

ZONING BOARD OF ADJUSTMENT

Wednesday, July 22, 2009
Belmont Corner Meeting House
Belmont, N.H.03220

Members Present: Chairman Peter Harris; Norma Patten, Pleasant Oberhausen, Linda Couture and Marshall Ford
Alternates Present: Ed Hawkins
Staff: Candace Daigle and Denise Rollins.

The chairman opened the meeting at 7 p.m.

Abutters' Hearing – Ernest & Carol Tourtellotte: Request for a Variance of Article 15 (frontage) of the Zoning Ordinance to permit the creation of a new lot without access to lot being over its own frontage. Property is located at 277 Durrell Mountain Road in an “R” Zone, Tax Lot 212-052, ZBA # 2209Z.

Atty William Philpot presented the application. He presented the board with a drawing of the boundaries with a topographic depiction of the area with the existing driveway. They are proposing a smaller three acre lot having access off the existing driveway rather than using the frontage because of wetlands. Access is off Durrell Mountain Road a short distance down from Hoadley Road. There is good horizontal and vertical site distance along the road. The depiction of the tax lot shows a short loop off the existing driveway. They are seeking an area variance not a use variance.

He noted the comment from the Conservation Commission member Denise Naiva that this plan appears that it could evolve into additional lots along the private drive. They are not intending to use this driveway in lieu of a subdivision road. There is no fear that this will be a growing situation. It is a two lot subdivision.

The road maintenance agreement they submitted will be refined by the Planning Board. It calls for dual ownership with shared costs by both. Each party will be responsible for their share after it breaks off. This makes a requirement of maintaining the driveway which the town does not have to do.

The applicant wants to use that driveway to avoid having to apply for a dredge and fill permit. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance. In order to comply with the town's access ordinance they would have to cross a wetland requiring extensive dredge and filling and it would be at great cost and intrusion into the wetland. It would not benefit anything other than having another wetlands crossing. The existing driveway will provide a safer access. Since the access proposed is on the same road there will be less confusion for emergency responders.

It meets the spirit of the ordinance because the applicant proposes use of an immediate and adjoining private thru road maintained and under deed covenants to provide access without a major intrusion into wetlands.

Substantial justice will be done because there will be no need to intrude into the wetlands.

The variance will not diminish values of surrounding properties since they are not making an intrusion in the wetlands. The neighborhood stays the same. They already have a driveway cut.

P. Oberhausen was concerned that they could come back later with a proposal for future lots. Atty. Philpot said they would have to come back and convince the board that they were entitled to relief. He said it's a driveway access not a development road situation.

Mr. Tourtellote said there is an area already cleared where they want to put a house. An acre or two is cleared and they are looking into getting poles put in.

Jerry Haskell, an abutter, has resided at 297 Durrell Mountain Road since February 18 opposed the subdivision. He said that his lot sits right in front of the proposed lot. The history of the property has only had one owner. He feels this could be a start of a development up there. He would like to see a 25 foot buffer or some type of tree line to separate them. His home is as far back as he can get it. He is also concerned with the runoff. Since the driveway was put in the runoff crosses down in front of his driveway. He thinks this will be opening up a door for future expansion and he would like his privacy.

E. Hawkins noted the landuse technician's comment that the previously received dredge and fill permit prohibits further alteration of wetlands for lot development. His observations are that the wetlands is thriving and healthy. He is also concerned that this could evolve into additional lots.

Atty. Philpot said the area variance is needed because they would have to cross a significant wetlands otherwise. E. Hawkins asked what the criteria is for a significant wetlands. Atty. Philpot said he understood it to be more than a couple feet. He said they are trying to avoid something that is a disturbance, to avoid another culvert. They can go to the state and apply for a dredge and fill permit and do the subdivision.

E. Hawkins thinks that one question before the board is an application to the state for a dredge and fill permit reason enough. To decide for the hardship criteria they have to consider the special conditions of the area. Many driveways out there have culverts but this particular one does not.

Mr. Haskell said that it is a very significant wetlands, upwards of 30 to 40 feet. It was diverted when they made the driveway.

P. Oberhausen noted on the map that it said no further subdivisions. Atty. Philpot said that could be the prerogative of the board.

P. Harris said that through the history of these lots there have been a lot of tradeoffs. It would be very unfair to step into this proposal. It would be unfair to them and to the town. They have to consider the town as an entity and any failure will become a burden to the town. They need to consider the spirit and intent of the ordinance. It would be a very dangerous precedent to set.

