**ZONING BOARD OF ADUSTMENT**

Meeting Minutes

Recorded by Janice Pack

March 28, 2018

**Members Attending**: Gil Morris, Jarvis Adams, George Rainier

**Public Present:** Debbie Ellis, Karen Johnson, David Johnson (all abutters), Chris Guida from Fieldstone Consultants

**Meeting opened at 8:00 PM**

G.Morris called the meeting to order.

**Nomination of Officers:** J.Adams nominated Gil Morris for Chair, G.Rainier seconded, and all were in favor except G.Morris who abstained (2-0-1). Motion passes.

Nomination of the other officers will be tabled to the next meeting.

Three members were present tonight. G.Morris advised the C.Guida that we need 3 affirmative votes to pass. He asked if the Applicant wanted to proceed with the hearing tonight, or to postpone because of the lack of voting members present. C.Guida opted to proceed. The Recording Clerk confirmed that the certified mailing had been sent to all of the abutters, and that the hearing had been properly noticed and posted. The Recording Clerk requested payment in the amount of $181.50 to proceed. Payment will be mailed per C.Guida.

**Public Hearing, ZBA Case 2018-03, for the property located on Gulf Road (Map R9, Lot 66-2) for a Special Exception in the Wetland Conservation District from Section III, Article J(2)(d) to permit installation of two (2) driveway culverts in order to facilitate crossing of a wetland area/seasonal stream transecting the property on behalf of Eugene Blouin began at 8:04 PM.**

C.Guida presented the plans on behalf of the Applicant and mentioned that the Conservation Commission had done a site walk on the property, and Michael Borden had also been to the property. He noted that the ConCom walk was just a few days after a storm, and while it was wet, it is not jurisdictional wetland. In his opinion, the area nearest the current access point is not suitable for building a home. Further up on the lot there is a buildable area; they just need to be able to get to it. The plan has been submitted to the Wetlands Bureau and is currently under review. There is a perennial stream on the lot and the plan is to do the work during it’s lowest point. They have plans for sandbags and sump while the work is being performed to negate any erosion situation. It’s an existing lot; they’re not looking to subdivide.

C.Guida went through the Special Exception criteria.

1. The proposed crossing is necessary to provide access to the property. They propose an oversized culvert crossing at the lowest point. G.Rainier asked if the sedimentation areas would be removed afterwards and C.Guida said Yes.
2. They are not proposing any development on the wetlands per se, with the exception of the culvert; other wetlands area will remain intact.
3. It is an existing lot of record with existing frontage.
4. Minor disturbance only for the crossing to maintain the functions and values of the stream

He mentioned that no endangered species showed up when they did their screening.

G.Rainier noted that C.Guida had said the first culvert was going to be 60” and goes off one that the Town has under Russell Station Road which is 48”. G.Rainier asked why the size difference. C.Guida said that it is a balancing act where they decide which size to use and it is still under review by the State. He asked if they were both going to be poly culverts. C.Guida said it will be embedded, and that is what they have proposed to use, but again it is still under review. If the State wants to see a concrete culvert they will request it. G.Rainier asked if there would be headers on the culverts and C.Guida said that there would be.

Hearing no further questions from the Board, G.Morris asked the Public if they had any questions. K.Johnson asked if the culverts would be elevated. C.Guida that they were going to try and match the level of Gulf Road. D.Ellis asked how far in on the property is the driveway planned for. C.Guida said just over 20’ from the property line, which was chosen to minimize impact.

G.Rainier asked the neighbors if they had seen Gulf Road flood as he wondered if the Town’s culvert was sufficient. K.Johnson said Yes, it had come in from the other side from where the driveway is proposed. There is not a culvert in that particular area.

Janet Renaud forwarded the Conservation Commission’s minutes where this was discussed and all members presented voted in favor of it. These will be added to the case file.

**At 8:48 PM J.Adams motioned to close the Public Hearing for Case 2018-03, and G.Rainier seconded it. All were in favor; motion passed.**

G.Rainier was concerned about the 48” culvert present, and C.Guida said that the culvert they are proposing would handle the water coming from the stream. The Board continued down the list of criteria and voted:

1. J.Adams motioned that they meet the criteria for #1. G.Rainier seconded. All were in favor 3-0-0
2. J.Adams motioned that they meet the criteria for #2. G.Rainier seconded. In discussion, G.Rainier asked to have the application response read once more. He is concerned that the installation of the culvert will disturb the wetland. He asked for more information on the timeline of the installation. C.Guida said it should only take a day to set the culvert. G.Morris asked who was responsible for verifying the work done in recreating the stream, and C.Guida said it was the State. When they issue their permit, it will come with a list of conditions. G.Rainier asked if any of the other Board Members had been out to look at it; neither had. G.Rainier said he guessed that we could go on the ConCom’s “say so”. Call the question: All in favor 3-0-0
3. J.Adams motioned that they meet the criteria for #3. G.Rainier seconded. All were in favor 3-0-0
4. J.Adams motioned that they meet the criteria for #4. G.Rainier seconded. All were in favor 3-0-0

**J.Adams made a motion to grant the Special Exception as requested. G.Rainier seconded it, with the caveat that all work be done at the driest possible time of year. Call the Question: Yes-3, No-0, Abstained-0. Motion passes.**

**The Special Exception requested on the application has been Approved.**

The Recording Clerk will send the letter of Approval.

**Approval of the Minutes** The Minutes of January 31, 2018 were reviewed. G.Rainier noted on Line 42 and on several lines following that Carol Irwin’s name is abbreviated as CIrwin, which is confusing because the capital letter I looks like a lower case l. As this is true, it will be changed to “C.Irwin” and this shall be standard practice going forward**. J.Adams motioned to approve the Minutes as amended. G.Rainier seconded. All were in favor 3-0-0**

Other Business: G.Rainier asked if we could meet earlier rather than at 8:00 PM. The other members present liked the idea. G.Morris will email the Board and see what time works best.

G.Rainier motioned to adjourn the meeting, and J.Adams seconded. All were in favor, and the **meeting adjourned at 9:17 PM.**