

ZONING BOARD OF ADJUSTMENT  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053

DATE: APRIL 17, 2013

CASE NO.: 3/20/2013-1 (CONTINUED)

APPLICANT: GC NOMINEE TRUST  
JASON L. AND HEATHER S. PARENT, TRUSTEES  
38 TANAGER WAY  
LONDONDERRY, NH 03053

LOCATION: 38 TANAGER WAY; 5-10-19; AR-I

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR  
LARRY O’SULLIVAN, VOTING MEMBER  
JAY HOOLEY, VOTING MEMBER  
JAMES TOTTEN, VOTING ALTERNATE  
NEIL DUNN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING  
ADMINISTRATOR  
JIM BUTLER, TOWN COUNCIL LIAISON

REQUEST: VARIANCE TO ALLOW AN IN-GROUND POOL AND A SHED WITHIN THE  
CONSERVATION OVERLAY DISTRICT BUFFER WHERE OTHERWISE  
PROHIBITED BY SECTION 2.6.3.

PRESENTATION: Case No. 3/20/2013-1 was read into the record with no previous cases listed.

The clerk read a memorandum from the Conservation Commission, Exhibit “A,” and a letter in support from an abutter, Exhibit “B,” into the record.

JAMES SMITH: You have the floor, sir.

JASON PARENT: Hello. My name is Jason Parent. My wife and I live at 38 Tanager Way. I’m here this evening to respectfully request a variance to allow the construction of an in-ground swimming pool, fence, and shed within the Conservation Overlay District buffer. In addressing the variance criteria, my application cites the following: The variance will not be contrary to public interest. All the properties on Tanager Way are similar in size and have many of the same characteristics. We have 33 houses on the Londonderry side of Tanager Way. In looking at similar outdoor features, there are already 16 pools in my neighborhood. So the variance in this case does not alter the character of the neighborhood but rather compliments it. With permission, our pool would be located in the backyard, behind the house and hidden from street view. In regards to a possible

45 **[NOTE: DISREGARD "DRAFT" WATERMARK; DOCUMENT RECOVERED AFTER COMPUTER FAILURE]**

46 chemical impact to the wetland or water quality, the pool will have a cartridge filter which has no backwash.  
47 Conventional systems need to backwash once a week and approximately 200 gallons of chlorinated water are  
48 introduced into the environment. With this cartridge filter, it's avoided completely using that system. So  
49 there would be virtually no backwash. I'm also willing to use environmentally friendly pool cleaners, as I  
50 mentioned to the Conservation Commission. One is called the Frog System, which uses zinc for sanitation and  
51 copper and this combination of mineral pool care uses 50% less chlorine and chemicals. There is another pool  
52 care product which is called Pristine Blue and that is completely non-chlorinated and EPA approved for  
53 drinking water. So there are options for this concern as well. There would be little to virtually no runoff or  
54 splashing concerns because we prepare to have a vinyl fence shielding the buffer, which would continue  
55 beyond the pool decking and the fence, and there would be additional buffer area leading into the  
56 conservation area, so there would be no runoff or splashing concerns. Any discharge at the end of the year to  
57 close the pool would be towards the front of the house and down the driveway. So, in our opinion, there's no  
58 adverse effect on the public interest in doing those things. That the spirit of the ordinance is observed. The  
59 size and shape of my lot is not conducive to having a swimming pool except in the area where we're  
60 requesting a variance. If we are given permission to construct a pool on the buffer directly behind my house,  
61 it would provide privacy while not infringing on anyone's access to space, light, or et cetera. Beyond privacy,  
62 my greater concern is the life safety issue as I would want anyone swimming in the pool within my line of  
63 sight, or anyone going into that area. That can only happen at the back of the house where I can see  
64 from my kitchen, dining room, and living room area. Again, having met with the Conservation Commission  
65 and now the ZBA, we're willing to make any other concessions I mentioned to ensure an environmentally safe  
66 system to running a swimming pool within the buffer. I will submit our reference plan [see Exhibit "C"] to  
67 show this Board the buffer zone restrictions that have to do with the sides. There are lot line restrictions, setbacks,  
68 and I have a gas tank on the one side and propane tank on the other side of my house, so really, it needs to be  
69 targeted for the back. That substantial justice is done. There are 16 pools on Tanager Way properties, 12 of them  
70 are on the same side of the street as my residence. I assume there are some buffer areas and conservation  
71 restrictions behind all of our properties on this side of the road, as there are hundreds of acres of the  
72 Musquash behind these homes. I hope to fair that my family will have the same opportunity as my  
73 neighbors who have swimming pools behind their homes. The values of surrounding properties are not  
74 diminished. This project, made possible by a variance, would not decrease the value of other properties. In  
75 fact, as I stated earlier, it would be aimed with maintaining the value as, again, our houses are approximately  
76 the same size model, with the same amount of land. And as I mentioned, there are currently 16 pools in the  
77 neighborhood. I also submitted to the Board an assessment document [see Exhibit "E"], which is reflective of  
78 most of the homes on Tanager Way. Literal enforcement of the provisions of the ordinance will result in  
79 unnecessary hardship. Again, looking at the reference plan, the unique characteristic of my property is that  
80 in the backyard, I'm surrounded by a buffer, as shown in the reference plan. So, I suspect that my neighbors  
81 do not share this burden as many pools exist behind these homes on Tanager Way and, again, the majority  
82 being on my side of the street. I feel that due to the restrictions in my backyard compared to others around  
83 me, the proposed use is a reasonable one. In strict conformance with the ordinance, a variance is necessary to  
84 enable the construction of a pool or any other normal structure of a family household. One of the letters was  
85 shared and I appreciate that. There was a second letter from another neighbor that lives directly across from  
86 us. So I have copies of that if you would like and I also have pictures of my backyard on a disk if that's helpful  
87 for the Board to visualize. As I mentioned, on March 26, I met with the Conservation Commission to address  
88 their concerns. Through mitigation, they discussed allowing 25 feet of the buffer to grow back to its natural  
89 wooded state instead of mowing this grass area, which currently exists. In areas of my backyard, I would