Atty. Philpot would like it noted for the record that Durrell Mountain Road is a paved road. The applicants have sufficient road frontage. They're trying to avoid changing the landscape by putting in another wetlands crossing. The board can give their concerns to the Planning Board.

E. Hawkins agreed that the culvert across the existing driveway did nothing. It's feasible. They have to look at a feasible way to cross it by avoiding a dredge and fill permit and if there are special conditions of that property to warrant the relief.

P. Oberhausen is more concerned if they let this go through then later they will subdivide it.

Atty. Philpot said the board could put a restriction on it that there would be no further subdivisions. P. Harris said the lots have been built around wetlands. Atty. Philpot said they are trying to avoid this. P. Harris said previous owners skipped every upgrade and took every little corner of easily buildable land. There has been a lot of concern from the town for taking over roads. Atty. Philpot reminded them that this is a driveway and not a road.

C. Daigle said that it is a more difficult case for the applicant because DES has already given one permit for the property when Blue Sky went to them and told them they couldn't access the back 38 acres. DES permitted them one crossing. If they go back they need a convincing argument.

Mr. Haskell would like to see a separate driveway for each lot.

C. Daigle told the board members they could accept the offer of the conditions that there be no further subdivisions and a buffer along the Haskell property. They can table the application if they believe the dredge and fill permit is what they think is needed.

MOTION: P. Oberhausen made a motion to table the public hearing and see if the applicant can obtain a dredge and fill permit for a culvert to the property to comply with the working ordinances with the town. N. Patten seconded it.

Atty. Philpot withdrew the application.

P. Oberhausen and N. Patten withdrew their motion.

The chairman asked if anyone in the audience had any questions or comments. There being none, he closed the public hearing.

Abutters' Hearing – Mallards Landing for Kevin Parziale: Request for:

- A. A Special Exception of Article 11.A.3.c of the Zoning Ordinance to add useable space (2nd floor) within a preexisting nonconforming footprint (water and unrelated structure setbacks). ZBA # 4108
- B. A Special Exception of Article 11 A.3.d of the Zoning Ordinance to construct an addition (shed) closer (39.9') to the highwater mark than allowed (50') but not closer than the existing structure. ZBA # 3009Z.
- C. A Special Exception of Article 11.A.3.d of the Zoning Ordinance to construct an addition (4' x 6' deck) closer (39') to the highwater mark than allowed (50') but not closer than the existing structure. ZBA # 3109Z.
- D. A Variance of Article 5 Table 2 of the Zoning Ordinance to construct an addition (shed) closer (7.6') to an unrelated structure (unit 607) than allowed (20'). ZBA # 2309Z.
- E. A Variance of Article 5 Table 2 of the Zoning Ordinance to construct an addition (4' x 6' deck) closer (10.7') to an unrelated structure (unit 603) than allowed (20'). ZBA # 3209Z

Property is located at 68 Mallards Landing Road in an "RS" Zone, Tax Lot 110-002-000-605.

At least three members have viewed the site.

Mr. Parziale presented the application. He first wanted to address the 4' x 6' deck and the stoop.

They have both been removed. He then provided pictures to the board members to show this. They would like to add a second floor. They would like to have people over but only have 1 bedroom. They will stay within the footprint and won't extend the overhang past where they are currently. They are raising the roof for a second floor. Mallard's rules have changed so they can build up to 18' high.

The shed was built when they built the house and was inspected by the building inspector. It's been there since the building was constructed. It is used to store the lawn mower and yard equipment.

There are no issues with DES.

P. Oberhausen asked what type of heat they use. Mr. Parziale said they use kerosene and have an electric stove.

M. Ford asked if they store boat gas on the property. Mr. Parziale said they do not.

P. Harris asked about their rebuild in 1994. Mr. Parziale said they tore the whole place down and put it on a slab. The height requirement was different back then so now they can add the second floor to allow for a bedroom and bathroom.

Abutter Steven Geoffroy said he was in favor of the proposal. He said the Parziales are excellent neighbors and keep their property in pristine condition.

The chairman asked if anyone in the audience had any questions or comments. There being none, he closed the public hearing.

BOARD ACTION – MALLARDS LANDING FOR KEVIN PARZIALE:

MOTION: P. Oberhausen moved to grant a Special Exception of Article 11.A.3.c of the Zoning Ordinance to add useable space (2nd floor) within a preexisting nonconforming footprint (water and unrelated structure setbacks) as it meets all the criteria.

