

TOWN OF SUTTON
Zoning Board of Adjustment
Pillsbury Memorial Hall
Meeting Minutes
February 17, 2016

Present: Zoning Board of Adjustment Members: Derek Lick, Chairman; Dane Headley, Ed Canane, and Sue Reel, Members; (Doug Sweet, Member, was absent); Bill Hallahan, Alternate; Laurie Hayward, Land Use Coordinator; Deborah Lang, Applicant; and Pierre Bedard, Surveyor for Lang.

The meeting was called to order at 7:06 PM, by Derek Lick, Chairman. Lick called the meeting to order and suggested that the minutes be moved and addressed after the Public Hearing.

Public Hearing: The Chair took up **ZBA Case 2016-01:** A request made by **Deborah Lang, applicant, 98 Camp Kemah Road, Sutton, Tax Map # 02-479,224** for a Variance under Article IV.C.4: To permit the construction of an addition to a single family dwelling within the road frontage setback, being 41.8 feet from the centerline of the travelled way where the Ordinance requires at least 46.50 feet in a Residential District.

The Chair addressed the applicant and her surveyor and explained the procedure. The Chair explained that there are only four members here this evening. For approval, at least three are needed. The Chair offered that the applicant could agree to go forward knowing that at least three of the four must approve or reschedule when five members are present, still requiring only three to approve. The applicant stated that she wished to proceed tonight. [At this point Bill Hallahan, Alternate had not arrived. Lang agreed to go forward and then Hallahan arrived and participated.]

The Chair asked who would present the proposal. Pierre Bedard, Deborah Lang's surveyor, stepped forward to explain what Lang is proposing. Bedard stated that there is a change to the original proposal. The plan is to install an infiltration system, rather than using gutters. The Board Members agreed that this is a good solution for a small lot in close proximity to shoreland. Bedard said that they have not yet applied to DES for the shoreland permit; but, expect to do so once they have the requested Variance.

Bedard showed the members photos and explained what the photos show and what is planned. Canane asked about the history of the septic system. Bedard explained that there was a septic system failure; but, that faulty system has been replaced with a DES approved system.

The Chair called for discussion. Headley pointed out that the plan does not make the property less conforming. Headley's sense is that the Board should condition their approval on DES approval. The Chair asked if there was correspondence from abutters. The LUC explained that one of the abutters spoke to her on Election Day. The LUC explained to the abutter, Poppi Ritacco, what the applicant proposed. Ritacco told the LUC that she did not have any issues with the proposal. Canane asked if there was an increase in bedrooms. Bedard said that there was no change in the number of bedrooms and if there were, there would have to be a new septic system design.

Headley spoke in favor of approving the request, stating that there is no significant change in the setback from what exists now. The Chair pointed out that as there are no abutters present at the hearing, he assumes that there is not a significant concern regarding the impact on abutting properties. The Chair called for the completion of worksheets.

The Chair stated that, listening to members concerns, his sense is there may be two conditions to consider: the status of the septic system and the need to have DES approval of a Shoreland Permit for this addition. It was agreed that the LUC will check for the current approved septic design in town files, so that condition might be quickly completed. **The motion is to approve with two conditions: 1. that the applicant provide the Board with the DES approved construction shoreland permit and 2. that the Town have, in the property file, the current approved septic system design and that the applicant agrees that there will be no greater number of bedrooms the number stated in that DES septic design approval. The motion was seconded and approved unanimously.**

[Bill Hallahan left at this point.]

Administrative:

Minutes from the last meeting: The Chair asked for a motion to the minutes of the meetings of December 16, 2015. It was moved, seconded, and voted unanimously that the minutes of December 16, 2015 be approved.

Old Business: There was a discussion about Board member concerns that their points of view were not adequately considered by the Planning Board during the development of the proposed changes to the Zoning and Building Ordinances. Members questioned whether it would be helpful to have someone separate from the current LUC who would act as more of an advocate.

Member discussions also included specific questions regarding the current proposed revisions to the Ordinances supported by the Planning Board, including:

- Manufactured housing and why Zoning Board of Adjustment members still thought that allowing manufactured home parks and subdivisions which they feel provides for manufactured housing in Sutton as required by state statute; but, should tend to concentrate that type of housing rather than have it in lots here and there around town and that is preferable to the Planning Board language which would permit a single manufactured home on a single lot.
- Steep Slope Overlay District and why there should one in Sutton? Board members also questioned why the Steep Slope Overlay District isn't limited to a specific area. The LUC explained that the Planning Board had originally asked her to check with town counsel about the best way to improve, strengthen the Subdivision and Site Regulations as they apply to Steep Slopes. After researching various ways to accomplish this, the Planning Board decided to include a Steep Slope Overlay District in the town's Zoning Ordinance. The LUC further explained that, like a Wetlands Overlay District which the Ordinance already has, this has all properties treated the same. That is, if the property has areas that meet the definition in the Article, then the Article applies. The LUC said this is like the current Wetlands Overlay District. Just as an applicant who questions whether his property has qualifying wetlands can hire a

wetlands scientist to prove his case; so, someone who questions whether his slopes are steep enough to meet the definition, that individual may hire a scientist or engineer to make that determination.

Dane Headley asked the LUC to email the original cell tower language which he thought was added in about the year 2000.

The deadline for new applications expired on Monday with no applications received; therefore there are no cases before the Board at this time. **The Chair told members that there would not be a meeting in March.**

There being no further business, it was voted unanimously that the meeting be adjourned at 8:46 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator