

Present were: Anderson (Chair); Jeton (Acting Clerk); Batchelder & Brown (Members); Baime, Ranalli & Matey (Associate Members).

The meeting opened at 7:02 p.m.

Petition No.: 3835

Premises affected: 150, 168, 174 Holt Rd.

Petitioner: Marshall / St. Pierre

Members: Anderson, Jeton, Batchelder, Brown, Ranalli & Matey

Attorney Mark Johnson represented the Petitioners in their request to withdraw without prejudice. Jeton made a motion to allow the withdrawal without prejudice. Baime seconded the motion & the Board voted (5-0) (Brown abstained) to allow the withdrawal without prejudice.

Petition No.: 3857

Premises affected: 1 Jenkins Rd

Petitioner: Loucks

Members: Anderson, Jeton, Brown, Ranalli, Matey

Architect Elizabeth Ahern represented the petitioners in their request to construct a 9'x3' addition to the existing porch and to enclose said porch, as well as to convert part of an attached barn into living space. The house is located in the SRC district & was built in the 1800's. The existing & proposed front setback is 23.9' at the closest. Due to slope issues in the rear yard, the front addition is the most feasible. Although the house is not listed as historic, Anderson suggested seeking advice from Preservation Commission for the alterations/additions. Petitioners submitted three letters of support. The Board waived a site view. Brown 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. Jeton & Brown felt that relief can be granted under a special permit, including for the 3'x9' overhang that will only extend an existing non-conformity. Ranalli made a motion to approve the special permit. Brown seconded the motion with the condition that it is constructed in substantial conformance with the plans and drawings submitted. The Board voted (5-0) to grant a special permit with condition. Jeton will write the decision. Jeton made a motion to deny the variance as moot. Matey seconded the motion & the Board voted (5-0) to deny the variance as moot.

Petition No.: 3858

Premises affected: 47 Glenwood Rd

Petitioner: Amesoeder

Members: Anderson, Batchelder, Baime, Ranalli, Matey

Attorney Mark Johnson presented the petitioners' request to construct an attached garage addition. Engineer Bill McLeod was also present for the petitioners. Petitioners had been before the Board recently to raze the garage & construct the addition on a new foundation, but it was withdrawn without prejudice. The current proposal is similar with the addition of a farmer's porch. Anderson noted that Member Brown has recused himself from the case. They have obtained Conservation approval, but will file for a modification due to the changes. A letter of support from #45 Glenwood Road was entered into the record. The proposal meets setbacks, however the lot lacks frontage on a way as defined by the by law. The Board waived a site view. Ranalli made a motion to close the public hearing. Baime seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate. Anderson noted the Petitioners had been granted a variance for this project, which had lapsed.

Ranalli made a motion to approve the variance. Matey seconded the motion & the Board voted (5-0) to grant the variance. Ranalli will write the decision. The Board denied the special permit requested as moot.

Petition No.: 3856

Premises affected: 103 Haggetts Pond Rd

Petitioner: Clark

Members: Anderson, Batchelder, Brown, Ranalli, Matey

This is a continued public hearing. Jeffrey & Lisa Clark represented themselves in their request for a variance to construct an 8'x20' farmer's porch that will encroach into the minimum front setback. The house is located in the SRC District, where a minimum 50' is required. The reason for the request is to increase functionality & safety for their family, one of whom is handicapped, particularly due to the raised septic system in the front yard that creates a gulley and hazardous conditions in front of the house. They will be seeking a variance from the Board of Health for the porch. The Clarks submitted a plot plan, pictures of abutting houses and construction drawings. The porch will be at approximately the same height at the septic system. Inspector of Buildings Kaija Gilmore informed the Board that 780CMR Article 1 for handicap accessibility supersedes the zoning by law. Ranalli made a motion to close the public hearing. Brown seconded the motion and the Board voted (5-0) to close the hearing. The Board then proceeded to deliberate. The Board expressed that it would not be detrimental to the neighborhood with the hardship being location of house on the lot, arc of frontage, raised septic system in front yard, proximity to major highway, wetland topography in rear yard, and need for safe handicap accessibility. Batchelder made a motion to grant the variance based on the aforementioned hardships. Matey seconded the motion. Anderson added the condition that the variance be tied to the plot plan submitted. The Board voted (5-0) to grant the variance with the condition that it be tied to the plot plan submitted. Batchelder made a motion to deny the special permit as moot. Ranalli seconded the motion & the Board voted (5-0) to deny the special permit as moot. Batchelder will write the decision.

Petition No.: 3852

Premises affected: 8 Cassimere St

Petitioner: Candiano

Members: Anderson, Batchelder, Baime, Ranalli, Matey

David Berube, petitioner's son, presented the petition requesting a variance & special permits to construct a family dwelling unit addition that will not meet minimum setback requirements. The Board noted that the old cul-de-sac layout for Cassimere Street creates one of the non-conforming setbacks. Berube explained that this abandoned section of cul-de-sac will be deeded to his mother after Town Meeting 2010 approval once the developer requests street acceptance and would increase the setback. The house was built in 1950-60's. There were several neighbors present to speak in opposition to the proposal. Among the concerns expressed by Lisa Robinton of 13 Beech Circle (rear abutter) and Cleave Taylor, 11 Beech Circle (directly behind 8 Cassimere St.), among others, were the slope of the lot, proximity of existing & proposed to lots lines on a small lot, lack of buffers. The Board will view the property. Berube informed the Board that prior approval was granted for an addition in 1988, but it was never built. Brown informed the Board that a 1952 decision created the lot, at which time 15' side setbacks, 30' front setback & 30' rear setback were the minimum. The Board will view the premises on Saturday, October 3, 2009 at 7:30 a.m. and deliberate on Monday, October 5, 2009 at 8:15 p.m. (location to be determined). Brown made a motion to continue to October 5, 2009 at 8:15 p.m. Baime seconded the motion & the Board voted (5-0) to continue the hearing until October 5, 2009 at 8:15 p.m.

