

ZONING BOARD OF ADJUSTMENT

MINUTES – May 25, 2023

Board Members Present: Fischel, Esinhart, Stover, Green,

Staff: Simpson

Vice-Chair Fischel opened the meeting at 7:01 p.m., explained the Board’s hearing procedures, and at 7:07 opened the public hearing in:

Case #41049-Z2023-08: Colleen Harrison, property owner of record, requesting a Wetland Special Exception pursuant to Section 1103.7, to remove invasive species and other vegetation in a water resource buffer at 1 Crestwood Lane, Map 41/Lot 49, and replace them with a wildflower meadow, and to construct unpaved walking paths from the house to the property line near the stream.

Green read the hearing notice.

Colleen Harrison appeared in support of the application. No one appeared in opposition. Ms. Harrison presented her proposed project and answered questions from the Board, including questions regarding the removal of invasives on neighboring properties. The Board noted a letter from the Conservation Commission supporting the project. Fischel closed the public hearing at 7:20, and the Board entered into deliberations.

Following a discussion of whether the work required a special exception, given that the Ordinance exempts “removal of vegetation” from regulated activities, Stover moved to dismiss the case on those grounds, but the motion was not seconded. Green moved that the special exception be granted. Esinhart seconded, and the motion passed 3-1, with Stover voting nay.

Fischel opened the public hearing in:

Case #12003-Z2023-09. Justin Lewellyn, Agent for Kathleen Briscoe, requesting a Variance pursuant to Article 11, Section 1102.5 to perform substantial improvements on a structure located in the 100-year flood plain at 30 River Road, Tax Map 12, Lot 3 in the RR zoning district.

Green read the Notice of Hearing.

Justin Lewellyn appeared in support of the application, explained the need for renovations and answered questions from the Board about the nature of the repairs, which were upgrades or cosmetic work, and which were required to make the property livable, safe and code-compliant. The Board also discussed the market value of the structure based on information in the Town records. The Board noted a letter from Stephen and Dianne Buskey supporting the project. No one else spoke in support or opposition.

At 8:06, Fischel closed the public hearing, and the Board entered into deliberations. Following discussion it was moved by Green, seconded by Esinhart that the Applicant was not proposing ‘substantial improvements’ as defined in the Ordinance, and therefore a variance was not required.

Voted in favor: Fischel, Esinhart, Stover, Green

Opposed: None

The Board adjourned at 8:32.

Respectfully Submitted,

Bruce Simpson