

Present were: Anderson (Chair); Batchelder (Acting Clerk); Jeton & Brown (Members); Boness (Associate Member).

The meeting opened at 7:00 p.m.

Petition No.: 3842

Premises affected: 309 River Rd.

Petitioner: Gediman

Batchelder read the request to continue to the August 6, 2009 meeting. Batchelder made a motion to continue the hearing to August 6, 2009. Brown second the motion adding that the public hearing has not been opened and any Board members can sit on this case at the next meeting. The Board voted (5-0) to continue the hearing without opening it to August 6, 2009. Anderson noted that there will be no additional notice.

Petition No.: 3841

Premises affected: 22 Woburn St.

Petitioner: Ballou

Mr. Paul Lindholm, civil / environmental engineer, represented Mr. & Mrs. Ballou in their request for a variance from Section 4.1.2 to construct a single-story attached garage addition that would not meet the minimum front setback requirement. Lindholm presented the hardship related to the shape of the long; large & slender and the askew orientation of the house to the front lot line. The Board discussed options for a conforming addition. The Petitioners & their representative explained the architectural reasoning on the proposed design citing window placement & jogs creating design difficulty adding that it wouldn't work on the opposite side of the house. Lindholm argued that if the house weren't askew, the Petitioners wouldn't have had to come to the Board for a variance. The Ballou's have spoken with the neighbors, none of whom voiced opposition. Batchelder made a motion to close the public hearing. Boness seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate. Anderson asked for a motion to grant a variance with an irregularly shaped lot & the placement of the house on the lot. Batchelder made a motion to grant a variance. Jeton seconded the motion. Boness, Batchelder, Jeton, & Brown stated that they were not in favor of granting a variance. Anderson explained to the Petitioners that if the Board votes to deny, then they would be restricted from re-applying for the same project for 2-years. He added that they could withdraw & redesign, or withdraw without prejudice. Mr. Ballou stated that they wish to withdraw without prejudice. Anderson tabled the motion to grant a variance. Jeton made a motion to withdraw the variance request. Batchelder seconded the motion & the Board voted (5-0) to withdraw the variance request.

Petition No.: 3840

Premises affected: 29 Candlewood Dr.

Petitioner: Schimmel

Leyla Schimmel represented herself in her request for a variance from Section 3.2.1.2.a to keep two miniature donkeys (mother & foal) on her lot, which does not meet the minimum 2-acre requirement for the first animal. Also present was her daughter, Rosa, who is raising the animals for a 4-H project,

which Schimmel stated would last approximately 1 year. The miniature donkeys are the size of a goat, or a Great Dane with a wide body. Their lot has just less than one acre and abuts 75 acres of conservation land. The temporary 8'x8' shelter will be removed upon completion of the project & the waste is composted. They acquired the pregnant donkey Easter weekend and the foal was born one month ago. Schimmel was unaware that donkeys required a variance, but found out through a letter from the Town that she was in violation of the by-law. Rosa was given an opportunity to describe her interest in raising both of the donkeys & the animals' character and upkeep, which she described as gentle. She expressed her sadness in having to let them go in one year when the project was completed. Batchelder pointed out that the by-law requires any shelter larger than 6'x7' to be at least 50' from any lot line. Several neighbors voiced concern over the odors, noises & potential public health hazards associated with the donkeys. They also submitted photos of the mare & the shelter, alleging that both are larger than represented. Anderson explained to Rosa the ZBA process and reasoning. The Board scheduled a site view for July 14, 2009 at 7:30 to be conducted on site at 29 Candlewood Drive. Deliberation will take place following the site view, the location of which will be determined and posted.

Petition No.: 3843

Premises affected: 65 Haggetts Pond Rd.

Petitioner: Ristuccia

Michael Ristuccia represented himself & his request for a dimensional special permit for historic preservation for the historic structures located at 65 Haggetts Pond Rd. The property, along with two vacant lots, is for sale & a developer has made an offer with the intention of demolishing the house & barn. The Board discussed the options of reconfiguring the lots, as well as limiting the number of houses that could be built if approved. Tim Turbett, 55 Haggetts Pond Rd., asked for the net effect of a dimensional special permit for historic preservation & voiced concern over the proposal. The Board discussed whether a preservation restriction could be placed on a property independent of the dimensional special permit for historic preservation. Ristuccia informed the Board that he would be living in the house until it is sold and expressed his preference for the special permit although he could place a restriction on his own. Jeton asked if it is definite that a restriction can be put on the other, vacant lots if a dimensional special permit for historic preservation is granted. Anderson will consult Town Counsel to draw up a separate land use restriction document restricting the number of houses that could be built on the other lots. Batchelder made a motion to close the public hearing. Jeton seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate. Batchelder made a motion to approve the dimensional special permit for historic preservation with the condition that the number of lots be limited. Boness seconded the motion. Brown noted the benefit to the Town by preserving the house & barn. Anderson noted that it wouldn't create an adverse collateral consequence or threat of more lots being created. Batchelder & Boness agreed. Jeton expressed concern over a possible Land Court issue. Anderson explained that the restrictive covenant is for the benefit of preserving the historic structures. He will consult Town Counsel regarding the restrictive covenants. Anderson asked for a vote to approve with conditions subject to review by Town Counsel. The Board voted (5-0) to approve the dimensional special permit with conditions subject to approval of a restrictive land use covenant by Town Counsel for 3 lots.

Anderson asked if there were any minutes to approve. Brown has changes to the minutes of June 4, 2009 and asked to table them until August. The meeting was adjourned at 9:04 p.m.