89 absolutely be able to do that, including the entire east side of where the pool would be. My deck extends 11  
90 feet off of the back of my house and that's towards the west end of the backyard. So the pool has to be a  
91 decent portion away from that and because the buffer and wetlands and conservation land move diagonally,  
92 in the east end, I could give back 100% of their request. Where it moves to the center of the pool, it would be  
93 80%. At the west end, it would 60%. So to run a clean, straight line of vinyl fencing across the backyard, I  
94 could meet 80% of the Conservation Commission's request rather than running a fence diagonally, which I  
95 wouldn't do across the yard. To move forward with the project in a way that makes sense, I obviously need  
96 your permission to do that and I appreciate the Board's time and hope I've been able to properly convey the  
97 reason for our request.

98  
99 JAMES SMITH: Okay. I'll open it up to the Board. Questions?

100  
101 LARRY O'SULLIVAN: You looked my way. You know I've got them. Ready for the first one?

102  
103 JASON PARENT: I'll try.

104  
105 LARRY O'SULLIVAN: Okay. You've got a 36 by 18 foot rectangular drawing that you've submitted for us. How  
106 big is the pool?

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108 JASON PARENT: It's an 18 by 36 pool.

109  
110 LARRY O'SULLIVAN: Okay, so you're going to have a pool, then you're going to have a fence, you're going to  
111 have a walkway, you're going to have a building, a shed, and what have you. Are they listed any place? Do  
112 you have a picture or a drawing or anything of those?

113  
114 JASON PARENT: No, sir. I don't have a picture. I think there was a marker indicating the...that rectangular  
115 area would be the pool [see Exhibit "C"] typically, and that's a standard size of a pool. There would be three  
116 feet of decking on either end, the north and the south end, and then I think, again, traditionally, and then six  
117 feet on the east and the west end.

118  
119 LARRY O'SULLIVAN: So the wide section will have the three feet and the narrow section will have the six feet?

120  
121 JASON PARENT: Yes, sir.

122  
123 LARRY O'SULLIVAN: Okay. So we're really talking about 12 additional feet in one direction and six additional  
124 feet in the other direction.

125  
126 JASON PARENT: That is correct. Yes. Although, not all of that's on the buffer.

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128 LARRY O'SULLIVAN: Right.

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130 JASON PARENT: Right.

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132 LARRY O'SULLIVAN: So...

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JASON PARENT: Same as the fencing.

LARRY O'SULLIVAN: How big is the house?

JASON PARENT: So the fencing would in the...

LARRY O'SULLIVAN: Can I ask how big the house is?

JASON PARENT: How big the house is? The house is 2,500 square feet.

LARRY O'SULLIVAN: Okay, so the foundation is what, about, 24 by 30?

JAMES SMITH: No, no. It's more than that.

JAY HOOLEY: Double that. This is not to scale at all.

LARRY O'SULLIVAN: Okay. Well, I'm looking at this and...

JAY HOOLEY: The yellow area outlined area is probably closer to including the decking, et cetera, as opposed to...I know it's marked 18 by 36, but quite frankly, the square footage of that is, looking at it, is probably bigger than your home, which is certainly not the case of the pool.

JASON PARENT: Mm-hmm. Correct.

JAMES SMITH: The main part of the house is 24 feet deep by the looks.

LARRY O'SULLIVAN: Okay, had you considered a smaller pool?

JASON PARENT: Yeah, there are, I think, three pool sizes typically that run. I think it's 16 by 32, 18 by 36, and 20 by 40 are your three typical. So when we, and again, we're in the initial exploration of this, which led us to our request, so when we discussed putting in a pool, it was sort of 'pick the one in the middle' and went there, but the smallest one that they can put in, really, is 16 by 32. You can play with...that's probably a poor choice of words, you can put decking in areas so I could...it doesn't have to be three feet. That's closest to the buffer, towards the conservation, you could make that less, so there are ways to maneuver it. I could pull it a little closer to my deck. I'm just fearful that if it's too close to the deck, you know, it would invite some danger there. I really prefer that the...

LARRY O'SULLIVAN: You mentioned that there, what, 12 other pools on the same side of the street?

JASON PARENT: Yes, sir.

JAMES SMITH: But 42 by...

