

**UNAPPROVED MINUTES  
Town of Auburn  
Zoning Board of Adjustment  
October 27, 2015**

**Present:** Jim Lagana, Vice Chairman; Jeffrey Benson, Elizabeth Robidoux, Mike DiPietro, Members; Kevin Stuart and Peggy Neveu, Alternate Members. Minutes recorded by Denise Royce.

**Also Present:** Carrie Rouleau-Cote, Building Inspector; Jeff Porter, Chairman, Conservation Commission.

**Absent:** Mark Wright, Chairman; Robert Beaurivage, Alternate.

Mr. Lagana called the meeting to order at 7:00 p.m., introduced the Board members and secretary and explained the procedure for tonight's hearing to those present. Mr. Lagana also informed the applicants that in the event that the Board were to grant their request that there was a 30 day appeal period at which time an abutter or interested party may appeal the ZBA decision. Mr. Lagana also wanted to inform everyone present tonight that the exit door to the left of him was under construction and was not to be used as an emergency exit tonight in the event of an emergency and to use the way everyone came in tonight.

Mr. Lagana explained that, in the absence of Mr. Wright that he would be elevating Mrs. Neveu for the first case and would be elevating Mr. Stuart to full voting status for the second case with Mr. DiPietro's recusing himself. At this time, Ms. Royce read the first case into the minutes for the record.

**Case #15-21**

**Kathleen D. Doyle**

**James P. Butts**

**64 Tanglewood Drive – Map 4, Lot 19-5**

**Zoned Residential One**

*Applicant is requesting a variance to permit a 10 x 14 foot shed to be within 75 feet of a Level Two watershed wetland protection buffer in a Residential One zone. (Article 5, Section 5.08(1)(b))*

Ms. Doyle began by reading her application into the minutes for the record. Ms. Doyle explained that the structure was a steel 10 x 14 foot shed which required a foundation of 12 x 15 feet to be able to support it. Ms. Doyle did have with her the suggested manufacturing guidelines for the foundation which allows the foundation to be only 18 inches thick. Ms. Doyle did have some pictures of where they would like to place the shed on the property. Ms. Doyle also pointed out that the shed itself was a steel

building with a rounded roof so that they would not have to shovel the roof in the winter. Ms. Doyle presented the Board copies of photos of the proposed area for the shed. At this time, Ms. Doyle pointed out the location and the reason why they wanted in this area as they had a walkout basement right there which would make this convenient. Ms. Doyle also stated that if the Board wanted her to turn the building sideways that she was not opposed to that and believed the proposed area was the least invasive area. Ms. Doyle stated that she was pretty limited on where to put the shed due to the fact that there was a drainage easement on one side and a wetland buffer all the way around the property. Ms. Doyle also pointed out that she had an 8 x 16 cement pad with a covered roof on it. Ms. Doyle stated that the measurement from the house to where the buffer zone starts was 20 feet and would be looking at utilizing 280 square feet of impact space over into the buffer zone. Ms. Doyle further added that no trees would need to be taken down because the area has been already cleared during the construction of the house. Mr. Lagana asked Ms. Doyle if the entire shed would be within the buffer zone. Ms. Doyle said yes that she was very limited because of where the foundation sits and that she had a watershed all the way around. Ms. Doyle also showed the Board members a photo of what the property currently looks like and that she also does not have any neighbors because the lots were currently vacant. Ms. Doyle indicated that she would be storing gas powered equipment in the shed but that there would be no storage of oil but would store a smaller size ATV in the shed as well.

Mr. Lagana asked Ms. Doyle to address the hardship. Ms. Doyle again pointed out that there would be minimal interruption in that area because of the location of the foundation as well as where the septic is location that she is very limited in where the building could sit. Ms. Doyle pointed out that there was a significant drop off in the rear of approximately 15 feet and to get equipment back there would cause more disruption than to place the shed in the area that is already cleared. Ms. Doyle also added that the area is already cleared and pretty level and that there was a watershed buffer all around and that this area was the best place to put the shed. Ms. Doyle indicated that there was an area approximately 2 acres back but that she would have to go over a watershed buffer to get to that location which was fully treed. Again, Ms. Doyle pointed out the area they are proposing to put the shed was already cleared and believed that it would be the best place. Mr. Lagana asked if there was any significance to the size of the shed being 10 x 14 feet. Ms. Doyle stated that because it was a steel building and that they don't sell them much smaller than that and that a 10 x 14 foot shed makes it a little easier to store the lawn tractor and the like. Mr. Lagana asked about the height. Ms. Doyle pointed out that it was a round steel building with a round roof and explained what they would like to do to dress it up to blend in with the property and location.

