

**PLANNING BOARD
JANUARY 22, 2015
MINUTES**

Chairman Barringer called the meeting to order at 7:30 PM at the Town Hall

Members present: Barringer, Burke, Giger, and Perkins

Member absent: Svarczkopf, Vega, and Wilson

CRYSTAL SPRINGS ESTATES SURETY REDUCTION

The Board received a report dated January 15, 2015 from Nitsch Engineering recommending a cost-to-complete estimate of \$100,763.44 for Crystal Springs Estates. The motion was made by Perkins, seconded by Burke, to reduce the amount held in the separate savings account as surety for the Crystal Springs Estates subdivision to \$100,763.44, as recommended in the attached cost-to-complete estimate dated January 15, 2015 from Nitsch Engineering. The motion passed unanimously.

COMMENTS TO MEPA – LOST LAKE FIRE PROTECTION

The Board received the Environmental Notification Form (ENF) filed with MEPA for the Lost Lake Fire Protection water mains, cisterns, and a dry hydrant. The Board will ask Water Superintendent Tom Orcutt to attend the January 29, 2015 meeting to explain the project.

ZONING AMENDMENTS FOR SPRING TOWN MEETING

The Board discussed the zoning amendments to propose at the Spring Town Meeting. The Board reviewed the draft amendment to Site Plan Review and made several changes including that the authority to approve Level I site plans shall be by the Land Use Director and Building Commissioner rather than by the Land Use Departments. The applicant or Land Use Director and Building Commissioner will have the option of referring any Level I plan to the Planning Board. A copy of all Level I site plans will be forwarded to the Planning Board. Member Burke suggested designating Level I as “minor” and level II as “major.” The Board agreed.

The Land Use Director and Building Commissioner are working on the proposed amendment to treat construction trailers as an accessory use rather than requiring a special permit from the Zoning Board of Appeals.

The Board will wait until the Fall Town Meeting to present amendments to parking and alteration/expansion of non-conforming uses and structures.

COMMENTS TO THE ZBA – 69-71 CHAMPNEY STREET

The Board reviewed draft comments to the Zoning Board of Appeals (ZBA) on the application for a special permit to alter the non-conforming use/structure at 69-71 Champney Street. Land Use Director Michelle Collette attend the public hearing held by the ZBA on January 22, 2016. The ZBA continued the public hearing to receive comments from the Building Commissioner and Planning Board.

The motion was made by Perkins, seconded by Burke, to send the following comments to the ZBA:

The applicant states a special permit is requested for a change to condominium ownership. As you know, there is no special permit requirement for change of ownership from rental units to condominiums.

The Assessor's records state that there are four existing dwelling units with two bedrooms each. The applicant indicates that there are nine (9) bedrooms in the four units. The application states that Unit 2 will be converted from three (3) to (2) bedrooms, and that Unit 4 will be converted from two (2) to three (3) bedrooms.

The Planning Board suggests that the ZBA request that the applicant provide information on the current and proposed amount/location of parking on the site to confirm it complies with the zoning and have a site plan include parking space locations for future documentation. While the bylaw allows the Planning Board to waive parking requirements, the ZBA would need to issue a variance for less than the required number of spaces. If there is presently a deficiency in the number of spaces now would be a good time to bring it into compliance. The special permit for the proposed alteration which increases the building floor area requires Site Plan Review under Section 218-25B which states:

B. Applicability

- (1) Any application for a building permit, special permit or certificate of occupancy (for a change of use) involving a commercial, office, industrial, institutional, or multifamily use, or structure for such use shall be subject to site plan review.*

Additionally, Section 218-23 Off-Street Parking and Loading requires:

- (1) Dwellings: two parking spaces for each dwelling unit therein, except one parking space for each dwelling unit having only one bedroom.*

As you know, the ZBA must make a Section 6 finding that the alteration of the pre-existing non-conforming structure "shall not be substantially more detrimental than the existing non-conforming use." The present use of four dwelling units is nonconforming. The date the use changed from a two-family dwelling to a four family dwelling should be verified by the Building Commissioner. The Town's records do not have any special permit decisions granted by the ZBA. The number of dwelling units should be verified in the field with an inspection by the Building Commissioner for the record. (See attached letter dated July 25, 2012 from the Fire Chief to Meg Riggs, previous owner.)

The motion passed unanimously.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner