

**ZONING BOARD OF ADJUSTMENT  
JANUARY 03, 2017 FINAL MEETING MINUTES**

**Present:** Chairman - Jack Dearborn, Member - Stu Richmond, Member - Malcolm Wright, Member - Marc Morette, Member - Michael Meyer, Alternate Member Land Use Coordinator - Chip Meany,  
**Guests:** Don Rogers, Alternate Member, Keith Thibault, Sheila Ashford, Kevin Mathews, Abutters and Tim Ferwerda, Representing Applicant

**I. CALL TO ORDER**

The meeting was called to order by Jack Dearborn at 7:30pm.  
Chairman Jack Dearborn read the first page of the application. The Board Members introduced themselves and Michael Meyers was seated as a voting member

**II. PUBLIC HEARING**

**Case #0117: Philip Holmes is requesting a Variance to Article 28.9 for a driveway to be constructed through a 25' wetland buffer at Map 402-58, Woodland Drive.**

Jack Dearborn read the first page of the application, and stated how he will run the meeting  
Malcolm Wright motioned to accept Case #0117. Marc Morette seconded. Motion passed. 5-0-0. Jack Dearborn said there is check sheet, Variance application, and list of abutters, warranty of deed, and a plan showing the property and wetland buffer, Permission for representation by Art Siciliano and Tim Ferwerda and a tax map.

**Variance Article 28.9**

**Tim Ferwerda presented the Application to construct a residential driveway across the 25 foot wetland buffer and the five points of hardship required for the variance.**

*1 That the granting of the variance will not be contrary to the public interest because?* This land is zoned residential, as are the surrounding properties. The proposal is to construct a driveway through the wetland and the 25' wetland buffer for a residential home; similar uses in the same neighborhood and will not diminish values.

*2 The variance requested will not be contrary to the spirit of the ordinance because?* The ordinance allows wetland crossings for driveways, so the spirit of the ordinance would and should allow for disturbances of the 25' wetland buffer for a driveway

*3 That through the granting of relief by variance substantial justice will be done because?* The owner will be able to gain access to the buildable dry area of land zoned for residential use.

*4 That by granting the variance the values of surrounding properties will not be diminished because?* This is disturbance of the 25' wetland buffer for a private driveway. The disturbance will take place away from the public highway. The public will not be using the private driveway.

**5-A.** *Please describe the special conditions of your property that distinguish it from other properties in the area?* The wet land and wetland buffer bisect the property from side to side. In order to get to the dry buildable land in the rear of the lot thatö special condition ðmust be crossed.

**i** *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property?*

The general purpose of this ordinance provision is to protect all wetland areas regardless where they are in Town. Application of that provision to this lot would deny residential use of the lot. The provision is there to protect not deny use,

**ii** *And how the proposed use is a reasonable one?* The owner will be able to gain access to the buildable dry area of the land zoned for residential use.

**5-B** *Describe the special conditions of your property that distinguish it from other properties in the area?* See ðAö above

*Please indicate how, owing to the special conditions above, your property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it?* Application of the ordinance provision to this lot would not allow access to the useable area of the lot. The lot is zoned residential use. In order to reasonably use the lot a variance is needed to construct a driveway to a home on the buildable area of the lot.

Jack Dearborn asked for approving abutters. There were none.

Jack Dearborn asked for disapproving abutters. There were three

Keith Thibault, Map 402-60 spoke about the vernal pools and how they would be affected as well as the possible impact on his well. He also questioned water runoff flowing on o the road. Jack asked about elevations at the culvert. There is a possible increase in run off to the road. There was extensive discussion of elevations at the culvert, ditches and road. He also questioned the need of a wildlife study and comments from the conservation commission. (Conservation has not met yet to discuss)

Kevin Mathews and Sheila Ashford, Map402-59 reiterated questions of run off and possible well contamination.

Jack Dearborn asked for public at large. There were none. Chairman Dearborn opened discussion again and there was no further discussion or rebuttal.

Jack Dearborn closed the public hearing at 8:09

Marc Morette moved to accept point 1, second by Malcolm Wright, approved by a 5-0-0 vote to approve

Marc Morette moved to accept point 2, second by Malcolm Wright, approved by a 5-0-0 vote to approve

Marc Morette moved to accept point 3, second by Malcolm Wright, approved by a 5-0-0 vote to approve

Marc Morette moved to accept point 4, second by Malcolm Wright, approved by a 5-0-0 vote to approve

Marc Morette moved to accept point 5, in its entirety second by Malcolm Wright, approved by a 5-0-0 vote to approve

### **III VARIANCE EXTENSIONS**

**Thomas Wilson Map 403-101 Case # 0705 approved 5-0-0 motion Marc Morette, 2<sup>nd</sup>**

**Malcolm Wright**

**SHB Properties Map 411-152-1-15 Case # 1012 approved 5-0-0 motion Marc Morette, 2<sup>nd</sup>**

**Malcolm Wright**

### **VI. ADJOURNMENT**

Malcolm Wright motioned to adjourn at 8:30 pm. Marc Morette seconded. Motion passed. 5-0-0.

*Minutes submitted*

*04 JAN 17*

*Chip Meany*

*Weare Land Use coordinator*