Mr. Lagana pointed out to the Board members that there were comments from the Conservation Commission and asked the Board members if they had seen them. The Board acknowledged the receipt of the comments. Mr. Lagana asked the Board members if they had any questions. Mrs. Neveu asked Ms. Doyle if the Board could have copies of the photos for the file. Ms. Doyle handed Ms. Royce copies for the files as requested.

Mr. Lagana asked Mr. Porter if he had any other questions or comments to add to this. Mr. Porter indicated that he did not have anything else to add other than what was in the Conservation Commission meeting minutes.

Mr. Lagana asked Mrs. Rouleau-Cote if she had any questions or comments. Mrs. Rouleau-Cote began by saying that the subdivision was new and that they have been in the home for approximately one year and added that the lot was fairly limited with a large decline off the road into the area where they would like to potentially put the shed and that there really weren't a lot of options.

Mr. Lagana asked if there were any questions or comments from abutters. None were noted. Mr. Lagana asked if there were any questions or comments from interested parties. None were noted. Mr. Lagana asked what the Board would like to do.

***Mr. DiPietro made a motion to vote on the variance as presented for Case #15-21, Tax Map 4, Lot 19-5, seconded by Mrs. Neveu. Mrs. Robidoux voted to grant, Mrs. Neveu voted to grant, Mr. DiPietro voted to grant, Mr. Benson voted to grant and Mr. Lagana also voted to grant as he believes the application has met all five (5) factors. All were in favor and the motion passed in the affirmative.***

Mr. Lagana reminded Ms. Doyle that there was a 30 day appeal period and then after than she would have two (2) years to complete construction. Ms. Doyle thanked the Board and exited the meeting.

**Case #15-23  
Edward & Norma Picard  
589 Bunker Hill Road – Map 5, Lot 87  
Zoned Residential Two**

Applicant is requesting a variance (Minor Conditional Use Permit) to allow a driveway to be within a Level One wetland buffer to an existing Level One wetland in a Residential Two zone. (Article 5, Section 5.08(1)(a))

Mr. Lagana informed everyone present that Mr. DiPietro is an abutter and would be recusing himself from this case and with that would be elevating both Mrs. Neveu and Mr. Stuart to full voting members for this case. Mr. Roy presented on behalf of the applicants, Edward and Norma Picard and stated that he has prepared a five (5) page coverage of basic requirements and asked to submit the five (5) pages rather than reading them. Mr. Lagana asked Mr. Roy to just read the application into the minutes for the record and that if Mr. Roy could just paraphrase the submission. At this time, Mr. Roy read the application into the minutes for the record. The applicant is requesting a Minor Conditional Use Permit to install a driveway and subdivide the lot into two (2) lots for their daughter and son in law to build a house on it so that they could live in the area. Mr. Roy also pointed out that in order to build a house it would require a driveway and in

order to install that driveway it would require them to cross a wetland area which runs the entire front of the lot adjacent to the road. It's the only location that they can put the driveway because it's the only location that has sufficient frontage. Mr. Roy pointed out that they would have to install a culvert under the driveway so if there were any water flow it wouldn't be hampered. There is no water there currently but that seasonal water does occur. It represents a reasonable use of the property and by not granting the permit, the property would not be useable. Mr. Roy would be better able to explain the area in detail. Mr. Lagana agreed that it would be helpful to see the scope of the project.

Mr. Donckers began by saying that he has prepared the plans for the applicant, Edward and Norma Picard and stated that there was not enough frontage south of the existing house to create a new two (2) acre lot and that was why they placed the lot to the north of the existing house. Mr. Donckers commented that the proposed driveway would be crossing where there was previously standing water in the spring but that there was no water there now. Mr. Donckers pointed out that all the water flows to the north where the upstream end of where the water exists which was only three (3) feet wide at the time. Mr. Donckers indicated that this was the best place to put the driveway without disrupting the wetland very much and would be approximately 2,100 square feet that they would be disturbing. There would be an 18 inch culvert put in place to allow the water to flow through there. At this time, Mr. Donckers asked the Board members if they had any questions. Mr. Lagana asked about the Level One wetland and if it was dry now. Mr. Donckers said that it was a Level One wetland and that just south of the area where the driveway is that there was no water, just plants and muck. Mr. Lagana understood what Mr. Donckers was saying. Mr. Donckers added that the wetland did not go very far but probably another 70 feet to the south to the end of the wetland. Mr. Racicot commented that he lives just down from this area and that there is kind of a swale that goes in and that all the water comes down to him and that he has a 12 inch culvert. Mr. Racicot added that he has lived there since 1987 and that it is dry every summer. Mr. Lagana thanked Mr. Racicot for his input and asked Mr. Donckers if Best Management Practices would be used during construction of the culvert and the like. Mr. Donckers said yes.