177 JASON PARENT: Above ground and in-ground, yes.  
178  
179 JAMES SMITH: ...24? No...  
180  
181 LARRY O'SULLIVAN: Are any of them in the buffer zone?  
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183 JAMES SMITH: Twenty two to...  
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185 JASON PARENT: I don't think so. I'm sure if they had to go through their own...  
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187 LARRY O'SULLIVAN: Are they in the Conservation Overlay District?  
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189 JAMES SMITH: ...would be my guess.  
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191 JASON PARENT: I wouldn't imagine so.  
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193 JAMES SMITH: Then you've got...that's in addition to that.  
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195 LARRY O'SULLIVAN: Okay, so this one is, that you know of...  
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197 JAMES SMITH: Yeah.  
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199 LARRY O'SULLIVAN: ...the only one...  
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201 JAMES SMITH: I'm just looking to...  
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203 LARRY O'SULLIVAN: ...that's going to be inside the COD?  
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205 JASON PARENT: I would say yes.  
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207 LARRY O'SULLIVAN: Okay.  
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209 JASON PARENT: Basically.  
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211 JAMES SMITH: Big house.  
212  
213 LARRY O'SULLIVAN: So...  
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215 JASON PARENT: The information that I have.  
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217 LARRY O'SULLIVAN: I'm kind of missing something. How far is the pool going to be from the house?  
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219 JASON PARENT: The pool would be...I'm just looking...

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LARRY O'SULLIVAN: I'm just trying to figure out.

JASON PARENT: Sure.

LARRY O'SULLIVAN: Based on the drawings that you gave us...

JASON PARENT: Where we looked to ideally put the pool, we were about 15 feet off of the deck. Fifteen feet away from the deck. And the deck is 11 feet off of our house, so...

LARRY O'SULLIVAN: So 26 feet.

JASON PARENT: Twenty six feet.

LARRY O'SULLIVAN: And how much distance is there between the border of the COD and your existing porch, deck? So you'll have the 25 feet...

JASON PARENT: Yeah.

LARRY O'SULLIVAN: I'm just trying to figure...

JASON PARENT: Yeah.

LARRY O'SULLIVAN: Based on your drawing, it's hard for us to tell. It's hard for me to tell...

JASON PARENT: Right.

LARRY O'SULLIVAN: ...where this is going to be, how much of an intrusion it's going to make into the COD and how all the outbuildings, since they are not posted here, are going to be...

JASON PARENT: Sure.

LARRY O'SULLIVAN: ...whether they're going to be in the COD or not.

JASON PARENT: Okay.

LARRY O'SULLIVAN: In the outside the COD, I don't think there are any issues.

JASON PARENT: Right.

LARRY O'SULLIVAN: It's only things that we're concerned about are inside.

JASON PARENT: Yup. Are you referring to the 25 feet of the buffer or are you referring to the...? Okay, so....

264 LARRY O'SULLIVAN: Everything.  
265  
266 JASON PARENT: Alright, so the fencing, as I mentioned, would be 25...at one point, it would be 25 feet away  
267 from the wetland area, towards the middle of the pool, and then for the rest of the yard, and then for the  
268 middle of the pool, as it goes diagonally, it would be 20 feet away, and then at the very end of the pool, it's 15  
269 feet away.  
270  
271 JAMES SMITH: The way I'm interpreting...  
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273 JASON PARENT: This way, on average, I could give back 80% of the Conservation Commission's request of  
274 running that fence straight across because on average, I'd be giving up the 20 feet. I'd be within five feet of  
275 their request.  
276  
277 JAMES SMITH: In your drawing here, you have a yellow area which is marked off with a dimension of 18 by 36.  
278 That's about double what it should be as far as being in scale.  
279  
280 JASON PARENT: Okay.  
281  
282 JAMES SMITH: And I think that's why we're having such a problem with it.  
283  
284 JASON PARENT: Sir, I may not be looking at...  
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286 JAMES SMITH: Because if you look at the center part of your house, that's about 40 feet long, just the center  
287 section. And I think this is what is making it so difficult for us to...  
288  
289 JASON PARENT: Sure. Sir, may I approach?  
290  
291 JAMES SMITH: Yeah.  
292  
293 JASON PARENT: Only because I want to make sure we're looking at the...You refer to the yellow. I don't know  
294 what you're talking about.  
295  
296 JAMES SMITH: Okay. This area here is...in other words, this is only about 40 feet and you're describing that as  
297 being 36 feet. So it's way, way out of scale.  
298  
299 JASON PARENT: Okay.  
300  
301 JAMES SMITH: And I think...it's doing you a disservice by having such a far out of scale plan.  
302  
303 JASON PARENT: So I don't think it's...again, the pool dimensions are what they are. It's...  
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305 JAMES SMITH: Well I understand that but trying to interpret it and how it impacts the lot...  
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307 JAY HOOLEY: Visually, it looks like a much larger intrusion than it's really going to be.

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JASON PARENT: Okay.

JAY HOOLEY: That's all he's...

JASON PARENT: It's not. I mean, the...

JAMES SMITH: Okay.

LARRY O'SULLIVAN: It's looks like half the pool, just the pool, is going to be inside the COD. Right? Isn't that what the first red line is there?

JAMES SMITH: Yeah.

LARRY O'SULLIVAN: You see? Can you see this here?

JAMES SMITH: Yeah, but...

JASON PARENT: Yes.

JAMES SMITH: But what he's showing there is so far out of scale...

JASON PARENT: Correct, it's not like...

JAMES SMITH: ...you can't really tell...

JASON PARENT: It's not like that. It would be more like...

JAY HOOLEY: Take the yellow thing and cut it in half.

JASON PARENT: ...this because the deck is the center.

JAMES SMITH: Essentially.

JAMES TOTTEN: It would be more than half that the [indistinct]...

JAMES SMITH: It would be at least half of what it is.

JAMES TOTTEN: ...bigger than the pool. Bigger than the house.

JASON PARENT: Correct, it's not bigger than the house.

JAY HOOLEY: Right.



