

Minutes Meeting of May 4, 2005 – Crowley, Kelly/Moseley, Squannacook Hills

Members Present: Cindy Maxwell, Stuart Schulman, Megan Mahony-Wickham, Robert Cadle, Chase Duffy, Jay Prager

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

Roger Goscomb, friend, was present to assist the applicant with the process. He said that a new home will be built on the footprint of the existing trailer and will meet all existing setback requirements. He said that the applicants want to relocate the mobile home to live in while the new home is being constructed. He said that the lot has 175 feet of frontage and a little over one acre. He said that the house will be a split entry with nothing finished on the lower level of the new dwelling.

Discussion ensued regarding what is being constructed.

Mr. Goscomb said that lot is on sewer, and has an existing two bedroom capacity. He said that the new dwelling is a two bedroom and the existing trailer will be relocated and new foundation, etc. be built.

Mrs. Duffy asked about construction time.

Mrs. Crowley said about 6 to 9 months and noted that all neighbors are in favor of the project.

The Board moved to grant a variance to allow the replacement of the existing trailer with construction of a new house and with the condition that the trailer can be moved to the location on plan as submitted (and lived in until completion of new dwelling), and has to be removed within 30 days of issuance of an occupancy permit.

The motion was seconded and passed unanimously.

The Chairman reconvened the Kelly/Moseley hearing.

Discussion ensued regarding the site walk.

The Chairman read the Building Inspector memo into the record.

Atty. Lyons, speaking for abutters, asked whether a new plan was shown at the site walk.

Mr. Kelly said the plan was exactly the same.

Atty. Lyons noted concern about the cars parked there, etc. and blockage of the view of Gibbet

Hill. He said that he thinks that the setback requirement allows light and air between dwellings and wants conditions to minimize the intrusion on views.

An abutter thought the plan was slightly different at the site walk.

Mr. Kelly said that the new dwelling is approximately 12 feet higher than the existing dwelling.

Discussion ensued regarding the variance requirement and the special permit requirement.

Mr. Moseley said that he wants to go up a story so there is an area for his kids to play and also noted the location of wetlands. He said that he considered an under garage but was worried about flooding.

Atty. Lyons said that he thinks the applicant could extend without encroachment on wetlands and could have parking around back without encroaching on the view.

The Chairman said that he didn't feel this is the best view of Gibbet Hill in town.

Atty. Lyons said that the view is important, especially on the second floor.

The Chairman said that he has trouble making a ruling to take away improvement rights for one person's view, and noted that he didn't see any unregistered vehicles. He said that he only saw a lot of registered vehicles and noted that most concern with the debris in the back yard. He said that if the applicant cleaned up the stuff he would have more yard room for the kids.

Mr. Moseley said that he wants to put tractors, etc in the garage and needs more space in the house to move stuff out of the garage.

Mr. Kelly asked about the key issues.

Atty. Lyons said that the key issues are parking and view and feels that issues can be worked out without an appeal.

Ms. Mahony-Wickham asked what the abutters could live with.

Atty. Lyons said that they need to figure out the garage space issue and how best to configure the second floor.

Mrs. Duffy said that she feels that it is hard to make more garage space mandatory.

The Chairman noted that he doesn't have a garage at all.

Mr. Moseley said that there is a precedence in the neighborhood for at least five cars and noted that he is not the only one.

The Chairman said that the applicant has a right to own registered cars.

Atty. Lyons suggested continuing the hearing to let abutters have a discussion with the applicant.

The Chairman suggested designing the renovation with no variance required because special permit requirements have a different legal standing.

The hearing continued to 7:45 pm on May 11, 2005 to see if a plan can be agreed on by the abutters.

The Chairman reconvened the Squannacook Hills hearing and read the JNEI traffic report and BOH memo into the record.

Discussion ensued regarding the importance of dealing with the Zone III Water Resource and potential well issues.

