

APPROVED AS WRITTEN
Zoning Board of Adjustment
Town of Fitzwilliam
Wednesday, March 14, 2018
Meeting Minutes

Note: This meeting was irregularly scheduled for a Wednesday instead of the usual Tuesday due to Town Meeting the day prior

Member's Present: Chad Beede; Dan Sutton, Alternate seated for John Ernst; Cathy Davis; Bob Handy; Steve Filipi, Chairman; Susan Silverman, Selectman's Representative

Member's Absent: Sue Wood, Alternate; John Ernst;

Other's Present: Carmen Yon, Alternate; Paul Grasewicz; Barbara Green, Susan Frewert, and Joel Moses, beneficiaries of the Moses Family Compound Trust and abutters to the Yensan property

CTO: 7:02 pm

Lester Yensan application for a Variance. 7:02 pm.

Filipi opened the hearing and read the public hearing description aloud. Grasewicz presented the case on behalf of the applicants and provided the Board with additional large site plan maps and a 8 1/2 x 11-sized packet of the architectural design.

Grasewicz began by reading a letter from the Yensan's which discussed why the applicants were unable to be present at the hearing and further explained their foundation for submitting an application for a Variance. Grasewicz then described how the plans for the proposed development had come to be, going on to explain that the footprint of the existing structure encroaches into the required lake setback and a side-yard setback. Grasewicz acknowledged that he will also need to submit an application for a State Shoreland Permit. Grasewicz described details of the proposed structure, noting that the proposed structure would not have a full size basement.

The Board reviewed the four images of the existing structure provided by Grasewicz. After noting the location of the Yensan's and Moses Family Compound Trust's existing septic on the site plan, Filipi asked where the leach fields were located. Grasewicz responded that he was unsure of the location of the Yensan's leach field. Joel Moses addressed Filipi and explained that he believes the Moses Family Compound Trust's leach field is located to the right of their septic and Barbara Green explained that she believes that what Joel Moses was describing may be a drywell. Joel Moses added that he believed the leach field for the Moses Family Compound Trust was located somewhere in-between the two cottages. Barbara Green added that the Moses Family Compound Trust property is used seasonally.

Grasewicz noted there is no existing well on the Yensan property and they are proposing one to be built. Filipi asked if Grasewicz needed to submit anything to the state in terms of stormwater

control and Grasewicz responded that he did not, but did need to utilize erosion and sedimentation controls during construction. Handy asked about the Yensan's existing septic system and Grasewicz explained it was redone in 2008 and pointed to its location on the site plan. Handy asked if the proposed structure would be lived in year-round and Grasewicz explained it would be constructed to allow year-round residency but he was unsure if the Yensan's would be living their seasonally or year-round. Grasewicz then identified the location of the proposed well on the property.

Grasewicz described the existing and proposed dimensions of the porch. Joel Moses explained that they are concerned the roofline of the proposed structure would be draining towards the lake whereas the roofline of the existing structure is "sort-of perpendicular" to the lakefront, helping to divert stormwater runoff. Yon asked Grasewicz about sheet 1 of the architecture plans, and asked if it was showing gutters. Grasewicz clarified that it was trim/face boards on the house. Yon added that there was a proposed curtain drain but no proposed drywell on the Yensan property. Beede discussed the current and proposed rooflines of the house with the Board.

Grasewicz explained the square footage of the proposed and existing structures included the breezeway and laundry room. Handy asked about the driveway dimensions and Grasewicz identified them on the site plan. Handy asked if Grasewicz had a Demolition Permit yet and Grasewicz responded no that he was waiting for approval for the Variance first. Sutton asked Grasewicz to clarify the dimensions of the covered porch and Grasewicz clarified that, like the Board, he was also confused by the dimensions on the site plan and noted that there seemed to be a dimensional error in either the maps or plans provided, adding that he would ensure he provide correct dimensions on new architectural plans/site plans for their next meeting.

