



TOWN OF MIDDLETON
ZONING BOARD OF APPEALS

MEETING MINUTES

October 27, 2016
Fuller Meadow School
7:00 pm

Members in Attendance: James E. Fox, Anne Cote, Richard Nazzaro,
Howard Susser, alt.

Absent: Ann LeBlanc-Snyder
Barbara Piselli

Others Present: Katrina O'Leary, Town Planner
Scott Fitzpatrick, Building Commissioner
Leanna Harris, Recording Secretary

Mr. Nazzaro as Acting Chairperson began the meeting at **7:08pm**.

I. MINUTES

A. July 28, 2016

MOTION: Mr. Fox moved to accept the Minutes of July 28, 2016.
Second by Ms. Cote
Votes: 4-0 (Fox, Cote, Nazzaro, Susser)
Motion carries.

B. September 22, 2016

MOTION: Mr. Fox moved to accept the Minutes of September 22, 2016.
Second by Ms. Cote
Votes: 4-0 (Fox, Cote, Nazzaro, Susser)
Motion carries.

II. NEW PUBLIC HEARINGS

A. 9 Pine Avenue – Variance to encroach on side yard setbacks Grant & Rebecca Paquin. Application #1018

Voting Members: Mr. Fox, Ms. Cote, Mr. Nazzaro, Mr. Susser

Attachments: Application, Plans

Ms. Cote read the application into record and stated that abutters have been notified. There is no correspondence.

Grant Paquin, 9 Pine Avenue addressed the Board and stated they are on a nonconforming lot and with the location of the septic leaching field they are left with no other location for a pool. This proposed location also allows them to fence in the pool. It's a partial inground pool that will be buried about 26" inches so that its level with the deck. There will be a 6' fence installed.

No members of the public spoke in favor or in opposition.

Ms. Cote explained to the applicant that the standard to meet a Variance is pretty high and it's up to the Board's discretion and they do not normally issue a Variance for things that aren't necessary. Ms. Cote offered an alternate location suggestion for the pool.

Mr. Nazzaro stated the Board would like to schedule a Site Visit. The Members and the applicant agreed on Sunday, October 30, 2016 at 10:00 a.m.

MOTION: Ms. Nazzaro moved to conduct a Site Walk on October 30, 2016 at 10:00 am. Second by Mr. Susser.

Votes: 4-0 (Fox, Cote, Nazzaro, Susser)

Motion carries

MOTION: Mr. Nazzaro moved to continue the application until the next meeting scheduled for November 17, 2016. Second by Mr. Susser.

Votes: 4-0 (Fox, Cote, Nazzaro, Susser)

Motion carries

B. 18 Village Road – Special Permit under Section 6.2 for Earth Removal New Meadows Development LLC. Application #1019

Voting Members: Mr. Fox, Ms. Cote, Mr. Nazzaro, Mr. Susser

Attachments: Application, correspondence from Planning Board, Police Chief and Health Department

Ms. Cote read the application into record and stated the abutters have been notified. Ms. Cote read several pieces of correspondence into record.

Jill Mann, Esq. addressed the Board on behalf of the applicant Meadow Development LLC. The Board granted a use Variance this property to be developed. Attorney Mann stated construction has started with bringing down a large mound and they have hit ledge. Due to the need to flatten out a surface for construction they are required to remove a fair amount of material and so there will be a tremendous amount of debris to be removed. It will be processed off site, however there will be hammering, digging and blasting on the site to remove the ledge. There will be trucks coming and going from the site removing material and so they are requesting a Special Permit for 12 months so they can remove

this excess material over a period of time. They are asking the Board to find that the removal of the materials is accessory to the use variance.
No members of the public spoke in favor or in opposition.

Ms. Cote asked where the materials will be brought and Attorney Mann stated that it will be brought all over, based on demand.

Mr. Nazzaro asked what operational hours would be for this removal and Attorney Mann stated they are looking for normal hours 7-5pm Monday through Saturday. Mr. Nazzaro stated that East Street out to 95 would be the less traveled route and Attorney Mann agreed provided it makes sense for the location they are delivering to.

Attorney Mann and the Board agreed there will be no travel before 8:00 a.m. and between 2-3pm. The need for a police detail as suggested by the Chief was discussed. Attorney Mann stated in this situation she doesn't think a police detail is a reasonable demand given the traffic demand and the limited amount of trucks.

Mr. Nazzaro asked about the landscaping that will be done where the earth has been removed.

MOTION: Mr. Nazzaro moved the Board to make a **Finding** that the removal of the excess materials off of the property is secondary to the development of the property. Second by Mr. Fox.

Votes: 4-0 (Fox, Cote, Nazzaro, Susser)

Motion carries

MOTION: Mr. Nazzaro moved to grant such relief under Section 9.4 of the bylaws with the following conditions being met:

- 12 month time period
- Days of work Monday through Saturday 7-5 pm, the trucks will not leave the premises until 8:00 a.m. and will not operate on East Street between 2-3 pm.
- The replacement materials that are going to be used on the site of the permit will meet the requirements of the Site Plan approved in May 2016 .
- The petitioner will employ various dust control measures to control the amount of dust being created by loading the trucks and the work being done on the premises.

Second by Mr. Fox

Votes: 4-0 (Fox, Cote, Nazzaro, Susser)

Motion carries

III. DISCUSSION

ZBA December Meeting Date

The members agreed to schedule the meeting for December 15, 2016.

IV. TOWN PLANNER UPDATE

Ms. O'Leary stated online permitting is moving along. They are almost online for the ZBA applications, storm water and planning board applications. Small issues are being ironed out.

The Master Plan survey is being worked on. The survey questions will be ready in a couple of weeks.

Ms. O'Leary is getting ready to apply for DLTA funds to start the rest of the Master Plan. DLTA funds would pay \$25,000, leaving the Town with the remaining \$50,000.

Ms. O'Leary is also looking into a having a study of the downtown area conducted as a result of the Bicycle Pedestrian Plan which will determine how to make the downtown more pedestrian friendly.

MOTION: Ms. Cote moved to adjourn the meeting at **7:57pm**.

Second by Mr. Susser. All in favor.

Motion carried.

Minutes accepted at the November 17, 2016 meeting of the Board of Appeals.