Engineer Kelly said that potential impact was discussed with the Con. Comm., and his client has agreed to put in monitoring wells so that if levels go up past DEP thresholds, something would be done then and there. He said that the monitoring wells would alert problems far before the river or drinking wells would be affected and thus would be basically negligible.

Mr. Cadle asked who would be responsible for the monitoring, etc of the wells.

Mr. Kelly said that the condo assoc. would be responsible.

Atty. Deschenes said that some months ago JNEI said that there is no threat to the existing or potential wells. He said that he understands that the Board wanted to verify this and that's fine, but noted that it has already been discussed. He also noted that they have letter from W. Groton Water that there is no problem.

Discussion ensued regarding potential impact on wells.

Atty. Deschenes said that in designing above and beyond Title V, the system should protect the waterway, etc. except in the event of a catastrophic failure. He said that septic systems are even allowed in Zone II.

Dr. Horowitz said that there are Zone III districts for a reason. She said that the BOH concern is not that the septic system can't be built but the level of nitrogen loading vs. the number of proposed bedrooms. She said that Mr. Cutone has asked for the logic behind the W. Groton Water memo he

so can do some calculations.

The Chairman said that Savos Danos was less concerned after doing his own calculations.

Atty. Deschenes said that it is for a reason, because of the pre-treatment system, etc.

Mrs. Collette said that she met with the BOH and went over the history of the water resource protection adoptions. She said that the ZBA used to be the permit granting authority for water resource disturbance, noting that it is now the Planning Board. She said that the Board should look under 218-30 and pretend that it is the special permit granting authority. She said that guidance is contained in the by-law, along with a complete list of chemicals, etc., and other uses as well as a septic system, impervious surface, storage of chemicals, etc. She said that she thinks the Shaw's application was comparable (and under ZBA purview), and noted that the map and provisions are based on DEP regulations.

The Chairman suggested that the PB issue a letter about 218-30 to give the ZBA guidance.

Mrs. Collette suggested that the applicant meet with the PB re: Zone III issues.

Atty. Deschenes said that he is unhappy to have to deal with Zone III issues.

The Chairman said that it is not starting over.

Discussion ensued regarding why this issue has come up.

Mr. Prager said that it is because a new well is being dug.

Mrs. Collette said that the MEPA report has not been submitted and thus the well has not been dug yet.

The Chairman said that this is a genuine issue that did not exist before and said that the Board would have failed if a well gets polluted. He said that they need to go through 218-30 to see if everything is covered.

Mrs. Duffy said that this is a project of 40 odd bedrooms planned instead of 3 bedrooms, and stressed that this is a soggy site.

Mr. Cadle suggested asking JNEI about the impact on the river also.

Dr. Horowitz said the applicant is proposing to do the primary and reserve septic systems together and she suggested eliminating one building so the systems can be separate. She said that the wetland goes to the edge of Townsend Road and noted that her car got stuck up to its windows. She

asked whether the wetlands are being filled in and replicated and suggested that pulling off of the road safely needs to be addressed. She asked about Con. Comm. comments.

Mr. Kelly said that the Con. Comm. is happy with the project as currently designed.

Dr. Horowitz said that this needs to be addressed.

Mr. Kelly said that the wetlands channel is completely in the right of way and the property line is partly up the hill.

Atty. Deschenes said that the road layout shows that the wetlands are in the town road.

Of note: send a memo to the highway department about fixing this.

Of note: talk to JNEI and the water department.

Discussion ensued regarding #3 of the BOH memo, which is related to storm water runoff, etc.

Mrs. Collette said that a 40b shouldn't be exempt from storm water runoff because is a federal by-law and not local. She said that she does have a model by-law.

Mr. Kelly said that septic system and water management allows for the exceeding of 110 galls/10,000 sq. ft. area.

Mrs. Duffy said that the Squannacook River is historically very clean.

Atty. Bobrowski thinks that Sandy or John needs to come to give more evidentiary testimony.

The hearing was continued to June 1st at 8:00 pm.

The motion was seconded and passed unanimously.

The meeting adjourned at 10 pm.