recorded by Janice Pack

August 8, 2019

Members Attending: Gil Morris, George Rainier, Loren White, Sheldon Pennoyer, Jarvis Adams, Steve Atherton

Meeting opened at 7:00 PM

Gil called the meeting to order. It was noted that Steve would be a non-voting member for Case 2019-06. Craig was unable to attend tonight.

Public Hearing, ZBA Case 2019-06, for the property at 400 New Boston Road (Map R7-16) owned by Iain Guthrie, represented tonight by Chris Guida of Fieldstone Land Consultants PLLC. A special exception will be required from the Wetland Conservation District to upgrade two existing culverts across an intermittent stream transecting the property. (Article J.2.d Section III of the Zoning Ordinance)

The case was properly noticed and the fees were paid in full.

Chris presented the case, stating that it's an existing lot and this is needed for access. There is currently a common driveway, and this driveway would split off of that. They did walk this with the Conservation Commission. There is a 10" well casing that is currently handling the flow; they are proposing 24" culverts. It's a steep slope and they worked with the owner to find a solution with the least amount of impact. They just received the State's approval the other day. The plan is to do it now while it's dry.

Gil read the Project Overview submitted by Fieldstone Land Consultants.

Sheldon asked about the 24" culvert. Chris said the calculation actually required a 12" culvert. He had recommendations from DES; and with the safety factor a 24" culvert works best.

This portion of the Public Hearing was closed and the Board entered deliberation.

Jarvis said if the Conservation Commission has already done a site walk, and they recommended it, it sounded like that hurdle was crossed.

Gil read the 4 criteria from the Zoning Ordinance, and the responses submitted, and they were discussed one by one.

Item 1: To prevent the destruction or alteration of natural wetlands, which provide natural storage of flood crests and reduce flood losses, filter sediments and cleanse pollutants from flowing water, recharge near-surface and ground water supplies, alleviating droughts in dry seasons, and which provide vital habitat and refuge for fish, waterfowl and wildlife.

After discussion, Jarvis moved to approve Item 1, George seconded. All were in favor; motion passed (5-0-0)

Item 2: To prevent the developments of structures or such other land uses on naturally occurring wetlands, which would contribute to pollution of surface or ground water.

Sheldon said this was worded awkwardly as it addresses the wetlands and the building of structures or other such land uses. Chris agreed that the wording was somewhat cumbersome; the intent was to minimize the steep slope. George asked if the grade was going to be built up; was there going to be any stabilization? Chris explained the landscaping plan. It would all be seeded with a conservation mix. Chris shared the wetlands permit with pictures. Sheldon thought we should recommend that the Conservation Commission do a site walk afterwards. **Sheldon moved to approve Item 2; Jarvis seconded. All were in favor; motion passed. (5-0-0)**

Item 3: To prevent inharmonious use of wetlands which would create unnecessary or excessive expense to the Town for the provision and maintenance of essential services and utilities.

George said it almost doesn't apply; it won't impact this part of the project. **Sheldon moved to approve Item 3. Jarvis seconded. All were in favor; motion passed. (5-0-0)**

Item 4: To encourage those uses that can be appropriately and safely located in wetland areas. The proposed use would not adversely affect the value of the wetland.

Jarvis said it's basically a seasonal run-off; Sheldon noted it's an intermittent stream. Jarvis said if anything, it will be a definite improvement. George said that he wonders why he wants to put the road there; Chris said there is a much larger perennial stream he would have to cross if he chose the other option.

Sheldon moved to approve Item 4. Jarvis seconded. All were in favor; motion passed. (5-0-0)

As all 4 items were Approved, the Special Exception was granted.

This part of the Public Hearing was closed at 7:44 PM.

Sheldon did want to enter into the minutes the recommendation that the Conservation Commission revisit the site after the culverts are installed.

The Board reviewed the minutes from their meeting held on May 22, 2019. **Sheldon moved to approve as written, and George seconded. All were in favor except Jarvis and Loren who were not in attendance and abstained from voting. Motion passed. 4-0-2**

The Board reviewed the minutes from their meeting held on August 1, 2019. **Sheldon moved to approve as written. George seconded. All were in favor; motion passed. (6-0-0)**

Sheldon moved to adjourn; Steve seconded. The meeting ended at 7:50 PM.