

Minutes from Meeting of November 5, 2003 – Lavalley, Sullivan, Habitat

Members Present: Stuart Schulman (Lavalley) , Mark Mulligan, Chase Duffy, Dave Gandle, Bob Cadle (Sullivan), Sean Sullivan (Habitat)

Cindy Maxwell was unable to be present.

Mr. Lavalley requested a continuation to 11/10/03 at 8:00 pm.

The Board moved to continue the Lavalley hearing to 11/10/03 @ 8:00 pm. The motion was seconded and passed unanimously.

The Acting Chairman reconvened the Sullivan hearing. Discussion ensued regarding whether the applicant wished to continue with a four-member board, which requires a unanimous vote.

The applicant opted to go forward.

Mr. Gandle said that because of the close proximity of abutting houses, there should be a manure disposal plan.

Mr. Sullivan said that nothing has been done to mitigate the manure situation until but he said that he now has a machine that will spread and mulch, and turn the manure into the soil.

Discussion ensued regarding whether to require manure removal or let the new machine handle the manure for two years with a revisit to the permit.

Mrs. Sullican said that in order to receive approval from the Dept. of Aggie, she needs to send \$100 and will then receive a visit and if approved, a permit.

Conditions: There shall be no more than five horses.

If the outside ring lights are repaired, the light shall be screened from abutting properties.

Mr. Sullivan said that there are no plans for additional lighting but said that they will level an additional area for jumping.

Conditions: Hours for lessons shall be 8-8 summers and weekends and 2-8 on school days. The time borders are allowed in the barn shall not be limited.

Discussion ensued regarding limiting, or not, adult riders to the afternoon. The Board decided that there would be no limit other than 8 to 8 for lessons.

1. Aggie use is consistent with the Master plan and in keeping with the rural essence of the Town.
2. Both driveways will be accessible for entrance/egress.
3. Utilities – The property has town water and sewer, and a separate well is available for the horses, etc.
4. The applicant agreed to take adequate precautions re: manure disposal. There area already horses there, and there will be better disposal with the new spreader.
5. There will be no measurable fiscal impact on the Town.

The Board moved to grant a special permit to the applicants as requested and with conditions as listed.

The motion was seconded and passed unanimously.

The Acting Chairman reconvened the Habitat hearing.

The applicant opted to continue with a four-member board.

Mrs Duffy noted concern with the steep 46 ft drop off.

Mr. Boczenowski said that Halsey Platt, a builder, is also on board. He noted that there are very few good sites, and stressed the need to deal with land that has been donated or obtained cheaply and thus there are issues. He said that the future home-owners will be happy to have a house to call their own. He stressed that their income is at or below \$30,000 and this will be a nice home for them.

Atty. Johnson noted that there are plans to cut into the hillside and build up the topography.

Mr. Bigelow said there are plans to flatten to the septic system level. He said that a walk out basement is planned and noted that off to the back there is some drop.

Mr. Sullivan noted that this is a buildable site, as shown on the engineering plan. He said that the aesthetics are up to the individual homeowner.

Atty. Johnson said that Habitat understands what the issues are with this site.

Mr. Gandle worried that the dwelling may become an undesirable home in the future.

Atty. Johnson said that the Lost Lake area has changed dramatically for the better in recent years. She noted that this was essentially a grandfathered lot, and said they were only asking for a setback variance for rear of house because it will be placed about one foot from the paper trail. She noted that there will be a gravel drive.

Mr. Margues asked about developing the paper street in the future.

Atty. Johnson said that the unknown lot is too small to build on.

Mr. Margues asked about the grandfathering of the lot on the end of Wolf Trail.

Atty. Johnson said that Berry Trail would provide the access and noted that water and septic area could not be provided for on a .23 acre lot. She said that this is governed by the BOH and not the ZBA. She said that waivers for new construction would not be granted. She said that the septic plan has been reviewed for this site and it is fine and will be before the BOH for signing in a few weeks.

Mr. Margues why the house couldn't be set back further into the hill.

Atty. Johnson noted that this is not an ideal lot but said that there is a nice visual ester that separates this lot from the surrounding lot. She said that the house cannot be built further into hill realistically.

Mr. Gandle asked about house size.

Atty. Johnson said that it will be 40 X 24 with three bedrooms and 1050 square feet living space. She said that there will be no garage.

Mr. Margues what about bringing fill in so the house could be further setback.

Atty. Johnson said that the variance is being requested so that there is no need to bring in much additional fill to have a 50-foot setback. She said that it is better for terrain to not set the house back 50 feet.

Mr. Margues asked whether the setback is to avoid cost.

Atty. Johnson said that it is to avoid too much disturbance of land and also for cost reduction.

Mr. Sullivan said that it is a tight lot and typically what would happen for aesthetics. He said that it could only be done with huge retaining walls and a tiered dwelling and it would be really expensive. He said that this is the best place for it.

Mr. Margues noted concern about disturbance.

Mr. Sullivan said that there will be a few rock walls for retaining but in order to push the house back and to keep it 20 feet from the septic system, the house would have to be way back up on the hill. He said that this way, not much fill is required and they are not changing the site drastically. He said that the pit is being filled, which improves the site. He said that they are making a flat, usable spot without gouging out the hill. He noted that the paper trail can have some fill on it.

Atty. Johnson noted that Wolf Trail is owned by the GCT and will be conveyed to Habitat.

Mr. Sullivan asked why the applicant was here if the road is privately owned.

Atty. Johnson said that it is a road on a plan at the Registry of Deeds and 218-22d qualifies it as a road and thus she felt that a variance should be obtained.

Mr. Gandle asked how and if Habitat would proceed with no variance.

Atty. Johnson said that that is up to the BI.

The Board moved to grant a variance to allow construction of the dwelling less than one foot from the paper road (Wolf Trail).

The motion was seconded and passed unanimously.

Findings: The topography is unique and there would be substantial financial hardship in denying because the applicant is Habitat for Humanity. Further, the grant of this variance allows the town to become more diverse and provide affordable housing. The project is proceeding under Local Initiative Housing and thus can be counted as affordable, providing a net benefit to the town for the affordable housing tally.

The meeting adjourned at 9:45 pm.