



Office of
ZONING BOARD of APPEALS
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William Cadogan, Chair
Anthony Genova, Member

Darlene Sodano, Vice-Chair

Craig Stevens, Member
John Giunta, Associate Member

Zoning Board of Appeals
June 21, 2017, 6:00PM
Townsend Memorial Hall, Meeting Room 2

1.0 Preliminaries:

- 1.1 Call the meeting to order: Craig Stevens opened the meeting at 6:08PM.
- 1.2 Roll Call: Darlene Sodano (acting chair), Craig Stevens, Anthony Genova, and Bill Cadogan (remotely). D. Sodano read the remote participation memo.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting: None
- 1.4 Review and approve minutes from June 7, 2017
A. Genova moved to accept the minutes. C. Stevens seconded. Roll call vote:
D. Sodano – Yes; C. Stevens – Yes; A. Genova – Yes; B. Cadogan – Yes; All in Favor (AiF)

2.0 Hearings/Appointments/Work Session

6:15pm: Continuation of Public Hearing – Kevin Smith under Zoning Bylaw §§145-64, 145-65 and 145-66. The applicant is plans to remove 38,000 cubic yards of material (Assessor's Map 32, Block 2, Lot 0).

A Genova made a motion to reopen the hearing at 6:15PM. CS Seconded. Roll call vote:

D. Sodano – Yes; C. Stevens – Yes; A. Genova – Yes; B. Cadogan – Yes; All in Favor (AiF)

D. Sodano summarized the findings from the site walk. There are two curves on Warren Road near the proposed entrance. The entrance gives good sight lines as it is close to the middle of the curves. This entrance is in a 25 MPH zone. The entrance favored by the Conservation Commission is in the 35 MPH zone.

§145-46

Applicant requests a waiver to §145-46 I. (1). Excavation within 100 feet of a property line. The SPGA may reduce this limit.

CS moved to grant a waiver to of the 100 foot buffer limit. AG seconded. Roll call vote: D. Sodano – Yes; C. Stevens – Yes; A. Genova – Yes; B. Cadogan – Yes; All in Favor (AiF)

Findings

I. (8) Access road shall have 150 feet of visibility.

The Board found after a site walk that the proposed access was in a 25 mph zone and had two curves at the edges of the property lines. The location of the access road provided the most visibility possible.

Pursuant to §145-65

E. Decision.

- (1) The determination shall indicate that the proposed use will be in harmony with the general purpose and intent of this bylaw and shall include, but not be limited to, consideration of each of the following:
 - (a) Adequacy of the site in terms of size for the proposed uses
The site is over 18 acres in size. The bylaw for Earth Excavation requires that the site be a minimum of 2.5 acres. The Board finds that since this site is well over the minimum necessary for a permit it is adequate for the proposed excavation.
 - (b) Suitability of the site for the proposed use.
The Board finds that as a vacant lot, this site is suitable for excavation.
 - (c) Impact on traffic flow and safety.
The proposed access road is most consistent with other bylaws (§145-46 I(8)) and with the reduced speed limit of 25 mph in that location, the Board determined this will have the smallest impact on traffic flow and safety.
 - (d) Impact on neighborhood visual character, including views and vistas
The Board finds that there will be a positive impact on views and vistas since this will result in a finished building lot.
 - (e) Adequacy of method of sewage disposal, source of water and drainage;
The Board finds that the future methods of sewage disposal and water will be adequate. The applicant stated they will add onsite septic and onsite wells.
 - (f) Adequacy of utilities and other public services.
This is not applicable.
 - (g) Impact on ground and surface water quality and other environmental and natural resource considerations.

Section 145-46

Based on the information presented by the Applicant and their representative, the Board finds that the use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and CS moves to grant the Earth Excavation permit. AG seconded. Roll call vote: WC – yes, DS – yes, CS – yes, AG – yes. All in Favor.

Section 145-65

WC moved to grant the special permit to Kevin Smith for the Earth Excavation based on the plans submitted and outlined in Exhibit A. AG seconded. Roll call vote D. Sodano – Yes; C. Stevens – Yes; A. Genova – Yes; B. Cadogan – Yes; All in Favor (AiF)

The applicant shall perform the excavation according to the documents in Exhibit A.

The following standards of operation shall apply to every excavation,

- (1) The applicant shall not excavate closer to the maximum high water table than seven feet.
- (2) The applicant shall stockpile topsoil on site and use it in restoring the area
- (3) The applicant shall screen any shelters or buildings erected on the premises for use by personnel or storage of equipment from public view and shall be removed from the premises within 60 days after the special permit has expired or been revoked.
- (4) The applicant shall maintain hours of operation be between 8:00 a.m. and 4:30 p.m. on weekdays only. Trucks may enter and leave the premises only within such hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.
- (5) The applicant shall seek the approval of the Chief of Police of the trucking routes and methods insofar as he may regulate any industrial trucking.
- (6) All access roads leading to public ways shall be treated or paved with suitable material to reduce dust and mud for a distance of 200 feet back from the way. The operator shall clean up any spillage on public ways.

- (7) The applicant shall allow inspection of the operation at any reasonable hour by an agent of the SPGA to determine if conditions of the special permit are being enforced.
- (8) Restoration shall be carried out according to the plans submitted, conditions of the special permit, and the following minimum conditions:
 - a. Restoration shall be carried on simultaneously with excavation, so that when any five acres have been cleared and stumped and five acres are in active mining operation. at least five acres shall be restored before work commences (including building haul roads) on the next contiguous five acres. Final restoration work shall be completed within 120 days after expiration or withdrawal of a permit or upon cessation of operations.
 - b. No slope shall be steeper than 2:1 (two feet horizontal to one foot vertical) (50%); 4:1 (four feet horizontal to one foot vertical) is preferred for erosion control and shall be required in sensitive areas.
 - c. Retained subsoil and topsoil shall be spread over the disturbed area and treated with appropriate fertilizer or other suitable material and seeded with an appropriate mixture of grass or legume mixture as prescribed by the Conservation District.
 - d. Drainage shall be addressed by the Stormwater Permit.
 - e. Natural vegetation shall be left and maintained on undisturbed land for screening, noise reduction and erosion control purposes.
- (9) This Special Permit for Earth Excavation shall be in effect for three years. Applicant may request an extension for one year.
- (10) The applicant shall adhere to the conditions set forth in Stormwater Permit #2017-3.

W. Cadogan left at 6:36PM.

3.0 General Business:

3.1 Mandatory Referrals: None

3.1 Coopersmith Way Bond Request Update: Tabled

3.2 Vote to approve John Giunta as alternate: C. Stevens moved to reappoint John Giunta as an Alternate on the Zoning Board of Appeals. A. Genova seconded.

D. Sodano – Yes; C. Stevens – Yes; A. Genova – Yes; AIF

3.3 Accessory Apartment update

3.3.1 Requesting current AA owners to update permit

Ask Town Council for an opinion about non-responders and a time line.

3.3.2 Bylaw from 1989 - Tabled

3.3.3 Current Bylaw draft – Tabled.

4.0 Correspondence:

4.1 Notices from Townsend / Other Towns: Tabled

5.0 Schedule:

Next meeting July 26, 2017 at 6:00PM

6.0 Adjournment: C. Stevens moved to close the meeting. A. Genova seconded. Meeting adjourned 7:01PM