

Minutes Meeting of June 14, 2005 – LA, Howley, Executive Session Walker

Members Present: Stuart Schulman, Jay Prager, Robert Cadle, Cindy Maxwell (Executive Session), Chase Duffy, Mark Mulligan

The Chairman convened the LA temporary trailer hearing by reading the Legal Notice.

Chris Floyd, representing CE Floyd Construction Co., said that he wants to amend the permit application to add four additional storage trailers to be located by the carpenter's shop and by the Administration Building, as shown on the map. He noted that he already has an earth work removal permit and work is in place. He said that he wants to have trailers in place until August of 2007.

The Board moved to amend the permit to allow for four storage trailers and one office trailer, with two trailers to be located behind the existing tennis courts and three to be located by an existing carpentry shed by the lower fields.

The Board moved to grant a temporary permit for five office/storage trailers, commencing in August 2006 and valid until August 2007 with the condition that a \$1500.00 bond be posted and a letter be filed with the Administrator granting the Town authority to remove any trailers upon failure to do so by applicant.

The motions were seconded and passed unanimously.

The Board moved to recommend Dave Gandle for alternate member. The motion was seconded and passed unanimously.

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

The applicant said that he wants to build a garage/wood shop on the property, noting that it is a challenging lot with a great deal of frontage. He said that he has obtained driveway permits, etc., noting that he has pushed back the building as far as possible and downsized as much as possible. He said that the plans were drawn, he got approval and then excavated and back filled. He said that upon the final inspection it was found that although the foundation is 65 feet from the paved road, it is 48 feet from town property/front boundary.

Gary English, contractor, noted that the road is off set.

Mr. Prager said that he noticed the foundation when he drove by because it seemed close to the road.

The Chairman asked whether the variance was for two feet.

Mr. Howley said yes, for only one corner of the foundation.

Mrs. Duffy said that that is why it is pushed that way.

Mr. Howley said that it was paved as such, noting that it was a dirt road for years.

Mr. Prager asked who stopped the project.

Mr. Howley said that he did when the engineering plan was completed and found the foundation to be too close.

Mr. Cadle asked whether it will be used primarily as a shop.

Mr. Howley said it would be used as both a woodworking shop and a place to store his snow mobile trailer out of view.

The Chairman said that if the numbers are correct and the foundation is 65 feet from the real road as opposed to 48 feet from the paper road, then he doesn't have a problem with it.

John and Robin Stolle, abutters living at 61 Hoyts Wharf Road, noted that it is too close to their property and that they think this is making bad roadway visibility worse. Mr. Stolle said that it completely fills the view from their driveway. Mrs. Stolle said that she has a question with the inspection plan, which notes that it doesn't meet side and rear setbacks.

Mr. Howley said that only the front setback is at issue, because of how the lot is set up.

The Board explained to the Stollers that the wording means only that one setback is not met, not that all setbacks aren't met.

Mrs. Sstolle said that nothing was ever mentioned to them and she doesn't think that this is good for neighbor relations. She said that they will see a giant garage structure and asked why it couldn't be turned so as not to be such a menace to the corner. She then presented pictures.

Mr. Howley also presented pictures, noting that the building would fit in with the neighborhood.

Mr. Prager said that he drives down the road twice a day and he wants to take a look at it.

Mr. Stolle said that it is a very sharp turn.

Mr. Howley said that there isn't a turn right at that point and noted that he will cut two feet off the building if he has to, but stressed that it will be built.

Mrs. Stolle said that she wants clarification regarding what the 48 feet measurement means.

Mr. Mulligan said that Mr. Stolle has the right to make a building two feet shorter without permission from the ZBA.

Mr. Prager asked how front setback happens to be judged.

Discussion ensued regarding how to measure a road, paper vs. tar.

Of note: the applicant has a building permit, driveway and excavation permits.

Mr. Mulligan said that we are here because the applicant decided to come, even with a building permit.

Mr. Howley said he has a permit showing the existing foundation.

Discussion ensued regarding what view is being affected for the neighbors.

Mr. Prager said that the Board has concerns with the safety of site distances but noted that affected views aren't relevant when a proposal can be done by right.

Discussion ensued regarding what factors to take into consideration.

A site walk was scheduled for 6/24 at 9:30 am.

Mr. Howley asked what the goal of a site walk would be.

Mr. English asked why, just because this portion of the road is a field rather than like the rest of the road which is wooded, how this visibility is negatively affected.

Mr. Prager said that he just wants to look.

Ms. Stolle asked for a letter explaining what the engineered plan meant showing the measured distances.

Discussion ensued regarding how to handle the distances of pavement vs. paper.

Mr. Prager noted that biggest concern being with site distances.

The Chairman asked whether denying the variance would nullify the building permit.

The Board moved to continue the hearing to the 28th of June at 7:30 pm. A site walk was scheduled for 9:30 am on 6/24/06.

The Chairman convened the Walker Appeal and at the request of the applicant, the Board moved to continue the hearing to 6/28/06 at 7:45 pm.

The Board moved to go into Executive Session to discuss the Walker litigation. The motion was seconded and passed unanimously with yeas by Stuart Schulman, Mark Mulligan, Jay Prager, Chase Duffy, Cindy Maxwell.

The Board moved to go out of Executive Session with Mark Mulligan, Chase Duffy, Jay Prager, Stuart Schulman, Cindy Maxwell voting in favor.

The meeting adjourned at 10:00 pm.