

**ZONING BOARD**

**MARCH 7, 2007**

**MEMORIAL BUILDING**

**6:30 P.M.**

*The Following are to be considered draft minutes only until approved by the Board at their next meeting.*

This meeting was scheduled early to allow the Zoning Board time for their monthly meeting, prior to a joint workshop scheduled for 7:00 p.m.

**Present:** B. Manning, Cynthia Hayes, John Graham, Gene Hayes, and Selectman Bob Anderson. **Absent:** Andy D'Amico and Mark O'Halloran.

**Minutes:** Corrections were made to spelling and grammar. Cynthia moved to accept the February 6, 2007 minutes as corrected, seconded by John and unanimously approved.

**Review of Anderson Variance from May 2006:** Cynthia reported that the notice of decision regarding the Anderson Variance approval did not reflect what was written in the minutes at the time of decision. A written sign off from abutter's Chris and Michelle Fitzgerald was not done. Cynthia stated the Board were concerned the Fitzgerald well was not shown on the proposal submitted. She spoke to Mr. Fitzgerald about the Board's concerns. She then contacted Jim Berg at the State DES and John Downing, the septic designer. She asked Mr. Downing to measure the distance to the Fitzgerald's well. Mr. Downing has measured and reported the distance from the Anderson property line to Chris Fitzgerald's well is 110 feet.

Cynthia read the Board the letter she drafted to send to the Fitzgeralds, with copies to the Andersons, Jim Berg at DES and John Downing. The Board was in agreement to send the letters.

The Board discussed requirements for septic plans. Gene stated he doesn't think septic designers are required to show abutters wells on septic plans, particularly if they are outside the State's required 75' protective well radius. The State requires a property owner to sign a waiver if a well is going to be installed within 75 of the protective well radius.

**Special Exception Requirements:** B. stated he wished to review with Board members the 7 items the ZBA is asking the Conservation Commission to address. He questioned whether the 7 items (below) are a test for a Special Exception or are should they be related to the purpose for the overlay district. B. stated the Special Exception request the ZBA is in the process of hearing, is being asked to address these 7 items. Is this is going to be required for all Special Exception requests in the wetlands overlay district? The Special Exception is for wetlands crossings and driveway crossings only.

*WETLANDS CONSERVATION OVERLAY DISTRICT Purpose:*

*Wetlands are extremely important to the Town as they provide area for floodwater storage, wildlife habitat and groundwater recharge. It is intended that this Overlay District shall:*

- 1. Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and groundwater by sewage or toxic substances;*
- 2. Prevent destruction of or significant changes to natural wetlands which provide flood protection;*
- 3. Protect unique, rare and valuable natural areas;*
- 4. Protect wildlife habitat and maintain ecological balance;*
- 5. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;*
- 6. Prevent expenditure of municipals funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result or misuse or abuse of wetlands;*
- 7. Encourage those low intensity uses that can be harmoniously, appropriately and safely located in wetlands.*

The Board discussed the object is to get as much information as possible to make the most informed decision as possible. The Board discussed the options. The Board is looking for an independent view on the impact these crossings are having with the overall project.

A request was made to the Conservation Commission asking for their assistance with these 7 items. The ZBA received a return request from the ZBA asking what detail the ZBA was looking for. The Board agreed the purpose is the road and buffer crossings.

**Miscellaneous Business:** Cynthia reported the ZBA website has been updated, and now includes the Zoning Ordinance on the web.

Cynthia Hayes read a prepared statement explaining reasons why she would not participate in the public meeting scheduled. She asked other Board members to consider recusing themselves as well. Cynthia then left the meeting.

Bob Anderson stated, a request was made to have specialists hired by the Town, (Ross Stevens, Engineer; and Peter Schauer, Wetlands Scientist) review the project. The Planning Board had agreed this would be beneficial for all boards participating in the Matarazzo Subdivision request. He questioned whether this was going to be the procedure required for all future projects?

The Zoning Board meeting adjourned at 7:00 p.m.

Respectfully Submitted,

Janet Roberts,  
Recording Secretary