**ZONING BOARD OF APPEALS**

MINUTES

Public Hearing – Regular Meeting

**January 18, 2018**

7:30 P.M. Main Level Meeting Room

**MEMBERS PRESENT:** Mr. Bowman, Mr. Wyant, Mr. Peterson, Mr. Horan

**ALTERNATES PRESENT:** Mr. Wildman, Mr. Gunnip

**ALTERNATES ABSENT:** Mr. Catlin,Ms. Kaplan

**STAFF PRESENT:** Mr. Ajello, Ms. White

**OTHERS PRESENT:** Ms. Collins, Mr. Johnson, Members of the Public

**PUBLIC HEARING(S):**

Mr. Bowman called the meeting to order at 7:30 p.m.

Seated: Mr. Bowman, Mr. Wyant, Mr. Peterson, Mr. Horan, Mr. Wildman

**ZBA-1053: Request of Collins/113 Bee Brook Rd/Variance from Section(s) 11.6.1-Setbacks, 12.1.2 - Watercourse Setback, to construct addition to existing dwelling:**

Ms. Collins, Property owner, was present to represent this application. She stated that she is proposing a 2,100 SF addition. She informed the Commissioners that she is has made an effort to be the least non-conforming possible. Her lot is already nonconforming and she had previously obtained a lot line revision but it is still non-conforming. Ms. Collins said that the proposed addition could have been smaller but she will need to put all the mechanicals and utilities upstairs because of the flood zone issues. It was noted that the existing house is approximately 520 SF and with the proposed addition it would be 2,100 SF. The Commissioners looked at the plan titled “Site Plan for Proposed Addition,” prepared for Maggie’s Way, LLC, by Berkshire Engineering & Surveying, LLC, revision date of 10-20-17 and measured the setbacks. The Commissioners looked at the floor plans, and elevations titled “Maggie’s Way, LLC.”, 2 sheets labeled A-X by Construction Design, LLC., dated 12-2017. It was noted that the proposed plan has received approval from Inland Wetlands. Ms. Collins informed the Commission that she had installed a new 2-bedroom septic system when she bought the property and the Health Department signed off on this proposed plan.

There was a brief discussion regarding the age of the house and the exterior materials that will be used.

There were no further questions from the Commissioners or the public.

**MOTION:** To close the public hearing for application ZBA-1053: Request of Collins/113 Bee Brook Rd/Variance from Section(s) 11.6.1-Setbacks, 12.1.2 - Watercourse Setback, to construct addition to existing dwelling, by Mr. Wyant, seconded by Mr. Horan, passed by 5-0 vote.

**Meeting:**

Mr. Wildman feels that the proposed plan is reasonable and he is in favor of this application. Mr. Wyant and Mr. Horan agreed. Mr. Peterson stated that the existing house is very small and he does not see any issues. Mr. Bowman stated that he agreed with Mr. Peterson regarding the size of the house and that he did not feel that 550 SF complies with today’s current standard for a dwelling unit. He noted that there are limited places to build because of the flood zone and the proposed scope is reasonable.

**MOTION:** To approve application ZBA-1053, submitted by Collins 113 Bee Brook Rd, for a Variance from Section(s) 11.6.1-Setbacks, 12.1.2 - Watercourse Setback, , to construct addition to existing dwelling, per plans titled “Site Plan for Proposed Addition,” prepared for Maggie’s Way, LLC, by Berkshire Engineering & Surveying, LLC, revision date of 10-20-17 and architectural drawings titled “Maggie’s Way, LLC.”, 2 sheets labeled A-X by Construction Design, LLC., dated 12-2017, by Mr. Bowman, passed unanimously by 5-0 vote.

Seated: Mr. Bowman, Mr. Wyant, Mr. Peterson, Mr. Horan, Mr. Gunnip

**ZBA-1054: Request of West Mountain Builders (for Carter/Kempf)/147 West Shore Rd/Variance from Section(s) 11.6.1 Setbacks, 12.14 – Noise Generating Equipment – To install backup generator:**

Mr. Johnson of West Mountain Builders was present to represent the property owners. He informed the Commissioners that the property owners are proposing a to install a stand-by generator behind the existing nonconforming garage. He noted that the grade behind the garage increases quickly.