1. The use is allowed in the district.
2. The specific site is appropriate for the use.
3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided.
7. There is adequate sewage disposal.
8. Structures must otherwise meet all dimensional requirements of the Ordinance.

Additional conditions:

1. No structures or additions (incl. decks, porches, landings, etc.) that do not meet setback, except as approved are allowed.
2. No additional fuel sources and no accessory structures shall be placed between the subject structure and adjacent units.
3. Use to remain seasonal.

The motion was seconded by M. Ford and carried. (5-0)

MOTION: P. Oberhausen moved to grant a Special Exception of Article 11 A.3.d of the Zoning

Ordinance to construct an addition (shed) closer (39.9') to the highwater mark than allowed (50') but not closer than the existing structure as it meets all the criteria.

1. The use is allowed in the district.
2. The specific site is appropriate for the use.
3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided.
7. There is adequate sewage disposal.
8. Structures must otherwise meet all dimensional requirements of the Ordinance.

Additional conditions:

1. No structures or additions (incl. decks, porches, landings, etc.) that do not meet setback, except as approved are allowed.
2. No additional fuel sources and no accessory structures shall be placed between the subject structure and adjacent units.
3. Use to remain seasonal.

The motion was seconded by N. Patten and carried. (5-0)

MOTION: L. Couture moved to grant a Variance of Article 5 Table 2 of the Zoning Ordinance to construct an addition (shed) closer (7.6') to an unrelated structure (unit 607) than allowed (20') as it meets all the criteria.

1. A Variance will not decrease surrounding property values because it's a similar housing type of to the neighborhood.
2. A Variance is not contrary to the public interest because there are no abutters in opposition.
3. Denial would result in unnecessary hardship to the owner because:
 - A. the variance is needed to enable the applicant to construct the development as designed due to special conditions of the property.
 - B. the benefit sought by the applicant cannot be achieved by some other reasonably feasible method, because the owner would not be able to have use of his entire site and maximize the square footage as have other other on-site homes.
4. A Variance will result in substantial justice being done because of the same reasons already stated.
5. A Variance will observe the spirit and intent of the ordinance because the rules of Mallard's have changed since the recent rebuilding of this unit to provide an opportunity for the installation of second floors.

Additional conditions:

1. No structures or additions (incl. decks, porches, landings, etc.) that do not meet setback, except as approved are allowed.
2. No additional fuel sources and no accessory structures shall be placed between the subject structure and adjacent units.
3. Use to remain seasonal.

The motion was seconded by N. Patten and carried. (5-0)

The board took no action on the following applications since they were withdrawn:

- A. Special Exception of Article 11.A.3.d of the Zoning Ordinance to construct an addition (4' x 6' deck) closer (39') to the highwater mark than allowed (50') but not closer than the existing structure. ZBA # 3109Z; and
- B. A Variance of Article 5 Table 2 of the Zoning Ordinance to construct an addition (4' x 6' deck) closer (10.7') to an unrelated structure (unit 603) than allowed (20'). ZBA # 3209Z

Abutters' Hearing – Mallards Landing for Patrick J Charest: Request for:

- A. A Special Exception of Article 11.A.3.c of the Zoning Ordinance to add useable space (2nd floor) within a preexisting nonconforming structure (rear and unrelated structure setbacks). ZBA # 2409Z
- B. A Special Exception of Article 11.A.3.d of the Zoning Ordinance to construct a single family structure closer (27.5') to an unrelated structure (unit 217) than allowed (30'). ZBA # 2509Z
- C. A Special Exception of Article 11.a.3.d to construct a single family structure closer (19.2') to an unrelated structure (unit 229) than allowed (30'). ZBA # 2609Z
- D. A Variance of Article 5 Table 2 of the Zoning Ordinance to construct a single family structure closer (15.7') to the rear property line than allowed (25'). ZBA # 2709Z
- E. A Variance of Article 5 Table 2 of the Zoning Ordinance to construct a single family structure closer (21.9') to an unrelated structure (unit 213) than allowed (30'). ZBA #2809

Property is located at 26 First Street in an "RS" Zone, Tax Lot, 110-002-000-215.

At least three members have viewed the site.

Bryan Bailey presented the application. This is a property within Mallards and is a pre existing non-conforming home located on the back side of the railroad tracks. It misses the 250 foot shoreland protection area. The existing home is an old home and has been there for quite some time. Adjacent houses are new. Mr. Charest would like to tear the cottage down in its entirety and put in a two story home. It is a single story now. The prime reason for the size and the need is because his mother has recently undergone a double amputation. The reason for the variance on one side is they tried to balance the unit between the others. The new building improves the setback to units 229 and 217 but not 213. The back of the property is the railroad right of way.