Mrs. Robidoux asked if a wetland impact application had been submitted to the state for the driveway access. Mr. Donckers said yes but that they have not heard anything to date. Mr. Donckers commented that the Conservation Commission reviewed the plans and agreed that this was the best place to put the driveway. Mrs. Robidoux thanked Mr. Donckers.

Mr. Stuart asked if there was a smaller plan for him to look at of which one was presented to him. At this time, Mr. Stuart reviewed the plan showing the proposed driveway. A brief discussion ensued with regard to the driveway.

Mr. Lagana asked if there were any questions from the Board. None were noted. Mr. Lagana pointed out that there had been correspondence from the town attorney and asked if the Board had reviewed it. The Board acknowledged receipt of the correspondence from the town attorney.

At this time, Mr. Donckers presented the Board with photos of the wetland area which showed a lot of plants.

Mr. Lagana asked if there were any comments or questions from abutters. None were noted. Mr. Lagana asked if there were any comments or questions from interested parties. None were noted. Mr. Lagana asked Mr. Porter if he had anything to add. Mr. Porter commented that one of the biggest concerns was that construction control be followed and that reseeding the area once construction is completed which would be Best Management Practices for construction. Mr. Lagana asked Mr. Roy and the applicant if they could put that testimony into any conditions that they grant tonight. Both Mr. Roy and the applicant were agreeable to what Mr. Lagana was requesting.

Mr. Lagana asked Mrs. Rouleau-Cote if she had any questions or comments. Mrs. Rouleau-Cote asked if any conditions imposed on the applicant would be monitored by whom and would it be herself or Conservation Commission. Mr. Lagana believed it would be her as Code Enforcement Officer for the Town of Auburn.

Mrs. Robidoux asked Mr. Ferwerda if he had anything to add to what had been said tonight. Mr. Ferwerda stated no, that he also believed that this was the best crossing point which is the most uphill side of the wetland where the water begins which he believed was the area with the least impact which is what the State would like.

Mr. Lagana asked the Board members how they would like to proceed with this application.

***Mrs. Robidoux made a motion to vote on the variance as presented with the condition that Best Management Practices for construction be enforced and monitored by the Code Enforcement Officer, Carrie Rouleau-Cote, for Case #15-23, Tax Map 5, Lot 87, seconded by Mr. Benson voted to grant, Mr. Stuart voted to grant as he believed that all five (5) factors have been met and that the Conservation Commission's comments have given great weight in this, Mrs. Neveu. Mrs. Neveu voted to grant, Mrs. Robidoux voted to grant, and Mr. Lagana also voted to grant as he also believed that all five (5) factors have been met. All were in favor and the motion passed in the affirmative.***

Mr. Lagana reminded the applicant of the 30 day appeal period and that after that they would have two (2) years to complete substantial construction.

## **Minutes**

Mr. Lagana stated that he was absent from the last meeting and asked another Board member to make a motion to accept the minutes of September 22<sup>nd</sup>. Mrs. Robidoux also stated that she was absent from the meeting as well.

***Mrs. Neveu made a motion to accept the minutes of September 22, 2015, seconded by Mr. DiPietro. All were in favor, the motion passed in the affirmative with both Mrs. Robidoux and Mr. Lagana abstaining.***

## **Other Business**

None were noted.

## **New Business**

Mr. Lagana asked if there was any new business. None were noted. Mr. Lagana asked Ms. Royce if there were any cases for November yet. Ms. Royce informed the Board that there were two (2) cases scheduled for November of which one was requesting relief to allow a shed within the side setback and the other case was to allow a shed to be within the wetland buffer.

## **Adjourn**

***Mr. DiPietro made a motion to adjourn, seconded by Mrs. Neveu. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:38 p.m.***

**The next ZBA Hearing is scheduled for November 17<sup>th</sup>, 2015 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.**