352 JASON PARENT: Obviously.  
353  
354 JAMES SMITH: The main part of the house is about 28 or 26 feet. Yeah, about 26 feet. So that 18 feet is  
355 greater than the 26 feet.  
356  
357 LARRY O'SULLIVAN: The look that we have is, looks like it's wide, I guess.  
358  
359 JAMES SMITH: Yeah.  
360  
361 JASON PARENT: That's not the case.  
362  
363 LARRY O'SULLIVAN: So let's take this back a half a step. We have a couple of issues that...I have a couple of  
364 issues. We don't know where this is going to be yet. We don't have very good drawings. I don't think there's  
365 representation here to say 'this is what we'd like to be able to do where this is.' So I think the request that  
366 we're providing, if there is going to be a variance, we have to be pretty darn close. And your engineer or  
367 whoever you're going to hire to put this in should be able to provide us with some kind of information,  
368 so...We've had lots of cases come before us before...  
369  
370 JASON PARENT: Okay.  
371  
372 LARRY O'SULLIVAN: The drawings are important for us because we'd like to see the intrusion. How much is  
373 going to be impacted? I don't know what you brought to the Conservation Commission but...I don't know if  
374 they asked the questions because we don't have their entire minutes. But we do have the results...  
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376 JAYE TROTTIER: Actually, you do.  
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378 JAY HOOLEY: Yeah, we do.  
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380 LARRY O'SULLIVAN: In here?  
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382 JAY HOOLEY: Yup.  
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384 LARRY O'SULLIVAN: I thought we had a synopsis here. It is. Okay. Which is this pool. It still doesn't answer  
385 my question.  
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387 JAY HOOLEY: How large is the shed that you're proposing?  
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389 JASON PARENT: Again, small, just to put some supplies and things like that. Not even...again, we  
390 haven't...we're in the early phase of this, so it would be a small shed just to house some pool equipment.  
391  
392 JAY HOOLEY: Okay. Richard, am I reading 2.6.3.3.10 correctly, that uses permitted within the CO district  
393 include accessory structures 200 square feet or less? That's a permitted...?  
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395 RICHARD CANUEL: That's right, yeah.

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JAY HOOLEY: So he doesn't need a variance for the shed.

RICHARD CANUEL: He doesn't need a variance for the shed, provided the shed is not constructed of pressure treated material or asphalt shingles.

JAY HOOLEY: Yeah.

RICHARD CANUEL: Yeah, it can be in...

JAY HOOLEY: No pressure...right, so...

RICHARD CANUEL: It can be in that 50 foot CO buffer.

JAY HOOLEY: Okay. And in your plan...

JASON PARENT: Okay.

JAY HOOLEY: ...were you looking for the shed to actually be within the Conservation Overlay District or will it be within the portion of the yard that is not in the Conser...?

JASON PARENT: Yeah, it would have been on the buffer area, yes.

JAY HOOLEY: Yeah, okay.

JASON PARENT: Well, actually, I take that back. Yes, it would. Because it would be within that 25 feet that the Conservation Commission had suggested, so...

JAY HOOLEY: So then that would, Richard, bring in that you couldn't use pressure treated wood or asphalt shingle construction?

RICHARD CANUEL: That's correct.

JAY HOOLEY: Okay. If it were in the yard, closer to the home, not in the Conservation Overlay District, then I have to assume none of that comes in to play.

RICHARD CANUEL: It wouldn't matter.

JAY HOOLEY: Then you can build a shed of any sort that the remainder of zoning allowed.

JASON PARENT: So I don't need a variance for the shed?

JAY HOOLEY: If it's not in that buffer zone.

440 JASON PARENT: If it's not in the buffer zone.  
441  
442 JAY HOOLEY: Right. If you can get it into the yard not part of the buffer...  
443  
444 JASON PARENT: Okay.  
445  
446 JAY HOOLEY: ...then those restrictions don't apply.  
447  
448 JASON PARENT: Right.  
449  
450 JAY HOOLEY: If it is, you're limited to 200 square feet, can't use pressure treated wood and..  
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452 JASON PARENT: Okay.  
453  
454 JAY HOOLEY: But I...  
455  
456 JASON PARENT: But you still need a variance for the shed, correct? If it's on the buffer? I just want to make  
457 sure I'm hearing you correctly.  
458  
459 JAY HOOLEY: No. But there will be additional restrictions.  
460  
461 JASON PARENT: Okay.  
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463 JAY HOOLEY: Am I stating that correctly, Richard?  
464  
465 RICHARD CANUEL: Sure.  
466  
467 JAY HOOLEY: Okay. I guess my question was is it going to be in there or is it not?  
468  
469 JASON PARENT: Yeah.  
470  
471 RICHARD CANUEL: Yeah, if it's located inside that conservation buffer, that 50 buffer zone...  
472  
473 JASON PARENT: It would be within 50.  
474  
475 RICHARD CANUEL: If it's inside there, the shed is restricted to the materials that you cannot use asphalt type  
476 shingles and you can use chemically preserved lumber.  
477  
478 JAY HOOLEY: And you cannot store hazardous materials.  
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480 RICHARD CANUEL: That's right.  
481  
482 JAY HOOLEY: But that said, in either scenario, a variance is not required for the shed.  
483

484 NEIL DUNN: If I may, Mr. Chairman? So the Conservation Commission was looking for a 25 foot buffer and  
485 you're saying you cannot maintain that?

486  
487 JASON PARENT: Not in all areas of the yard that they were asking. Correct.