The proposal as written on the application is to replace the existing one story camp with a modern 2 story sufficient in size to accommodate his current family needs. The replacement camp will need to be on 2 floors to provide sufficient living space to accommodate his mother's needs on the first floor as she is a double amputee. The second floor will provide the needed area for his family. The available space for the replacement camp is limited by the adjacent camps and railroad ROW running through Mallards Landing.

According to Mr. Bailey the variance will not be contrary because granting of the variance will not cause any harm or adverse impact to the adjacent properties and the new camp will provide a much safer building to both the owners and the neighborhood in general. Although the proposed building location requires a variance, the proposed location affords a well balanced and near equal distance separation between the 3 adjacent primary structures.

Also the spirit of the ordinance is observed because the new camp will provide safe, modern access for his handicapped mother and will replace the old camp with a new camp that meets all current building construction code requirements. The new camp will be constructed entirely with ½" sheetrock and shall have a metal roof. These measures will provide additional fireproofing to meet the spirit of the ordinance.

Mr. Bailey said that three special exceptions are needed to accommodate the new camp. One is to allow the new building to be 23.4' to adjacent unit #217 where 30' is required due to the expansion of the existing structure and adding of a second story. The second is to allow the new building to be 19.2' to adjacent unit #229 where 30' is required. And the third is to allow the expansion of a pre-existing non conforming structure by adding a second story.

Mr. Bailey also read from the application that the new camp will be consistent with other dwelling structures in the park. It will replace an old and outdated structure with a new updated structure comparable with the adjacent structures. The new structure will be utilized in the same manner as the original. It will be constructed to current building code. It is serviced by municipal sewer.

M. Ford asked how much larger the expansion will be. Mr. Bailey said the existing building is 890 square feet and the proposed building is 1296 square feet.

C. Daigle said the existing building is 18.9' between the building and unit 217. The new portion will be further away and closer to the railroad track. Mr. Bailey said they tried to equalize the placement of the new building optimally towards the railroad.

Mr. Bailey said the screenhouse will be taken out. The existing 10 x10 shed in back of the building is going to be replaced in the same spot. He also noted the comment made by Rick Ball, Town of Belmont Land Use Technician that the fence and firepit encroach on NHDOT Railroad property and should be removed. Mr. Bailey said they have agreed to do that.

E. Hawkins said it is a fine balancing act. The only thing they're asking for is the establishment of a new nonconformance from the building to unit 213.

No abutters were present.

P. Oberhausen asked what Mr. Charest will be using for heat. He said they will be using oil and propane for cooking

N. Patten asked what is stored in the existing shed. Mr. Charest said that he stores tools and a lawnmower.

L. Couture asked if the building will be on a slab. Mr. Charest responded yes.

The chairman asked if anyone in the audience had any questions or comments. There being none, he closed the public hearing.

BOARD ACTION – MALLARDS LANDING FOR PATRICK J CHAREST :

MOTION: L. Couture moved to grant a Special Exception of Article 11.A.3.c of the Zoning Ordinance to add useable space (2nd floor) within a preexisting nonconforming structure (rear and unrelated structure setbacks) as it meets all the criteria.

1. The use is allowed in the district.
2. The specific site is appropriate for the use.
3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided.
7. There is adequate sewage disposal.
8. Structures must otherwise meet all dimensional requirements of the Ordinance.

Additional conditions:

1. All property bounds/existing footprint certified during construction as required.
2. No structures or additions (incl. decks, porches, landings, etc.) that do not meet setback, except as approved are allowed.
3. No fuel source or accessory structure (with exception of existing shed) shall be placed between the structures.
4. Screen house to be removed prior to occupancy. Firepit and fence to be removed, or relocated off Railroad property prior to occupancy.
5. Shall remain single family.

The motion was seconded by P. Oberhausen and carried. (5-0)

MOTION: L. Couture moved to grant a Special Exception of Article 11.A.3.d of the Zoning Ordinance to construct a single family structure closer (27.5') to an unrelated structure (unit 217) than allowed (30') as it meets all the criteria.

1. The use is allowed in the district.
2. The specific site is appropriate for the use.
3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided.
7. There is adequate sewage disposal.
8. Structures must otherwise meet all dimensional requirements of the Ordinance.

