

DRAFT

**Shoreham ZBA Minutes 6/28/18
Application # 18-14
Request for Variance Hearing; Christopher Hill
262 Delong Road**

Chair John Kiernan opened the hearing at 7:00 pm.

ZBA members present: **John Kiernan, Linda Oaks, Bob Fisher, Brandon Streicher, Jim Ortuno and Kurt Suchamel**

Also present: Jen and Conrad Waite (abutting land owner), Virginia and Tony Spadaccini (abutting land owner), Robin Conway (zoning administrator) and Todd Hill (Applicant representing Chris Hill)

John read the application warning aloud and explained “interested parties” and “conflicts of interest”. He also asked ZBA if anyone had conflicts—members present all reported no conflicts.

John swore in the applicant (Todd Hill) and interested parties (abutting land owners).

Several of the board members and attendees performed a site visit to the subject property at 6 pm prior to the hearing.

Todd Hills discussed the permit application for a proposed one bedroom accessory dwelling previously permitted in 2012, but since expired. This expired permit came to light when the site Contractor began work on the auxiliary apartment this spring and was shutdown. The applicant explained that the existing property is 0.75 acres in size so it is a pre-existing nonconforming lot in low density residential district (< 2 acres in size). The proposed auxiliary dwelling is an approved use for the district, meets all set back requirements and would have a smaller footprint than the original camp previously in that location. This application includes the addition of some proposed retaining walls that were not part of the 2012 project that the applicant is requesting a variance due to setback requirements.

The previously issued State water/wastewater permit (WW-9-1702) is still valid from 2012 which proposes a shared water and wastewater system for both the existing two bedroom dwelling and the proposed accessory dwelling. Currently there is no water or wastewater service to the existing or proposed dwelling. This application has triggered a shoreline protection permit that was not required back in 2012. The applicant has applied for and obtained a Shoreline Protection permit (Application No. 2.572 SP).

The proposed retaining walls are considered a structure and are subject to property set back requirements. The proposed walls would vary in height and are shown within the existing side yard setback, road right-of-way and existing front yard setback per the site plan. The retaining walls are mostly aesthetic to define the driveway, but could also provide some erosion prevention and assist with grades in front of the existing building. No proposed grading plan was provided.

Abutter concerns were raised including the potential diversion of stormwater water runoff from the property due to the proposed retaining walls and related grading. Other retaining wall concerns were raised such as proximity to property lines and encroachment into the private road right-of-way shared by other users with a vested interest and not present at the meeting. Additional clearing concerns were voiced, but the site clearing has been completed with the exception of potentially a small amount near the north end of the proposed wastewater system. Future clearing is subject to the shoreline protection permit. Existing, proposed and permitted impervious areas may need some further review to verify compliance with maximum lot coverage and required parking.

Linda motioned and Jim seconded to close the hearing and go into deliberative session at 8:20 pm.

Meeting minutes by: Brandon Streicher