488  
489 NEIL DUNN: And did you bring that up to them at the time of your discussion? Because according to the  
490 minutes, it looked like you kind of agreed with it all.

491  
492 JASON PARENT: I did not because I hadn't had a chance to measure what that looked like or what that would  
493 mean, so as I began to measure it, I was able to honor this, you know, in visualizing where the pool would go  
494 and just flagging it in my backyard, I was thinking if I ran this vinyl fence straight across, straight back, I could,  
495 in the east end of my yard, but on the west end, towards the end of the pool, I could not because of the way  
496 the wetlands and conservation land move diagonally. So I began to look at what I could, if I ran one clean line  
497 of fencing, and it was 80% back, 20 feet on average instead of 25. So as we wrapped up that discussion, I was  
498 saying 'Well, I need to flag that and visualize it.'

499  
500 NEIL DUNN: Richard, if I may? How do we monitor what chemicals are being used? Yearly inspection? Do  
501 you...at the applicant's expense?

502  
503 RICHARD CANUEL: That's a good question. That would be strictly the responsibility of the property owner. I  
504 mean, it would be very difficult for my office to police. Make an annual visit to the property? I don't...

505  
506 NEIL DUNN: I don't know. That's why I'm asking. Is that something we would do, as like a normal inspection  
507 fee or something or...? Or not? There's no provision or...?

508  
509 RICHARD CANUEL: Yeah, that would be very difficult to enforce.

510  
511 NEIL DUNN: And the same thing with the natural vegetation? We could request that that be put into the  
512 deed for \$25 or something, you can add something to a deed so at least the next person would be aware that  
513 it's there and it exists, as opposed to, you know, it's in a variance somewhere in a file and nobody knows it's  
514 there. But there's really no way to monitor that either.

515  
516 RICHARD CANUEL: Well, you know, a deed restriction is not a bad idea but again, that's...an enforcement  
517 issue, that's very difficult. You know, to put the Building Department in the position to monitor someone's  
518 lawn care is...it's difficult.

519  
520 NEIL DUNN: No, and that's why I'm obviously leaning towards a deed thing because so often these come up  
521 and 'I didn't know' and 'Nobody told me and therefore that's why I'm...'

522  
523 RICHARD CANUEL: Yeah.

524  
525 NEIL DUNN: So, I mean, that would be obviously be one of my concerns. That it be put in and it's not big  
526 money to do that.

528 RICHARD CANUEL: Yeah, plus putting it as a deed restriction is sort of an awareness for future property  
529 owners...

530

531 NEIL DUNN: Exactly my point, yeah.

532

533 RICHARD CANUEL: ...who may not be aware of the variance approval if that's the case.

534

535 JAMES SMITH: You're presuming that they're going to read the deed, though.

536

537 LARRY O'SULLIVAN: Were you aware when you bought the property that you bordered the Conservation  
538 Overlay District?

539

540 JASON PARENT: I knew there was conservation land behind and the Musquash was behind the home when  
541 we purchased the home, my wife and I. We have three young sons. I noticed it would heavily wooded behind  
542 our house and asked the builder as we moving in, could we have a backyard? And he put a backyard in and as  
543 you know, five years later, as more pools went in and more kids were swimming and I was pulling my sons  
544 away from the neighbor's house as they wandered over, uninvited, to go swimming, we began to just explore  
545 this option and realized there were some challenges that we faced.

546

547 LARRY O'SULLIVAN: Okay, so you knew that it was conservation overlay, or the conservation district. How  
548 about...

549

550 JASON PARENT: Correct. But not...yes.

551

552 LARRY O'SULLIVAN: Did your builder build this house and...

553

554 JASON PARENT: Yes, sir.

555

556 LARRY O'SULLIVAN: ...put that lawn in for you?

557

558 JASON PARENT: Yes, sir.

559

560 LARRY O'SULLIVAN: Into the Conservation Overlay District? I thought that wasn't supposed to happen. So  
561 here we are, you're willing to let how many feet of this go back to the wild, in effect?

562

563 JASON PARENT: On average, 20.

564

565 LARRY O'SULLIVAN: Twenty feet of...

566

567 JASON PARENT: Of the 25 that the Conservation...

568

569 LARRY O'SULLIVAN: ...the back lawn.

570

571 JASON PARENT: Correct. Because, essentially, I would have a vinyl fence in front of it in addition to a shed to  
572 the right of that, still honoring the 25 feet on most ends of the yard, but because, again, it goes diagonally  
573 technically, it wouldn't be that much. At the end of the fence, it's really...the very end of the fence, on the  
574 west end of the yard, it's 15 feet. In the middle, it's 20 feet. At the end and then for the rest of my yard, it's  
575 25.

576  
577 NEIL DUNN: So if you're 15 feet off your existing deck, is there any...my bigger concern is the Conservation  
578 Commission was looking for that 25 foot setback and because of that buffer, it would provide better filtration,  
579 et cetera. Is there any way to get that five feet back? I know you were talking 15 feet off the deck...?

580  
581 JASON PARENT: Sure.

582  
583 NEIL DUNN: Just to honor their...? I mean, that's what their recommendation was.

584  
585 JASON PARENT: Fifteen feet seems like a lot, but because the deck is up, and I believe, and again, Jaye was  
586 there at that meeting, they thought that was a better idea than me continuing to mow 50 feet of buffer in  
587 addition to my backyard, which is why that was a concession that they were willing to make and I was  
588 appreciative that we were able to collaborate somewhat and try to work together. But in just looking at  
589 where the pool really should go and maintaining safety off of the deck and not running a fence diagonally  
590 across the yard, which would defeat the whole purpose of what I'm trying to do, it just didn't work.

