

**MINUTES OF THE MEETING  
LEE ZONING BOARD OF ADJUSTMENT  
Monday, November 23, 2015  
7:00 PM**

**MEMBERS PRESENT:** Jim Banks, Chairman; John A. Hutton; Philip Sanborn; David Allen; & Frank Reinhold, Alternate (Non-voting) and Peter Hoyt, Alternate.

**OTHERS PRESENT:** Robert Hart; Nate Couse; Toni Hartgerink; and Caren Rossi, Planning/Zoning Administrator.

Jim Banks, Chairman stated that they need to decide for the record who will not be voting tonight as we have one extra member.

Frank Reinhold agreed not to vote, unless someone had to leave unexpectedly.

John Hutton clerked.

**(ZBA1516-05)**

**The applicant is Naithan Couse. Property is located on 175 Tuttle Road and is known as Lee Tax Map #33-04-0100. The applicant is requesting a Special Exception to Article XV, Wet Soils Conservation Zone, and E-4 to allow for the filling of approximately 80' + - of a drainage ditch. The variance request is to the 2015 Lee Zoning Ordinance.**

Nate Couse explained that he has purchased the property and behind the house is a manmade drainage ditch that drains the road. Many years ago the town filled in a section of the ditch, he would like to extend it about an additional 150'. He would install a plastic, 15" culvert. The installation of this will allow for better safety, the ditch is right off the back of the house, making it very dangerous. The water will drain just as it does now but better management.

Jim Banks, Chairman asked how it will be better?

Nate Couse explained it is a non-permeable surface which will move the water quicker. He will put a catch basin in where the new culvert connects to the existing culvert.

Jim Banks, Chairman asked if he would be installing something to clean out the culvert of silt etc?

Nate Couse replied yes, he will put also put a screen on the ends to keep it clean and rip rap as well on the ends.

## Public Comment

Robert Hart, abutter spoke in favor of the application.

Sarah Aldag spoke with concerns of this shedding water onto her property. She asked if the LRAC has been consulted.

Jim Banks, Chairman explained that her property is located across the street and opposite of the flow of the water.

Toni Hartgerink explained that to her knowledge they have not, but the Lee Conservation Commission has and they have no issues. They feel the water will still flow and it will be a help to the area as well as be safer for those living in the home. (Letter in file)

Floor closed

The Board members discussed the application.

John Hutton spoke in favor of the application, he felt it would be safer for the residence and wont impact the flow of the water.

Jim Banks, Chairman agreed, he just wanted to be sure the installation was done correctly and that the homeowner kept the drain and the screen clean.

Caren Rossi explained if approved, a condition could be that the town engineer inspect the installation and wording could be added to the deed upon sale of the property.

The other Board members had no issues with the request.

The Board determined the following findings of fact:

### PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, it is found that the Board has (all) does not have \_\_\_\_\_ sufficient information available upon which to render a decision. If there is sufficient information, the application will be deemed accepted and the public hearing will continue. If it is found that the Board does not have sufficient information, the public hearing will be postponed to a date certain on \_\_\_\_\_.

For all Special Exception requests, findings and rulings.

After reviewing the above, the Board has determined the following findings of fact, all of which must be satisfied to grant a special exception as required by Article XXII.3 of the Zoning Ordinance.

- 1) The proposed use will \_\_\_\_\_ will not (all) be detrimental to the character or enjoyment of the neighborhood or to future development by reason of undue variation from the kind and nature of other uses in the vicinity or by reasons of obvious and adverse violation of the character or appearance of the neighborhood or cause diminution in the value of surrounding property.
- 2) The use will \_\_\_\_\_ will not (all) be injurious, noxious or offensive and thus be detrimental to the neighborhood.
- 3) The use will \_\_\_\_\_ will not (all) be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk of life and property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions.

For Special Exceptions permitted under Article XV in the Wet Soils Conservation Zone:

1. Has the Application been referred to the Conservation Commission and the Health Officer for review and comment as required by Article XV.E?  
Yes: (all)                      No: \_\_\_\_\_
2. If for street, road, access ways and utility rights-of-way, is the use essential to the productive use of land and is it located and constructed so as to minimize any detrimental impact of such uses upon the Wet Soils?  
Yes: \_\_\_\_\_                      No: (na)
3. If for Water Impoundment, is it for a purpose that includes a multipurpose pond, wildlife pond or farm pond?  
Yes: \_\_\_\_\_                      No: (na)
4. If for Fire Ponds, has the use been reviewed by the Lee Planning Board and Lee Fire Department?  
Yes: \_\_\_\_\_                      No: (na)
5. If for an undertaking of a use not otherwise permitted in the Zone, has it been shown that the proposed use is not in conflict with any and all of the purposes and intentions listed in Article XV.A?  
Yes: (all)                      No: \_\_\_\_\_

John Hutton made a motion to grant the request for a Special Exception to Article XV, Wet Soils Conservation Zone, and E-4 to allow for the filling of approximately 80' +/- of a drainage ditch. The variance request is to the 2015 Lee Zoning Ordinance. Subject to the following conditions.

- 1.) The Town Engineer inspect and approve of the installation, cost is borne by the applicant.
- 2.) The homeowner maintain said culverts, catch basins and screens and upon sale of the property, the maintenance be added to the deed.

David Allen second.

Vote: all, motion carried, application approved.

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

MINUTES TRANSCRIBED BY:

\_\_\_\_\_  
Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

\_\_\_\_\_  
Jim Banks, Chairman

\_\_\_\_\_  
John Hutton

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Philip Sanborn

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David Allen

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Peter Hoyt, Alternate

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