The Commissioners and Mr. Johnson looked at the map titled “Site Plan Adjusted Garage & Pool,” prepared for The Carte Kempf Residence by John B, Murray Architect, LLC, sheet number SK 4.6. Mr. Johnson pointed out that they are proposing to located the generator behind the pool fence next to the existing pool equipment. He noted that there will be plantings around the generator and not visible to the neighbors.

Mr. Johnson informed the Commission that the Generator runs at 54dB and under load it runs at 61dB and that would only be in the situation of a power outage. He stated that the power for the property comes in at the back of the garage. He stated that the old permitted generator was approximately 60 ft. from the neighbors living room and visible and this proposed location is 150 ft. from any neighbors and it is not visible.

It was noted that all the neighbors were notified about this public hearing.

Mr. Bowman asked if there was a reason why the generator could not be turned 90 degrees.

Mr. Johnson stated that there is a magnolia tree that they would like to preserve and it would be compromised if they were to dig into the grade at that location.

The Commissioners and Mr. Johnson looked at the landscaping plan titled “Carter & Kempf Residence” by Pine Meadow Gardens, undated.

Mr. Johnson stated that the generator would be fueled with propane and there is an existing underground propane tank that feeds the house as well.

Mr. Johnson said that the planting would buffer the sound of the generator. He noted that they would have to shave off more of the grade around the magnolia tree if they turned the generator 90 degrees.

There was a brief discussion regarding how the topography of the land affects the sound.

It was estimated that the generator is 3 ft. by 5 ft. The Commissioners looked at the spec sheet for the generator.

There were no further questions.

**MOTION:** To close the public hearing for application ZBA-1054: Request of West Mountain Builders (for Carter/Kempf)/147 West Shore Rd/Variance from Section(s) 11.6.1 Setbacks, 12.14 – Noise Generating Equipment – To install backup generator, by Mr. Horan, seconded by Mr. Wyant, passed by 5-0 vote.

**Meeting**

Mr. Wyant feels that the magnolia tree should not be disrupted and supports the proposed plan as submitted. Mr. Peterson stated that he agrees with Mr. Wyant, feels that the plantings are beneficial and is in favor of the proposed location of the generator. Mr. Gunnip stated that he would have liked to see it outside of the setback, the neighbors have not expressed opposition and considering the location of the pool equipment and the magnolia tree, he supports this application. Mr. Horan stated that he agrees with the other Commissioners, feels that the applicant has made an effort, and he supports this application. Mr. Bowman stated that he also agrees with the other Commissioners and realizes the importance of preserving the magnolia tree. He noted that he does not see anywhere else on the property where the generator would be less visible or disruptive and he is in favor of this application.

**MOTION:** To approve application ZBA-1054, submitted by West Mountain Builders (for Carter/Kempf)/147 West Shore Rd, for a Variance from Section(s) 11.6.1 Setbacks, 12.14 – Noise Generating Equipment, to install a backup generator per landscaping plan titled, “Carter & Kempf Residence” by Pine Meadow Gardens, undated and “Site Plan Adjusted Garage & Pool,” prepared for The Carte Kempf Residence by John B, Murray Architect, LLC, sheet number SK 4.6, dated 6-28-2014, by Mr. Bowman, passed unanimously by 5-0 vote.

**CONSIDERATION OF THE MINUTES:**

The regular meeting minutes from December 21, 2017 were considered.

**MOTION**: To accept the minutes of the December 21, 2017 meeting as amended, By Mr. Wyant, seconded by Mr. Horan, passed 5-0 vote.

**ADMINISTRATIVE BUSINESS**

Ms. White informed Chairman Bowman that the Selectman’s Office has requested a proposed 2018-2019 budget for the Zoning Board of Appeals. She stated that there would be a need to increase the amount for legal notices as The Voices is only publishing Wednesday papers and some of the ZBA legal notices will have to be published in the Republican. She would work with Ms. Hill, Land Use Administrator and submit it by February 9, 2018.

**ADJOURNMENT**

**MOTION:** To adjourn the meeting at 8:10 p.m. by Mr. Wyant, seconded by Mr. Horan, approved by 5-0 vote.

**Recordings of this meeting are available in the Land Use Office upon request.**

**Filed Subject to Approval.**

**Submitted by:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Shelley White, Land Use Clerk

January 25, 2018