591  
592 JAMES SMITH: I'm very uncomfortable with this drawing, to tell you the truth. Because it's so difficult trying  
593 to interpret the area that's being impacted. I would like to see a better drawing with the area that you're  
594 going to impact drawn in to scale so we actually know what you're talking about.

595  
596 RICHARD CANUEL: Jim?

597  
598 JAMES SMITH: Yeah.

599  
600 RICHARD CANUEL: If it would help the Board to visualize, I have a more accurate dimensional view of that if  
601 you want to take a look at it.

602  
603 JAMES SMITH: Yeah.

604  
605 LARRY O'SULLIVAN: Do you have it printed or...?

606  
607 RICHARD CANUEL: It's not something that the applicant did. It's something I had...

608  
609 JASON PARENT: Thank you.

610  
611 RICHARD CANUEL: ...done just for my own visualization. It may help the Board as well.

612  
613 JAMES SMITH: Yeah.

614

615 RICHARD CANUEL: If you don't mind playing with the little thing. This represents the actual dimension of the  
616 pool, so you can pretty much place that anywhere on the lot that...where it will fit.  
617  
618 NEIL DUNN: Just the pool, not the pad?  
619  
620 RICHARD CANUEL: No, just the pool itself. The 36 by 18. So if you want to review that and discuss that with  
621 the applicant...  
622  
623 JAMES TOTTEN: Where's the land that's being given back? The 25 feet that's going to be allowed to grow  
624 back naturally?  
625  
626 JAY HOOLEY: If you look at this drawing, this...  
627  
628 JAMES TOTTEN: That would come out 25 feet?  
629  
630 JAY HOOLEY: Twenty five feet from the edge of any...So this would be coming close to the left rear corner of  
631 your home, then?  
632  
633 JASON PARENT: Correct, as you're...right, from the back of the house...  
634  
635 JAY HOOLEY: Because the woodland is now...would...it would be 25 more feet along that winding...?  
636  
637 JASON PARENT: Correct.  
638  
639 JAY HOOLEY: Yeah, okay.  
640  
641 JAMES SMITH: This is the...  
642  
643 JAMES TOTTEN: All the way across to there.  
644  
645 LARRY O'SULLIVAN: Alright.  
646  
647 JAMES SMITH: But exactly where it ends up...  
648  
649 LARRY O'SULLIVAN: Yeah, that's...I mean, it's good to know the actual, you know, the more...the ratio that we  
650 have between the house and the pool.  
651  
652 NEIL DUNN: But Richard, but wouldn't the pad itself...you're talking three feet towards the conservation  
653 overlay? It's probably going to be concrete pad?  
654  
655 JASON PARENT: It can be. It could be two feet. I mean, you can work with the designer to make it less  
656 decking on that side and we would be willing to do that. I mean, two feet's not a whole lot, so I can give up a  
657 foot if that made a difference as well...  
658

659 NEIL DUNN: Is it a concrete pad or a...?  
660  
661 JASON PARENT: Yes, it is.  
662  
663 NEIL DUNN: So, Richard, that would also be considered in the dimension, correct? Obviously.  
664  
665 RICHARD CANUEL: It should be, yes.  
666  
667 JAY HOOLEY: Jason, have you looked at putting the pool not dead center behind the home, but a little bit to  
668 the right behind the home? Where the right end of all construction and pool related aligns with the right side  
669 of the home and the backyard?  
670  
671 JASON PARENT: Mm-hmm. And on the right side of the home is where the garage is, so again, just from a  
672 visibility standpoint...  
673  
674 JAY HOOLEY: Yeah.  
675  
676 JASON PARENT: ...we have, you know, where the deck is, there's a slider, a small kitchen window, a bathroom  
677 window, and then it's all garage. So I didn't want to go too far to the right. I could move it a little bit. Again,  
678 we're in the infancy of exploring this option. If that uses more of my yard and less buffer, we could certainly,  
679 you know, try to work this, but I was just thinking for, again, a clean line of sight. For someone that wandered  
680 into that area, I'd like to be able to see it from the kitchen or kitchen area or the living room area, so that's  
681 where I was at with that.  
682  
683 LARRY O'SULLIVAN: Well, you're going to have to fence it anyway, right? A four foot fence is required still,  
684 right?  
685  
686 JASON PARENT: Yup.  
687  
688 NEIL DUNN: Richard, would the...to put the pool in, he's going to have to get at least a rough survey done and  
689 staked so that you can look at setbacks or...? Because we're not given a number, it really doesn't matter? I  
690 mean...  
691  
692 RICHARD CANUEL: No, he wouldn't be required to get a survey because we already have a certified plot plan  
693 for the property. So it's very easy to measure off of those property lines and determine the location of the  
694 pool, so he wouldn't necessarily be required to get a separate survey just for the pool, so...  
695  
696 JAMES SMITH: What we have is a piece of paper that's marked off 18 by 36 that we can move around. You're  
697 saying you're going to have six feet on each end?  
698  
699 JASON PARENT: Yes.  
700  
701 JAMES SMITH: So you've got 36 plus six and six or 48. Then you've got three feet front and back, so that's 24.



