

Board of Selectmen
Joint Meeting with Planning & Zoning Board of Selectmen
1 May 2008
Minutes

7:05 p.m. - Chairman Don Guarino called to order the joint meeting of the Board of Selectmen, Planning Board and Zoning Board. Present were Chairman Don Guarino, Selectmen Rachel Hatch and Betty Ann Abbott, Town Administrator Tim Warren and Clerk Lois Dionne. Planning Board members present were Chair Nancy Girard, Felix Barlik, Dave Russell, Marty Martindale, John Funk and Dan Hudson. Zoning Board members present were Chair Betty Hackett, Wayne Gray, Carolyn Baldwin, Israel Willard and Paul Levesque. Also present were Laura Specter of Mitchell & Bates, Dick deSeve of DES (Department of Environmental Services) and Conservation Chair Nanci Mitchell.

The purpose of tonight's meeting was to address the change to the zoning ordinance that was voted in at the March 2008 election. This change was meant to clarify the ordinance, but had the effect of changing the ordinance so that some nonconforming lots, that should not be developed, had to be given building permits without even having to go before the Zoning Board.

Carolyn Baldwin explained that the ZBA had no idea of the wording of the change that was on the ballot. She said this change opened up all the tiny lots in town (particularly in the lakes regions) for development, as long as they could get a septic system on the lot, without any oversight at all; many of these are substandard lots with extremely steep slopes. The change also affected the way they (ZBA) can grant special exceptions and variances.

Wayne Gray presented a plan for a very steep lot that had been submitted to the ZBA for a variance. He reviewed the plan, and pointed out how the newer septic systems can be fit into much smaller spaces, and explained how with the change in the ordinance they can't take into consideration the steepness of the slope, and it would also allow the septic systems to be closer to the water. Mr. Gray explained that what had precipitated the request for a change to the ordinance had been a case where a gentleman had 160 acres with only a 50' – 60' deeded right-of-way for frontage, and then the property flared up. The gentleman was required to apply for a variance because he didn't have proper road frontage. He said that after the public part of their meeting, the ZBA had requested their clerk, Wendy to ask the Planning Board for clarification on road frontage, and this

change was the result; a rewritten ordinance that is creating problems. Mr. Gray said he felt the best thing to do would be to rescind the ordinance, and change it back to the original wording.

Chairman Guarino stated that he had asked Dick deSeve of DES to come tonight to discuss septic systems because at a previous meeting between the BOS and Planning Board, it had been felt that the waivers of setbacks of the septic systems from wells and property lines could protect the Town. Don stated that, through the Building Inspector, Dick had passed along the information that if the septic system could fit onto the property, the State would approve the system; he asked Dick to address that issue.

Dick deSeve stated Wayne Gray was right in that the new septic systems are smaller, and are demonstrating that they can handle the wastewater. Dick said one reason he came tonight was to tell the Town that if they were looking for the State to protect the Town from itself "Don't do that". He said basically, unless it makes no sense at all, that if there is a preexisting lot of record, the State takes the position that somebody should be able to do something with that lot, and if they can figure out how to do that, the State will generally grant the waivers. Dick added that it is tougher for somebody to get waivers for a lot that has never been built on. He was asked about the relationship to wells. Dick replied that if the well was put in after 1989, the protective well radius doesn't leave the property. This is because people were putting wells close to the lot lines to try to prevent their neighbor from building, so the State said the person should put the well within the 75' radius on their property, and if any part of that circle goes off their lot, it doesn't count.

There was more discussion of the wells, and septic systems and the possible pollution of the lakes in the event of septic failure. There was also a brief discussion of building permits being denied because of the condition of private roads- the inability of access by emergency vehicles, etc. It was stated that this wasn't a means of controlling the issuance of building permits, as had been suggested at a previous meeting.

The Planning Board was asked if they would be willing to support an article to rescind the change to the ordinance at a special Town meeting to be held later this summer. After considerable discussion it was agreed that the best solution, for the time being, would be to draft an article for a special Town Meeting to rescind the change that was voted in at the March 2008 Election, and revert to the old wording. This would allow the Planning Board and Zoning Boards to work together to come up with a solution for the problem, to allow a change to the ordinance to be put forth at next year's election. The Planning Board will vote to support the change at their meeting on Thursday night, after which Laura Specter will draft the article for the Town Meeting. The Planning Board and Board of Selectmen will put the article forth. Informational public hearings will be held on the proposed change to the article, with the special Town Meeting being held sometime in August.

**8:10 p.m. – MOTION – Selectman Abbott moved to adjourn the meeting.
Selectman Hatch seconded. Vote was unanimous.**

Respectfully Submitted,

Lois Dionne
Recording Clerk