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## **ZONING BOARD OF APPEALS MEETING**

**THURSDAY, JULY 23, 2015 CITY HALL AUDITORIUM**

**62 FRIEND STREET MEETING CALLED TO ORDER AT 7:05 P.M.**

**No recording, only hand written notes.**

**PRESENT: Bill Lavoie, Robert Orem, Donna Collins, Matt Vincent, Matt Sherrill, David Haraske, Denis Nadeau, Sharon McDermot.**

**Absent: None.**

**Also present: Susan Yeames, Recording Secretary**

**Transcribed by Paul Bibaud**

**MINUTES: May 28, 2015: Donna Collins, motion to accept. Motion seconded by Sharon McDermot. All in favor, (BL, BO, DC, MS, SM)**

### **NEW PUBLIC HEARINGS:**

**23R Chester Street – VARIANCE for a pre-existing lot with insufficient frontage and width to enable a single family home to be constructed thereon.**

**Applicant: Emily Smedstad**

**Paul Gagliardi, representing the applicant:** Seeks approval for a VARIANCE to sell lot 5, a single family home. Has 27,273 square feet. The lot does not have required frontage or width based on shape, topography and uniqueness of shape. Fifteen feet from Chester Street with 128 feet that opens into a large lot. This lot is unique as it has 3 times the area and access on frontage. Adequate width 15 feet for vehicles and emergency vehicles. Substantial hardship, in existence since 1962. No value without variance.

**Donna Collins:** Is it a buildable lot, re: ConCom? Will be decided at a later date.

Not grandfathered because of lack of frontage.

Open to Audience:

**Jeff Webber, 29 Orchard Street:** His problem is drainage. Does not keep up with water.

Has to be unclogged during storms.

The ZBA determines if it is a buildable lot.

**Kathy McVicher, 39 Orchard Street:** Drainage concerns and vernal pool?

**Kathy Lucy, 35 Orchard Street:** Drainage concern. River flows through the field. No problem with the house, just the drainage.

**Janet Lefevre, 24 Chestnut Street:** Questions a possible vernal pool, wildlife issues, wet until August, and large trees will have to come down. Her property started flooding after clear cut five years ago.

**Doreen Tobin, 21 Chester Street:**

1. Driveway abuts the driveway, is large enough.

2. Flooding. Sump pump in the cellar is always pumping.

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**Barbara Pierce, 23 Chester Street:** Concern over the vernal pool in the rear of the house.

**Jeff Kobel, 25 Chester Street:** Concern for the drainage. It all drains to a low point in his back yard, which floods. Questions whether it is not grandfathered in for frontage. Can a 30 foot structure turn into a driveway?

**Scott Miehle, 25 Orchard Street, 1992.** Yard floods Drain gets clogged with debris. Field is never maintained, so a house would be good.

**Debra Mudge, Lake Street:** Concerned for access for fire truck. Her yard is wet since the clear cut. Privacy impaired.

**Scott Meier:** If it doesn't perc... no perc test... will be a sewer. Not necessary.

**Jennifer Lefevre, 24 Chestnut:** Concerned if it will be for a single family home. Just deciding if it is buildable.

**Paul Gagliardi, attorney for applicant:** This lot does not have the drainage issues until the surrounding houses were built. Wetlands will be dealt with by the ConCom.

**Pierce, 23 Chester:** Was told that there were wetlands in the back.

Deed in 1962 to Thomas'. No zoning in Amesbury at that time.

There is a driveway access for mowing.

**Donna Collins: Motion to close and discuss. Sharon McDermot seconded the motion.**

**Discuss the variance.**

**Substantial hardship**

**Shape of the lot and narrow frontage**

**No effect to district**

**Detriments and concerns about public safety.**

**If variance is issued, then emergency trucks will be allowed.**

**Can request/condition for an emergency access plan.**

**Thinks that the fire dept should come out and judge whether the access stipulation – subject to.**

**App.: Fire dept review for proper access to the lot in case of a house fire.**

**If not approved by the fire dept. = variance not approved. Subject to review and approval.**

**Can continue to the next meeting once Fire Dept has reviewed.**

**Will ask the applicant to continue to next meeting to allow the fire dept. to review... August 27<sup>th</sup> meeting.**

**Vote to continue this application to the next meeting on Aug. 27.**

**Need a letter.**

**All in favor to continue to Aug. 27 meeting.**

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**ADMINISTRATIVE:**

**40b Project Discussion: RULES AND REGULATIONS, NIPUN JAIN, PLANNER:**

2004 adopted Rules and Regulations have been ten years since they were approved.

Boards should look at Rules and Regulations and be more critical and comprehensive as they speak to the qualifications of 40Bs. Attorney Whitten will not create new rules.

The town will ask him to review them, give him time to research and ask him to come up with more current rules and regulations for him to draft and ZBA will discuss and approve the new regulations. John Whitten will assist the Planner.

The approved 40Bs are complex and there are 8 years between approval and construction.

A lot of the Rules and Regulations have been changed due to court cases.

Eagle Point 1 - 16

Attitash Ridge

Amesbury Heights 3-16

Meadowbrook

Large projects

Infrastructure Impacts

Looking for approval to use John Whitten as the consultant or K+P

Recognize the rules need to be revised, town can start researching for revision.

Can use John Whitten and K&P for resources for expert information on 40B Rules and Regulations.

**Motion by Nipun Jain. Motion seconded by Sharon McDermot. All in favor.**

Asks that the board review the existing rules and regulations and be familiar, and think about updates.

Sets administrative procedures and the process in evaluating the project.

Lots of things have changed since 1999.

Will update the ZBA procedures as necessary.

**Board will formally revise ZBA process. Nipun motion, second by Sharon McDermot. AIF.**

What is ZBA opinion if someone comes forward to force 40B approval- what are the steps for a ZBA decision?

Will ask K&P or John Whitten for ZBA steps to follow.

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Denis Nadeau: Says he thinks that legal assistance would be best, rather than a team of staff members.

Matt will meet with the mayor to explain the need for legal assistance.

Will set up a meeting and include the ZBA Chair.

**Motion to adjourn.**