

ZONING BOARD OF ADJUSTMENT
MINUTES 03-05-03

Meeting called to order at 7:30 pm at the Northfield Town Hall by Chairman Kent Finemore. Members present: Chris Dunne, Roland Seymour, Kent Finemore, Steve Bluhm, Dave Liberatore. Also present: Mike IZard, LRPC and Eliza Conde, Secretary.

Dave Liberatore moved, Steve Bluhm seconded to accept the minutes of January 29, 2003. Motion passed.

1. Dona St. Cyr: Rehearing of an application for a variance to the terms of Article 7, Table #2 of the Zoning Ordinance to construct an additional living unit on an undersized lot and within the setback requirements on property at 50 East Side Road (Map R8 Lot 62) in the Conservation Zone. Kent Finemore explained that the motion for rehearing of the application was granted because the Notice of Decision did not address the reasons for denial.

Atty. Philpot, representing Dona St. Cyr, presented the septic system design drawn by Engineer Rick Lepene showing the existing home to be approximately 130 feet from the road so that the front setback is not an issue for this application. Mr. Philpot stated that the septic system is adequate for the number of bedrooms proposed and that the septic system is a sufficient distance from surrounding wells. The letter from abutter Alice Labonte-Hsu had stated she had been required to sign a waiver because her well was within the 75 feet required distance from a septic system. The design by Lepene clearly shows there are no requirements for any waivers and that the Labonte-Hsu well is more than 75 feet away. Atty. Philpot pointed out that a two family dwelling is allowed in the Conservation Zone, but while this particular lot is undersized, there is ample room for the requested use. The existing structure is 90 feet from the pond and the addition would be more than 90 feet. Atty. Philpot reiterated the criteria for a variance and expressed his opinion that granting this variance would meet all the criteria.

Steve Bluhm and Dave Liberatore both questioned the number of bedrooms in the existing home. The Lepene plan submitted by Atty. Philpot clearly states the existing home as "a three bedroom home". Kent Finemore questioned the distance from the road as the original sketch submitted by the applicant showed the existing home to be 70 feet from the road. The Lepene map gives an approximate location of the road and front boundary line, but looks to show the home at about 130 feet from the road.

Public hearing: Ron Towle questioned the number of bedrooms. He stated that it had been a three bedroom home and that the St. Cyr's added another room upstairs. Even if the St. Cyr's only use two rooms as bedrooms, there is a potential for a future owner to have 4 bedrooms and the addition would make five, clearly

overtaxing the septic system. Mr. Towle questioned the ability to add concrete to an existing wetland area. He stated that the St. Cyr's had to use a floating slab for the existing home because the water table is only about 2 feet below ground. The zoning ordinance does not address the issue of the use of concrete in a wetland area. Atty. Philpot restated that the existing home is 2 bedrooms. Public hearing closed.

Kent Finemore explained that the Board had had concerns about the front setback, but that seems to be a non issue according to the Lepene map. Roland Seymour questioned why Mrs. Labonte-Hsu would write her letter if there wasn't an issue with the septic system. Atty. Philpot stated again that it would have had to be included in the septic design and Mr. Lepene had no record of any waiver request. Mark St. Cyr stated that there may have been an issue with a previous owner of the property about a lot line adjustment which Mrs. Labonte-Hsu was referring to. Roland Seymour stated that he feels a two family home would greatly diminish values of the neighboring properties and would be contrary to the intent of the ordinance. Atty. Philpot replied that the other structures on that road were all camps originally, and all have been expanded over the years all well within the present setbacks required at this location.

Steve Bluhm stated that the town had placed the pond area in the Conservation Zone to protect the pond and this addition would contribute to overcrowding the area. Dave Liberatore stated that multi family dwellings are allowed in the Conservation zone on five acres, but this is only one acre. Motion made by Dave Liberatore, seconded by Steve Bluhm to deny the application. The following reasons for denying the motion were discussed: 1. While diminishing property values would be hard to determine, allowing a 2 family dwelling creates more density which may diminish property value due to overcrowding. 2. It is not in the public interest to allow new building within 250 feet from Sandogardy Pond. 3. Denying this variance does not create a hardship as there is an existing dwelling on the property allowing normal use of the lot. 4. Granting the variance would not do justice as the Town desires to protect Sandogardy Pond. 5. The use would be contrary to the spirit of the ordinance as it is within the setbacks and add a further unit on a substandard lot. Motion passed unanimously.

There being no further business, meeting adjourned at 8:35 PM.

Respectfully submitted,

Eliza H. Conde, Secretary