

Zoning Board of Adjustment
August 8, 2023
Public Hearing
7:30 PM

Members Present: Chris Stafford, Walter Baird, Jason Holder, Michelle Cooper, David Knight

Others Present: Gail Turilli, Carsten Springer, Ed Lang, AnnMarie Inman, Kurt Meisner, Charlie Donohue, Rose McAfoose, Rand McAfoose

Chairman Stafford states tonight's meeting agenda includes the review of the Boards previous meeting minutes, Variance and Special Exception applications submitted for the same property, and discussion for an interested party in becoming an alternate member of the Board.

The minutes from the 5/17/23 meeting were reviewed. There are no comments from the Board. Dave made and Walter 2nd a **motion to accept the minutes as written**. All in favor, **motion carries with a vote of 5-0**.

Case 2023-1 – McAfoose – Variance & Special Exception Applications for an ADU and Garage:

A letter of representation was received from Kathleen McAfoose, owner of the property, allowing Kurt Meisner and Charlie Donohue to speak on her behalf. The size of the ADU is over the 750 sq ft requirement with expansion into the wetlands buffer therefore, 2 variances need review. Kurt Meisner of The Meisner Brem Group addresses the Board. The property is located at 432 Main Street and consists of an existing single-family home with a leach field in the front and well in the back. The wetlands have been flagged and was initially done for a subdivision years ago. The setback is around the existing house and the proposal is to have the ADU off to the right of that. Both corners of the existing dwelling touch the wetland setback. The plan shows proposed shrubs for protection of the wetlands from water runoff and erosion, ADU attached to the existing back section with the proposed garage to the front of the unit. This will be adding 950 sq ft for the ADU and a 30X24 garage adding approximately another 800 ft. There are 2 proposed bedrooms for the ADU and the existing dwelling has 3 bedrooms. The addition will be on a foundation and the 3rd bedroom in the existing dwelling is used as an office and will now be the connector for the units. Chairman Stafford now opens the hearing to the Board.

Walter asks if the wetlands delineation is shown on the plan. Kurt explains that they are flagged along the tree line on the north side. The south side of the wetlands runs along the side and back of the existing dwelling. The front corners of the existing dwelling touch both setbacks. The ADU will be on the south side with a garage in front. A new driveway is proposed in order to access the ADU from the garage. There is an existing garage with the existing dwelling which will remain. Kathleen McAfoose is the owner of the property and will remain in the existing dwelling. Dave noted that the driveway mentioned in the application to the west side shows differently on the plan with paving through the wetland setback. Kurt explains that the proposal is to have this look like a single-family home, not a duplex, and the garage will not be visible from the street.

Kurt states the septic system is in the front of the existing dwelling and is proposing to redesign the system in the same location for a 4-bedroom capacity and there will be erosion control set up to protect the wetlands. The additional square feet is internal to the building, proposed garage is less than 800 ft and will be the same level as the ADU. The existing house has a 2 car garage and where there will be 2

families living on the property, space is needed for 4 vehicles. A suggestion was made by the wetland scientist to have boxwood shrubs as a buffer to protect the wetlands from erosion and they are favorable for animal life. Jason questioned the concern for a berm. Michelle questioned building up instead of out as the existing dwelling is a single level home and there would be less of an impact to the wetland. Kurt explained that it would be more costly to do that and the plan being proposed shows an easy transition from the main house to the ADU as the occupants both have health conditions. Carsten asked if there was a new wetland delineation and if anything had changed to which Kurt replied no. Carsten noted that there is no additional hardship as nothing has changed. Chairman Stafford asked about the driveway impact and if it will be impervious(paved). Kurt stated it is unknown at this time but that it could be gravel or infiltration trenches could be put along the side of the ADU. Kurt also states that an envirosptic system is being proposed for the re-designed system. Jason asked if the proposed septic and garage could be move further away from the wetlands. Kurt mentioned restrictions be added to the Variance if granted. Chairman Stafford explains that restrictions are tweaks to a plan and if multiple changes occur, a new plan would need to be submitted before a vote. Kurt stated that he is trying to avoid having a fully designed site plan as the new occupants of the ADU are elderly and in poor health.

Dave questioned why the extra space for the ADU and garage. Chairman Stafford noted that the existing house is 2,492 sq ft containing 3 bedrooms, 2 bathrooms and the proposed ADU will add another 950 sq ft plus the garage and also questions the need for the extra space. Dave stated that he understands the reasoning behind it but the existing house took all the land and by adding another dwelling would put that all in the setback. Chairman Stafford stated if the proposal complies with the criteria it would be less of an impact to the wetlands. The need for the 950 sq ft needs to be proven and the Board needs to understand. The hardship would be for the setback to the wetlands. There is ½ an acre of usable land for the ADU and the configuration of the land is the hardship as there is a limited area for usage. Kurt noted that full time caregivers are needed for the elderly parents with health conditions. Walter questioned who owns the existing house to which Kurt stated, Kathleen McAfoose. The parents will live in the proposed ADU. Dave questioned the need for the proposed garage and why not use the existing garage. A suggestion was made for the daughter to live in the ADU at 750 sq ft and have the parents live in the main house. A question about the leach field being in the wetland setback was brought up and was determined that it cannot be inside the buffer. Kurt explained that an enviropipe leach field is being proposed which is 1/3 of the size of a conventional leach field and the driveway can be put around that. Jason suggests to have the leach field smaller and have it go under the proposed driveway. There is no room for the leach field in the back of the property as that is where the well is located. Chairman Stafford now opens the hearing to the public.

Carsten has a concern with clarification as the plans don't line up with the application. The ADU is shown as being 780 sq ft on the plan but states 950 sq ft on the application. An updated plan is needed to reflect what is on the application. The ordinance was put in place to allow for ADU's, driveway needs to be looked at and current calculations for the septic are needed. Kurt stated the current septic calculations are 450 gallons per day for 3 bedrooms but changing to a 4 bedroom. Carsten noted that the ADU and setback are linked and would like to accommodate. Kurt mentions that his understanding is that the ZBA grants relief when all criteria is met. Michelle stated that clarification is needed on the square footage and size as the documents submitted are inconsistent. Chairman Stafford suggests continuing the hearing until after Conservation's input. Carsten noted that Conservation is advisory only. Dave mentions that if the garage is not living space, it should not be considered. Chairman Stafford states that it is on the application submitted, so it will be considered. Walter suggested a site walk and invite the Conservation Commission to attend. Carsten agrees but noted that corrected plans

are needed. Confirmation of the size of the ADU and garage are also needed. The leach field will be taken into consideration. Chairman Stafford states if this case is continued, Jason would be needed for the site walk and to subsequently sit on the next meeting. Walter questioned the erosion control and whether 7 shrubs would suffice. Kurt explained that the proposed boxwood shrubs help to absorb water and will be planted 8' on center among any existing vegetated woodland. Carsten suggested to the Board that if using the 22X22 ft garage already in place would have less impact.

Kurt explains that the applicant is trying to avoid fully engineered plans and just showing possible layouts. Chairman Stafford stated that the septic plan needs to be provided to show that the lot can handle the flow and the upgraded design needs to show 4 bedrooms. Michelle suggests adding a second story would have less impact. Dave mentions that the garage is not part of the ADU and puts this at a greater risk. Chairman Stafford notes the variance needs clarification which the garage is a part of. Consistent plans need to be submitted, mitigations in relation to the amount of encroachment to the wetlands, and the driveway needs to be located noting materials that will be used. Dave highly recommends meeting with the Conservation Commission for their input. Carsten noted that the lot barely supports the existing house. Kurt questioned if a layout or an approved plan from the state is needed for the proposed septic plan. Chairman Stafford stated a new upgraded system is needed that complies with state requirements, Conservation input is suggested, and the septic plan doesn't need to be certified. The hardship for the size and wetland impact needs to be considered. Ed Lang states there are other options for less impact and should be looked at as it is a major factor. Conservation will meet with the applicant and representatives on Thursday, August 17 provided that they have updated plans in by next Tuesday. Charlie Donohue stated that the owner has given permission for any interested parties to visit the site. Carsten would like to do a site walk in conjunction with the ZBA. Chairman Stafford doesn't feel a need for a site walk but encouraged those interested to do so. Walter **made** and Dave 2nd a **motion to continue this hearing to Tuesday, August 29 at 7:30pm**. All in favor, **motion carries with a vote of 5-0**.

An application was submitted by Kim Farah requesting to become an alternate member of the ZBA. The Board reviewed the application and Chairman Stafford **made a motion to recommend Kim Farah be appointed as an alternate member to ZBA to the BOS**, 2nd by Michelle. All in favor, **motion carries with a vote of 5-0**. This recommendation will be brought before the Board of Selectmen at their next meeting.

Jason **made** and Chairman Stafford 2nd a **motion to adjourn**. All in favor, **motion carries with a vote of 5-0. Meeting adjourned at 9:35pm**

Respectfully Submitted,

Gail L. Turilli