Discussion Item: 15 Locke Street

Members: Anderson, Jeton, Batchelder, Brown, Baime, Matey

Attorney Mark Johnson was present on behalf of the owner, who was informed 3 times by the Building Inspector to file with the ZBA after they commenced demolition, stating it is in violation of ZBA approval (not in accordance with the plans submitted that indicated the entire first floor was to remain). They feel that it is not in violation of the decision and asked for a determination from the Board. The Board told them to file an application as instructed by the Building Inspector. Anderson referred the matter to Town Counsel for enforcement action.

Petition No.: 3803

Premises affected: 0 + 86 River St, 15R Charlotte Dr

Petitioner: Taylor Cove

Members: Anderson, Batchelder, Baime, Brown, McDonough

Francis Wheeler, Hillcrest Dr, asked permission to record the proceedings. No one objected. Anderson & Brown, who viewed the site individually, stated willingness to conduct another site view. Anderson noted that McDonough was not present, but has agreed to listen to a recording of the meeting and sign the Mullen Rule Affidavit. Attorney Borenstein agreed to proceeding with four members. Wheeler informed the Board of a video of a site walk that is available on-line. Anderson explained that a physical copy must be submitted to the record in order for the Board to view it, advising the Board not to view it until and if the applicant gives permission. Borenstein stated that he may object to the Board viewing it and would let them know.

Dermot Kelly, proponent's traffic engineer, gave an overview since the last meeting on 9/3/09:

9/23/09 – he responded to Ken Cram's comments, 9/30/09 – Cram responded to his comments. The line of sight plan from project drive will require fill & some removal of elevation will out the existing 289' line of sight. Cram requested entering sight distance, which he will provide to the Board, and moving the stop line 4' from edge of road. Kelly feels the existing sight distance is sufficient in either direction.

Ken Cram of Traffic Solutions, Town's traffic engineer, agreed with Kelly: clearances are safe, stop line location is standard, Kelly completed the requested data, and they concur with the Level of Service at peak hours, and have committed to extending the sidewalk to Hillcrest with sloped granite curb. Cram suggested obtaining sign off from Fire Dept. There was no issue approaching the sight northbound. The Board posed several traffic questions related to flow, counts for different directions and turns during peak hours, sight distance, average vs. posted speed. Dermot Kelly will prepare a plan for the Board to include flow rate for a stopped car to turn with one stopped behind it. Several questions were posed by the public regarding the traffic data from the public, including whether most traffic was heading southbound and whether the direction of the traffic affects the conclusions of the traffic engineers. Dermot Kelly stated that his conclusions are not affected. Ken Cram agreed. Anderson asked when, or under what conditions, turning cars into the site drive would make the sight distance unsafe. Kelly will get an answer for the Board. Other residents commented on the existing dangers of entering Hillcrest Road, stopping safely in an emergency situation on River Street and the heavy traffic including trucks. Kelly explained that a safe stopping distance for a truck is a variable over compensated for size, changing the sight distance due to the larger vehicle size. Cram added that it is longer for trucks due to size & weight traveling at the same speed as a car and that the sight distance is longer because the sight of eye is higher. Mick Mueck, 20 Charlotte Drive, voiced concern over school buses picking up & discharging children at the site. Bill McLeod, project engineer, stated that they would enter this site as they do for Laconia Drive. There was some discussion about accident history near the site, daily traffic volume and average speed. Thomas Bondaruk, 18 Charlotte Dr., challenged that the school bus would enter a 1700 foot long road, as well as the percentage of cars traveling higher than the posted speed limit. Anderson asked Bondaruk to submit his written calculations. Cram felt that the number of cars and their actual speeds were not significantly higher than the 85<sup>th</sup> %. Kelly offered to reprint the data in smaller increments.

There were some questions regarding Parcel A & the HAC appeal. Anderson explained the remand for further consideration of the merits. Wacome then gave an overview of the design changes: triplexes with 2-car garages, garages with bay windows, addition of farmer's porches, clapboards & shingles. Anderson emphasized the importance of having the plans on file so that

if/when the project is approved; the approval will be linked to the plans. The Board discussed the architectural and design features of the units and possible features to distinguish the units, increase open space, setbacks & maneuverability on site. Brown asked for an overview of the site design, especially regarding the amount of filling, cutting and clearing. He also commented that there is no respect for the existing topography or landscape & that they working against the land rather than with it. Anderson asked how much the density could change given the pro forma numbers. If it can't change, then he will ask for the pro forma and hire a consultant.

The Board then outlined the issues to be discussed at the November 5, 2009 continued public hearing:

1. Density – if the number of units is not decreased, the Board needs to know as soon as possible along with a commitment to pay for a pro forma peer review. Two weeks prior, a detailed pro forma shall be submitted. Borenstein asked if the Board is more concerned about the setbacks or the number of units. The setback is of concern, as well as the density and the Parcel A issue.
2. Traffic concerns
3. Site lay-out concerns
4. A list of traffic conditions from the traffic consultants
5. Top 3 topics to discuss next time (Board to email to secretary within the next week or so).
6. Magnitude of cubic yards, cutting, filling, importation/exportation of earth (# 18-wheeler truck loads) (Brown requested)

Batchelder made a motion to continue the public hearing to November 5, 2009. Brown seconded the motion and the Board voted (4-0) to continue to 11/5/09.

The Board adjourned at 11:20 p.m.