Davis asked why the structure couldn't be set back further from the lake and Grasewicz explained that it would be encroaching on the setback from their neighbor's property. Grasewicz discussed putting in a drywell and other stormwater measures. Joel Moses explained the dimensions and characteristics of Martindale Road, describing it was very narrow, and difficult to plow. Joel Moses added that he was also concerned about getting the construction equipment down the road to the Yensan house; adding that there was a culvert in the road and estimated the location of it on a map. Joel Moses lastly described the wetlands in proximity to both properties. Handy asked if they were annual or seasonal wetlands and Joel Moses responded they were seasonal.

Filipi discussed with the Board that they would likely have conditions that the applicant provide stormwater runoff controls such as adding gutters to the backside of the proposed structure and adding a drywell. Susan Frewert noted her concern was that there is standing water beneath the cottages. Joel Moses added that it's common to for them to have standing water even in the summer. Grasewicz acknowledged their concerns and responded that he would try to ensure proper grading which would pitch away from the proposed structure and not drain onto the abutter's lawn.

Beede discussed a rain containment system alleviating stormwater runoff with the Board. Handy discussed stormwater runoff potentially affecting the leach fields and Grasewicz responded he was going to ensure grading remained the same to avoid impact on the leach fields. Barbara Green discussed how the driveway on the Yensan property is elevated higher than the lawn and that during rain, the runoff goes toward the Moses Family Compound Trust's property and sometimes collects under their house.

Barbara Green asked Grasewicz if he could provide a comparison of permeable surfaces on the property for the beneficiaries of the Moses Family Compound Trust to see and Grasewicz agreed he would provide one at the next continued hearing date. Barbara Green asked if the proposed structure's foundation would have walls and Grasewicz explained that there would be step footings and a poured wall of just over 4 feet, further explaining that it would be like a regular basement but not as tall. Barbara Green asked Grasewicz to identify and explain the pads shown on the site plan and Grasewicz explained they were for support beams and would be within the structure.

Silverman asked Grasewicz how the State Shoreland permitting takes into account existing vegetation. Grasewicz explained there are a few shrubs near the house but otherwise, they aren't proposing to remove any trees. Susan Frewert commented that there was likely asbestos in the existing structure wanted to make sure that the Board was aware. Filipi responded that there would be a hazard assessment due to its age, as a part of the Demolition Application process.

The Board discussed that they wanted to conduct a site walk and Filipi explained the site walk procedure to those attending the public hearing. Beede moved to have a site walk at the Yensan's property at 15 Martindale Road on the date of their next regularly scheduled meeting, for 6:00 pm, Tuesday, April 10, 2018; Davis seconded, and the Board agreed unanimously. Filipi moved that the public hearing would continue after the site walk at 7:00 pm in the Lower Meeting Hall on Tuesday, April 10, 2018; Davis seconded, and the Board agreed unanimously.

Minutes of February 13, 2018. 8:05 pm.

The Board reviewed the minutes of February 13. Filipi motioned to accept the minutes as written, Davis seconded, and the Board agreed unanimously.

Updated Member Contact List. 8:08 pm.

The Board reviewed the updated list and confirmed the contact information was correct.

ZBA Application Form. 8:09 pm.

Filipi and Beede discussed removing the sentence about 'stating the corrective actions to be taken' under Number 5 on Page 1. The Board agreed to remove this part of the sentence.

Filipi noted that under Appeal from an Administrative Decision on Page 3 it says appeal from Code Enforcement and instead should say: "The undersigned alleges that an error has been

made in an order, requirement, decision, or determination, by any administrative official, _____, in the enforcement of any zoning ordinance, specifically in relation to Article _____, Section _____ of the Zoning Ordinance and hereby appeals said decision.”

Filipi made a motion to approve the new application form as amended, Handy seconded, and the Board agreed unanimously

Handy moved to adjourn, Filipi seconded, the Board agreed unanimously, and the meeting adjourned at 8:28 pm.