

Minutes Meeting of April 13, 2005 – Filhos, Scarlet

Members Present: Stuart Schulman, Chase Duffy, Mark Mulligan, Jay Prager, Robert Cadle

The Chairman convened the Filhos hearing by reading the Legal Notice.

The applicant said that he has a shed on his neighbor's land, which has been there for awhile and noted that he is making arrangements to move it onto his land. He said that he wants a pool for his 10 year old son. He said that he is using an above ground pool because of setback issues. He noted that there is a row of trees between his pool and the neighbor's house. He said that he thought that because it is an above ground it is okay even if it is only 2 ft. off the property line.

The Chairman asked about any possible additions to the dwelling.

An abutter asked about side and rear setback requirements.

The Chairman asked whether the pool could be relocated to an area with more space.

Mr. Filhos said that the septic system prohibits moving the pool over and he said that he wants to match the deck to the existing deck on the house. He said that the pool is 56 inches high and the new deck will be set up to match.

Discussion ensued regarding how to possibly move deck/pool to be more in compliance.

Abutters said that they don't want anything on their property and were upset to find out that the Filhos' shed and swing set are on their property.

The Chairman said that if a permit is granted there would be a condition that everything is moved off of the abutters' property.

Discussion ensued regarding whether deck if permanent and how to condition permit that nothing else could be constructed.

Ms. Chong said that it was quite a surprise that Filhos stuff was on their lot.

The Board felt that the pool could be angled so that it is more in line with the lot line and thus less of a variance would be needed.

Mr. Filhos said that it is actually more than one foot and stressed that he wants the pool to be as pleasant to the eye as possible.

The Board moved to grant a variance that provides for an above ground pool to be placed 5 ft from

the lot line and a deck associated with the pool to be 1 foot away, and that if the pool is removed, the deck would be removed and vice versa.

The Chairman convened the Scarlet hearing by reading the legal notice.

Ms. Scarlet said that the existing cow barn will become horse stables and noted that the best place for the riding ring is behind the existing hay barn. She said that she wants 15 ft instead of 25 ft. sideline setback just for the riding ring.

Discussion ensued regarding what is required or what is not required.

Variance and special permit criteria:

1. additional horse riding capability and open space are good.
2. Traffic: the premises were used as a farm and chiropractic facility and this use will not generate more traffic.
3. additional electricity is in the works for the additional building.
4. A horse farm generates less odor than a cow farm.
5. The applicant will be required to manage manure disposal/dispersal.
6. The fiscal will be positive.

Mr. Cadle noted concern about traffic safety because the driveway is so bad.

Condition: horse trailers will leave only out of the westerly drive and the permit is valid for five years.

The Board moved to grant a special permit for a boarding stable to run for five years and despite the possibility that the 25 setback requirement doesn't apply, the Board will allow a riding ring to be no closer than 15 feet from the rear and constructed as shown on plan.

Findings: the ring is being located behind the barn and not on the road.

The motion was seconded.

Condition: Until some evidence is supplied that the easterly egress is safe, only the westerly egress will be used for horse trailers.

The motion passed unanimously.

The meeting adjourned at 9 pm.