Additional conditions:

1. All property bounds/existing footprint certified during construction as required.
2. No structures or additions (incl. decks, porches, landings, etc.) that do not meet setback, except as approved are allowed.
3. No fuel source or accessory structure (with exception of existing shed) shall be placed between the structures.
4. Screen house to be removed prior to occupancy. Firepit and fence to be removed, or relocated off Railroad property prior to occupancy.
5. Shall remain single family

The motion was seconded by P. Oberhausen and carried. (5-0)

MOTION: L. Couture moved to grant a Special Exception of Article 11.a.3.d to construct a single family structure closer (19.2') to an unrelated structure (unit 229) than allowed (30') as it meets all the criteria.

1. The use is allowed in the district.
2. The specific site is appropriate for the use.
3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided.
7. There is adequate sewage disposal.
8. Structures must otherwise meet all dimensional requirements of the Ordinance.

Additional conditions:

1. All property bounds/existing footprint certified during construction as required.
2. No structures or additions (incl. decks, porches, landings, etc.) that do not meet setback, except as approved are allowed.
3. No fuel source or accessory structure (with exception of existing shed) shall be placed between the structures.
4. Screen house to be removed prior to occupancy. Firepit and fence to be removed, or relocated off Railroad property prior to occupancy.
6. Shall remain single family

The motion was seconded by P. Oberhausen and carried. (5-0)

MOTION: M. Ford moved to grant a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a single family structure closer (15.7') to the rear property line than allowed (25') as it meets all the criteria.

1. A Variance will not decrease surrounding property values because replacement will increase property values.

2. A Variance is not contrary to the public interest because homes in this area are similar.
3. Denial would result in unnecessary hardship to the owner because:
 - A. the Variance is needed to enable the applicant to construct the development as designed due to special conditions of the property because of the restricted lot size; and
 - B. the benefit sought by the applicant cannot be achieved by some other reasonably feasible method because of the small existing footprint.
4. A Variance will result in substantial justice being done because although the non-conforming setback is being increased, the proposal is a benefit to the overall placement of the structure on the property.
5. A Variance will observe the spirit and intent of the ordinance because the special conditions that exist require more space for family living.

Additional conditions:

1. All property bounds/existing footprint certified during construction as required.
2. No structures or additions (incl. decks, porches, landings, etc.) that do not meet setback, except as approved are allowed.
3. No fuel source or accessory structure (with exception of existing shed) shall be placed between the structures.
4. Screen house to be removed prior to occupancy. Firepit and fence to be removed, or relocated off Railroad property prior to occupancy.
5. Shall remain single family.

The motion was seconded by N. Patten and carried. (5-0)

MOTION: M. Ford moved to grant a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a single family structure closer (21.9') to an unrelated structure (unit 213) than allowed (30') as it meets all the criteria.

1. A Variance will not decrease surrounding property values because replacement will increase property values.
2. A Variance is not contrary to the public interest because homes in this area are similar.
3. Denial would result in unnecessary hardship to the owner because:
 - A. the Variance is needed to enable the applicant to construct the development as designed due to special conditions of the property because of the restricted lot size; and
 - B. the benefit sought by the applicant cannot be achieved by some other reasonably feasible method because of the small existing footprint.
4. A Variance will result in substantial justice being done because although the non-

conforming setback is being increased, the proposal is a benefit to the overall placement of the structure on the property.

5. A Variance will observe the spirit and intent of the ordinance because the special conditions that exist require more space for family living.

Additional conditions:

1. All property bounds/existing footprint certified during construction as required.
2. No structures or additions (incl. decks, porches, landings, etc.) that do not meet setback, except as approved are allowed.
3. No fuel source or accessory structure (with exception of existing shed) shall be placed between the structures.
4. Screen house to be removed prior to occupancy. Firepit and fence to be removed, or relocated off Railroad property prior to occupancy.
4. Shall remain single family.

The motion was seconded by P. Oberhausen and carried. (5-0)

Abutters' Hearing –Elizabeth & Rodney Bascom: Request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance for two separate assisted living units in the “R” zone on property formerly occupied by Faith Christian Academy. Property is located at 87 Horne Road, Tax Lot 110-006, ZBA # 2909Z.