702 Part of the problem is the way the conservation land goes is there's a curve in which is kind of in line with the  
703 end of the house. So that kind of knocks it down as to what you can do.  
704  
705 JASON PARENT: Yes, sir.  
706  
707 JAMES SMITH: And you wanted to maintain 15 feet from the...?  
708  
709 JASON PARENT: I would like to, just...the deck is set up on the...  
710  
711 JAMES SMITH: The deck is another, what, six feet? Eight feet? Ten feet?  
712  
713 JASON PARENT: Yeah, it's 11 feet off of the house but it's probably ten or 12 feet up, so as you look over it, I  
714 wouldn't want anyone trying to jump off the deck, thinking they could get into the pool if it was that close to  
715 where the deck was. And there's no way to move it that far to the right, completely away from the deck,  
716 because now I'm pretty much in the side yard.  
717  
718 JAY HOOLEY: Actually if you...if you don't...with your approval, Mr. Chairman, if you'd like to step forward, you  
719 can look at this scale model...  
720  
721 JASON PARENT: Thank you.  
722  
723 JAY HOOLEY: ...and maybe you'll understand a little better what we're driving at. In your drawing, the pool is  
724 almost as big as the home, but if you look at this...And in the drawing, the right end of the yellow area did align  
725 with the right end of the home. That would, you know, roughly...  
726  
727 JASON PARENT: Mm-hmm.  
728  
729 JAY HOOLEY: ...get you, at that scale, much more out of the buffer.  
730  
731 JASON PARENT: Right.  
732  
733 JAY HOOLEY: And that's what we're...  
734  
735 JASON PARENT: If I were to slide it, I'd be using...  
736  
737 JAMES SMITH: Well, see the problem is then you've got your deck, then you wanted 15 feet. That's what  
738 forces it back.  
739  
740 JASON PARENT: Oh, I see. This represents the foundation?  
741  
742 JAMES SMITH: Right.  
743  
744 JASON PARENT: Gotcha.  
745

746 JAMES SMITH: Yeah.  
747  
748 JAY HOOLEY: By going to the right...  
749  
750 JASON PARENT: Is there a way to...? Yup. Is there a way to...?  
751  
752 JAY HOOLEY: But without the...  
753  
754 JASON PARENT: The stairs go down this way, so as you, to your point, if I were to move this with the stairs  
755 going down, it wouldn't be a deck that you could try do anything crazy off of, but as the steps go down, I could  
756 probably move it this way more.  
757  
758 JAY HOOLEY: Right.  
759  
760 JAMES TOTTEN: From that, it appears that's there's a way to do it and meet 100%...  
761  
762 JAMES SMITH: Yeah.  
763  
764 JAMES TOTTEN: ...of what the Conservation Commission requested.  
765  
766 JAMES SMITH: Technically, if you moved over here, you're completely out of it.  
767  
768 JASON PARENT: I'm [indistinct] using any of the buffer, though, but then I'd be giving up...I guess the other  
769 piece to that was the fencing would be also a shield of brush growing up and growing back.  
770  
771 JAMES TOTTEN: Right.  
772  
773 JASON PARENT: Instead of out of control with that, so...I'd be more apt to try to squeeze it into not use the  
774 buffer, if that were the case, keep it mowed and keep it lawn.  
775  
776 JAMES SMITH: Well, you...  
777  
778 JASON PARENT: Versus allowing what's essentially...I understand about trying to...  
779  
780 JAMES SMITH: Okay, one of the things you have to also remember. When you have this pool, you're going to  
781 have a fence around it.  
782  
783 JASON PARENT: Yes.  
784  
785 JAMES SMITH: It's going to be required. So whether you can see it or not, I'm not saying...I would be  
786 surprised that you're going to have somebody looking out the window every time somebody's out there in the  
787 swimming pool.  
788  
789 JASON PARENT: No, I would agree. I'm just thinking it's...

790  
791 JAMES SMITH: Yeah.  
792  
793 JASON PARENT: ...you want to have the pretty clear line of sight, just in case.  
794  
795 JAMES SMITH: Well, but again...  
796  
797 JASON PARENT: My youngest is four and I think he could probably get in through a fence real easy.  
798  
799 JAMES SMITH: Yeah. And again, I think...you see our frustration. Without being able to pin that down and  
800 come up with a clear idea where you're proposing to put it and actually show the dimensions, that's what's  
801 making this very difficult.  
802  
803 JASON PARENT: If this was the buffer, thought, and they're asking for half and...  
804  
805 LARRY O'SULLIVAN: Please don't consider what they're asking for.  
806  
807 JASON PARENT: Okay. I'm sorry.  
808  
809 LARRY O'SULLIVAN: Alright? Now, they made a recommendation for us.  
810  
811 JASON PARENT: Yes, sir.  
812  
813 LARRY O'SULLIVAN: That's as far as it goes.  
814  
815 JASON PARENT: Okay.  
816  
817 LARRY O'SULLIVAN: What we have to do is we have to use what the best interest of the town is...  
818  
819 JASON PARENT: Okay.  
820  
821 LARRY O'SULLIVAN: ...right, as our judge. Our criteria. At least one of them.  
822  
823 JASON PARENT: Okay.  
824  
825 LARRY O'SULLIVAN: So...  
826  
827 JASON PARENT: So it's not just about that 25 feet. Okay.  
828  
829 JAMES SMITH: That has bearing on it, but not the total...  
830  
831 JASON PARENT: Okay.  
832  
833 JASON PARENT: Thank you for this. Thank you, Richard.

