Public Hearing for Sharon Roy application for a variance. 7:03. Filipi began by discussing Sharon Roy’s application for a variance for her property at 24 Sip Pond, Tax Map 26, Lot 1. Francis Jules explained that he works at the property located on 24 Sip Pond, and that it’s a 24 X 60 foot structure used for auto body work. He further explained how it’s set back from the Sip Pond and that the structure is set back about 30 feet from the nearest abutting property, which is also owned by Sharon Dick. Jules described that there are two bays in the shop, both in operation with a third that is no longer in working order. He continued to explain that he is the only mechanic working in the shop and business is usually slow, explaining that traffic should not increase. Jules then discussed that he had been working in the shop for about twelve years, and Roy added that her parent’s had owned several businesses in the structure and had been; describing them as a welding shop and lobster shop.

Jules presented a hand drawn map of the shop and the exterior to describe the layout of the structure and parking area outside of it. He pointed out characteristics to the property including parking, vegetation, and access from the street which was on a private road. Roy pointed out that nearly all of the abutting properties are owned by the Roy family. Beede inquired if there are wetlands on or near the property and Roy responded that they are across the street from the property in question, and in the back off that property. Davis asked if Roy was currently living on the property and Roy responded yes, she was.

Filipi asked if there is a second house on the property, wondering if Jules was also a resident. They explained that only Roy lived on the property and Jules only worked there. Davis asked Jules how he became involved in the business. Jules responded by explaining that he began by welding for Roy’s father over a decade ago.

Filipi asked Silverman the grandfathered status of the shop and Silverman responded that she did not have recollection of it being grandfathered, and that it is likely that when the business first started about 12 years ago, it was likely not brought into for a site plan review. Silverman then pointed out that because there isn’t record of there being a business, then it was likely never grandfathered.

Silverman then asked how the private road gives access to the other properties on the street. Roy clarified that they have right-of-way. Davis asked about a past construction application for a garage
to be built on the property. Roy clarified that the garage structure was likely used for her parent’s lobster business. Roy explained that her father’s first business was as a mechanic, then a lobster business, and then it turned into a welding shop before again becoming an auto body shop.

Abutter Ryan Roy stood to speak, explaining that he is opposed to the property change and that he is in favor of anything favorable to his children. He asked the Board to lock the property and not be used. Sharon Roy then discussed her long history with Ryan Roy, explaining that Ryan Roy does own one property and they jointly own a second property together.

Roy explained that she is working with the Fitzwilliam Police Department to install game cameras in order to monitor traffic flow on the street, considering it is a private road that also leads down to the lake. Jules explained that, in his estimation, the closest wetland area is about 60 feet away, mentioning that landscape drops off in to the wetlands.

Davis wondered what Jules does with old oil and Jules explained that he hauls all of it away to be processed/recycled. Beede asked if they store any of the oils inside and Jules responded that there is some in storage, including two 50 gallon drums that do not leave the building. Handy asked about the number of cars parked outside the business. Jules responded that he has occasionally moved some outside but only for storage and not to be worked on. He explained that he can usually use available space in the garage to store a car.

Filipi asked the Board if there should be a site walk, to which Handy made a motion and Beede seconded to do the site walk. The Board agreed unanimously. The Board scheduled the site walk for Monday, October 16 at 6 pm and to continue the public hearing at 6:30pm back at the Town Hall.

Lastly, abutter Richard Dwinell stood up to speak. He began by identifying himself as the owner of Bottoms Up Discount Beverage in town and that he has personally known Sharon Roy and her family since a young age. Dwinell then shared several anecdotes about how her family had been an integral player in helping the town or community members through tough times, and because of it, he feels that they should be grandfathered in.

Public Hearing for Patrick Deyo application for a variance. 8:02 pm. Filipi began by describing the Deyo case as an application for a variance for a building to be rebuilt within a setback which it had previously existed within. Grasewicz explained they are applying for a variance on the setback for the front yard, explaining that the new structure would be smaller in square footage and that the proposed house will be 19 feet off the right-of-way. Filipi asked about the change in square footage of the deck to which Grasewicz explained that with the deck included, the square footage will still be smaller than that of the previous structure.

Handy asked how much dirt or land would be displaced from the property during construction and Grasewicz explained that because of the properties location, the grade makes it hard to be able to move/reposition the structure anywhere else due to boulders and rocky soil. Deyo described one of the rocky obstructions as the size of a baby whale. Grasewicz explained that the house will be raised on the grade. Handy pointed out that the existing well was going away and asked where it would be moved to. Grasewicz explained that they couldn’t move it closer to Lot 27 because it
would be too close to their leach field so, taking the rocky soil into consideration, they moved it elsewhere. Grasewicz explained that the design of the proposed house will be flipped around so that the front will now be where the back was, and vice versa. Abutter Bill Townsend was asked about his feelings and he responded that he is happy about the renovations and has no problem with it moving forward.

Silverman questioned Grasewicz about whether or not he’s aware of the Shoreland Overlay and described that nearby houses mitigate runoff by using a dry well and wondered if that is a consideration in this project. Grasewicz responded that, considering the 14 inch seasonal high water table, it wouldn’t recharge very well. Deyo explained to the Board how the submitted plat shows a pile of bricks on the property but explained it is no longer present.

Handy wondered if the structure would have a full cellar and Grasewicz explained that if they can, it would be about 5 feet, about the size of a crawl space. Davis asked if the house would be occupied year-round and Deyo responded yes. Yon asked Grasewicz if the Conservation Commission had considered the application, being that they were within the 75 foot setback of a wetland area and Grasewicz explained that he has yet to have the Conservation Commission look over the application.

Handy made a motion to close the hearing, Yon seconded, and all agreed unanimously.

1. The variance will not be contrary to the public interest, all agreed unanimously;
2. The spirit of the ordinance is observed, all agreed, citing that the use of the property is not changing and that Grasewicz has waivers for septic;
3. Substantial justice is done, all agreed;
4. The value of surrounding properties not diminished; all agreed,
5. And, literal enforcement of the provisions of the ordinance would result in unnecessary hardship, all agreed unanimously.

Silverman lastly mentioned that Grasewicz should still work on seeking Shoreland approval and to work with the Conservation Commission.

**ZBA Application. 7:51 pm.** Yon pointed out that when it talks about abutters, it is not quite clear and that it should probably say 200” or 300” set back of abutters. Filipi and Silverman discussed moving it to 300 feet for the abutters.

Beede found a typo under requirements in the first section “application in form must be properly filled out,” noting that it says “property.” Silverman pointed out in Section 5, in the requirements it lists items as ‘applicable’ which made them sound not required and typically would be required. She also pointed out that wetlands is not delineated in a clear way. Filipi asked to remove “if applicable” in Section 5. Filipi then discussed leaving the applicability but that it can stay and that maybe organize better into two.

**Minutes. 7:28 pm.** Filipi discussed that the minutes had been backed up, but that most had been approved but just not with the official stamp and signature. Filipi then went through all the minutes,
discussing with the board if they were already approved. Filipi, Yon and Davis said that June 13 and July 11 and July 12 had been approved.

Filipi approved May 9, as written. Filipi then approved June 13 and June 15 as written. Filipi then approved July 11 and July 12 as written. He moved on to July 13, and approved it as amended, so as to change only the date to the correct date of July 12. The Board then looked over the minutes from August 8 and Filipi moved to approve them as written, Davis seconded, and the board agreed.

The minutes from January 10 and December 13 were older and Filipi and the Board asked that the LUA look up the minutes afterwards to see if they talk about approving those minutes at later meetings.