

PUBLIC HEARING AND BUSINESS MEETING

Call to Order - 7:00 PM: R. McDermott called the meeting to order at 7:05 p.m.

Roll Call: R. McDermott, Chairman; C. Leto, Vice Chairman; A. Dittami, P. Young, S. Volpone, Jr. (joined the meeting at 7:19 p.m.), Members; L. A. Ruest, Administrative Assistant; K. Kelley, Building Inspector/Code Enforcement Officer; Not Present: P. Robart, Alternate Member

Public Hearings:

The following applications have been continued from the December meeting due to a storm event.

1. **Case # 07-09:** Application from **Lawrence and Frances Rice** requesting a Variance to the terms of Article III, Section 8.4.1, and asks that said terms be waived to permit a farmers porch within the 100 foot wetland setback in Zone A on property located at 40 Old Stage Road (Map 5, Lot 50)

L. Rice and Attorney Peter Saari were present. C. Leto stepped down from the Board leaving three voting members present. R. McDermott informed the applicant that although a quorum was present that he had the option of requesting continuance to the next meeting to allow for a full Board. L. Rice discussed this with his attorney and requested continuance to the Board's February meeting.

C. Leto resumed his seat on the Board. The Board took a ten minute recess at which time S. Volpone, Jr. joined the meeting.

2. **Case # 07-10:** Application from **Deborah L. Norton-Torromeo** requesting a Variance to the terms of Article III, Section 8.4.1, and asks that said terms be waived to permit a Deck within the 100 foot wetland setback in Zone A on property located at 8 Dodge Road (Map 7, Lot 37)

Henry Boyd of Millenium Engineering and Bruce Torromeo were present. R. McDermott acknowledged receipt of a letter of authorization allowing H. Boyd and B. Torromeo to speak on the owner's behalf. R. McDermott also acknowledged a letter from the Conservation Commission.

H. Boyd presented the plan identifying an area of a deck off the addition area which was granted variance in 2007 (cross-reference Case #07-03). H. Boyd stated that the deck should have been shown on the original plan as the building plans included a sliding door that opened to a deck area. H. Boyd explained that the deck as drawn will sit on seven Sonotubes and impact 5.5 square feet of wetland buffer. The proposed pressure treated/plank built deck area is located farther away from wetlands than the closest point of the addition; closest impact to wetland edge is 11 feet. H. Boyd reported that he felt there is no affect on the wetland or wetland buffer habitat and that all testimony provided as part of the application for the addition supports no affect here as well.

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Reading from the ordinance, A. Dittami noted that the bylaws allow a structure that does not alter land in certain circumstances. R. McDermott asked if there are other construction options such as cantilevering. H. Boyd stated that he was not sure if it could be done at this point in construction.

H. Boyd reviewed the five criteria for granting a variance as submitted with the application. No further questions were heard from the Board and discussion was opened to abutters and members of the public. Nancy Roka, Certified Soil Scientist and member of the Conservation Commission, stated her personal observations with the application process for the addition as well as this deck. She stated that although the impact seems minimal with the deck, she questioned when enough was enough, will there be more applications for this property, how many variances are to be granted on this nonconforming lot and what impact the variances will have overall. R. McDermott noted that the Board addresses each application on its own merit.

On behalf of the Conservation Commission, N. Roka requested that the applicant and Board consider other options with less impact such as permeable pavers. H. Boyd stated that although he appreciated the suggestion, he felt that permeable pavers in this instance would create more run-off with a greater impact. N. Roka further suggested that grass or gravel be placed under the deck to assist with run-off. H. Boyd stated the applicant would be willing to do so.

Hearing no further comments, R. McDermott closed the public hearing.

MOTION: To approve the request from **Deborah L. Norton-Torroneo** for variance to the terms of Article III, Section 8.4.1, to permit a deck (as depicted on a plan by Millenium Engineering dated October 24, 2007) within the 100 foot wetland setback in Zone A on property located at 8 Dodge Road (Map 7, Lot 37)

MOTION: C. LETO
SECOND: A. DITTAMI

C. Leto noted that his reason for approval is based on the reasons applied to the request for variance for the addition, that the location of the deck is in the same area, is permeable and that ultimately there is no material change or affect. S. Volpone noted that this request falls along with the one granted for the addition and that it doesn't violate any exceptions on the first variance. A. Dittami stated he felt there is no affect on the wetlands or public welfare and that there was no evidence presented that interferes with or undermines wetland protection. He added that other items similar to Sonotubes are allowed by ordinance (8.3.7). R. McDermott and P. Young agreed with the comments made.

Board members noted that the issue of variance creep is taken seriously as its overall affect undermines the purpose of the bylaws.

VOTE: UNANIMOUS

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D. Review of The Minutes Of The Previous Meeting – July 26, 2007

Minutes of the July, 2007, meeting will be added to the next agenda as members were not present to address them.

E. Other Business

- The application deadline schedule for 2008 was provided to Board members.
- Spring Zoning and Planning Conference reminder – April 26, 2008

R. McDermott reported that Alternate Member J. Henebry has resigned due to conflict with business travel. Selectmen will be notified of this vacancy.

F. Comments or Questions from the Floor

No comments or questions were heard at this time.

G. Adjournment

MOTION: To adjourn the meeting at 8:04 p.m.

MOTION: S. VOLPONE, JR.

SECOND: P. YOUNG

UNANIMOUS

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