Elizabeth Bascom presented the application. She said this application is to amend the basic conditions that were granted to her on February 18 by the Zoning Board to allow up to 18 seniors and 2 live in staff. The change is to allow 2 separate living units with one residential occupancy on the lower level and the second located on the upper level. The reason she is doing this is to stay within her budget. The state requires that with more than 1 resident you need to be licensed and with more than 4 they have more stringent codes which would require a costly sprinkler system. Fewer than 4 residents needs only to comply with the building code for 1 and 2 family dwellings. Although the state viewed the building as a 2 family dwelling the town viewed it as an institutional dwelling for assisted living. The change is from one unit with 20 occupants to 2 separate units. The total number of bedrooms will be 10 and the number of people will be no more than 6 live in clients and no more than 6 live in staff. She is asking for the change because it meets all the criteria. The specific site is appropriate for the use. No nuisance or hazards will be involved. There is adequate sewage disposal. Plans have already been submitted for third party review.

C. Daigle told the board members that Ms. Bascom will need to get an approval from the state fire marshal. The fire marshal will have precedence. The purpose of Ms. Bascom coming back is that the relationship between the staff and patients is changing. Based on the information she has received she has withdrawn her suggestion to table the application. The board members are considering an approval for a shift in the numbers.

N. Patten asked if the state will inspect it. Ms. Bascom said yes.

P. Oberhausen was concerned that Ms. Bascom changed her plans because she won't need to have to put in a fire system. Ms. Bascom said that one of the reasons is why they don't require a

sprinkler system with less than 4 is because it is relatively easy to get people out. There are multiple windows and both floors access to the level ground. They do require a one hour fire barrier between the 2 units and a fire suppression system. They will put in a fire alarm. The doors will be fire rated. E. Hawkins said that Ms. Bascom does have to get the state fire marshals approval. M. Ford asked if they should table it until they find out what the fire marshal does.

C. Daigle told them that Ms. Bascom can't get a building permit until the fire marshal approves it. She said they are just looking at the same things as the last time and the specifics of the codes belong to someone else's jurisdiction. The number of occupants has shifted. She has given them more specific information. There is a change but they need to look at it under the same standards. The abutters were notified and none are present so there are no complaints or input from the abutters. The Planning Board will look at parking, dumpster. Their review is to look at the impact on the neighborhood.

BOARD ACTION – ELIZABETH & RODNEY BASCOM :

MOTION: N. Patten moved to grant a Special Exception of Article 5 Table 1 of the Zoning Ordinance for two separate assisted living units in the "R" zone on property formerly occupied by Faith Christian Academy as it meets all the criteria.

1. The use is allowed in the district
2. The use is grandfathered
3. The Ordinance specifically allows the use when a Special Exception is granted.
4. The specific site is appropriate for the use.
5. No factual evidence is found that property values in the district will be reduced.
6. There is no valid objection from abutters based on fact.
7. No nuisance or hazard is involved.
8. Adequate and appropriate facilities will be provided.
9. There is adequate sewage disposal.
10. Structures must otherwise meet all dimensional requirements of the Ordinance.

Additional conditions:

1. All additionally required approvals and permits must be obtained.

The motion was seconded by M. Ford. (4-0-1) P. Oberhausen abstained.

OTHER BUSINESS:

BOARD ACTION – MINUTES:

MOTION: P. Oberhausen made a motion to approve the minutes of June 24, 2009 as written. L. Couture seconded. (4-0-1) N. Patten abstained.

STAFF REPORT:

BUDGET:

C. Daigle asked the members if they had any comment on any budget items for next year. She will be putting it together during the month of August. P. Harris asked if they still have the policy that anyone can go to workshops. C. Daigle said members can attend workshops as they become available. They also have the funds for documents or books they need.

TIMELY REMINDERS:

C. Daigle said that M. Ford had talked to her about the importance of trying to get information to new residents. Too many people are coming before the Zoning Board stating they didn't know they needed a permit. She said they will be instituting a timely reminder document. Other departments will participate and add something to it such as when permits are required and when to get your dog licensed. There will be a link to the town website. It will be typed up in a sheet or two and will distribute it when a property changes hands.

The police department is offering Nixel which is a free service that allows you to get information about where you live. They consist of email notifications from the police. The town is going to contract with Constant Contact. This will be one more way to disperse information.

RULES OF ADMINISTRATIVE PROCEDURE:

C. Daigle has drafted the revision of their rules. They will need to proof it. It is the modern version and explains when alternates serve and that they participate. It will guide them and new members. The public will be able to see how they function. It will be a much more useful document. They will be starting to record in the registry any decisions they make. They will be able to make comments at next month's meeting and then adopt a final version at a subsequent meeting.

ADJOURNMENT:

MOTION: On a motion by P. Oberhausen, seconded by L. Couture, it was voted unanimously to adjourn at 10 p.m. (5-0).

Respectfully submitted,

Denise Rollins