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NEIL DUNN: Am I getting a sense that we want harder numbers...

JAMES SMITH: I would be much more...

NEIL DUNN: ...so that if Mr. Parent was willing to go mark it off and give us hard numbers that we could put in a variance and say no more than five feet into the buffer or whatever, we had some real numbers that we can deal with and enforce for Richard? Because now...

LARRY O'SULLIVAN: Right now, Richard isn't about to enforce this.

JAMES SMITH: No, no, no.

LARRY O'SULLIVAN: Obviously the location is...

JAMES SMITH: As far as the location of where the pool is.

LARRY O'SULLIVAN: It's the chemicals. Can we buy off on the chemical side? I guess that's where...what we really should be speaking about now because we all have the flavor that this is going to fit somewhere. This is pool is going to fit somewhere on this yard. The issue is going to be how are we going to monitor it? I mean, the legislature does something "inefficient to legislate," or something along those lines, when they...I mean, we can be going back and forth about this and still...you know, we're putting potentially dangerous chemicals...if the next owner says 'I want to go back to chlorine,' and throws chlorine in the thing or whatever else that it's going to be, so it's...you know, how are you going to monitor it? We put ourselves in a situation where it's like a free-for-all because we're not going to do anything...it's like having no policemen. Plenty of stops signs and no policemen. So that's what we've got.

JAY HOOLEY: If you put that in with an expectation of enforcement, yes. But to Richard, if I could please, if he does bring this in so he's not encroaching on the buffer, puts it in the right side of the yard, there's no restriction whatsoever...

RICHARD CANUEL: No restriction.

JAY HOOLEY: He can use any chemicals he wants?

RICHARD CANUEL: No need for a variance.

JAY HOOLEY: Nothing.

RICHARD CANUEL: That's right.

JAY HOOLEY: So it's that buffer is the only reason for the variance...

RICHARD CANUEL: That's correct.

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JAY HOOLEY: ...and he could put a pool not within the buffer and there would be zero restriction whatsoever on the chemicals.

RICHARD CANUEL: Absolutely.

JAY HOOLEY: Enforceable or not, there would be no...yeah.

LARRY O'SULLIVAN: I understand. But it's outside the buffer and that's the whole purpose of the buffer, right? To protect the aquifer, protect the water flow, protect the...that's the reason why we have a conservation overlay in there.

JAMES SMITH: I think this is one of the problems that we have with a lot of these situations. There is no mechanism within the Town to try to enforce some of these situations. I mean, even if you're...

LARRY O'SULLIVAN: The lot itself is an example of that.

JAMES SMITH: Yeah. Even if you write it on the deed, I would venture to guess the next time somebody buys the house, they probably won't even read the deed to know what the deed's saying. Because I would venture to guess when you bought the house, nobody actually showed you where this conservation line was.

LARRY O'SULLIVAN: This was a new house, though, right?

JASON PARENT: Correct. Yes, sir.

JAMES SMITH: Right.

LARRY O'SULLIVAN: It was a built house.

JAMES SMITH: And again, this is typical of what happens with most home buyers. They buy a piece of property, for some reason there is minimal explanation about any restrictions that may or may not be on the property, and it's just the way it is.

LARRY O'SULLIVAN: Okay, so when this house was built, what was it, about seven years ago?

JASON PARENT: 2008.

LARRY O'SULLIVAN: 2008?

JASON PARENT: Yes.

LARRY O'SULLIVAN: So we had current administration there, right?

RICHARD CANUEL: Mm-hmm. Yup.

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LARRY O'SULLIVAN: So the builder came in, filled in land, backfilled, and planted grass in the COD. Because the COD was there then.

RICHARD CANUEL: Mm-hmm.

LARRY O'SULLIVAN: And we did nothing?

RICHARD CANUEL: They're not allowed to put turf grass in the COD. But they can certainly put grass seed.

LARRY O'SULLIVAN: What's the significant difference there?

NEIL DUNN: Then it's just not supposed to be mowed?

RICHARD CANUEL: Because turf grass is chemical dependent. Whereas seed is not.

LARRY O'SULLIVAN: So back there, we know that there's seed.

RICHARD CANUEL: Yeah. A typical builder seeding, either hydro-seeding or you know, hand thrown seed or whatever but yeah, as long as it's not turf grass or actually laying turf there in the CO district, then that's fine.

JASON PARENT: That's exactly what it was.

LARRY O'SULLIVAN: And no chemlawn?

RICHARD CANUEL: Again, you know, how do you enforce something like that?

LARRY O'SULLIVAN: I know.

JAMES SMITH: Wasn't it a requirement to put some markers or something?

RICHARD CANUEL: Well, the wetland area is...yeah, they are marked.

JAMES SMITH: Yeah.

RICHARD CANUEL: Or it was marked at the time of the development, yes.

JASON PARENT: We have conservation signs on the trees around the area now. It wasn't put in initially, but it was put in...

RICHARD CANUEL: Yeah, it was part of the completion of that subdivision that they had to do that.

NEIL DUNN: Mr. Parent, how long is the filter you're proposing...do you know what the life of it is?

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JASON PARENT: The cartridge filter system?

NEIL DUNN: Yeah, the complete system. Not the filter you would replace. I presume that's a maintenance type thing.

JASON PARENT: Correct. That is. Yup.

NEIL DUNN: But is there a warranty or a life expectancy of 30 years on the product or anything of that nature that you're aware of?

JASON PARENT: Yeah, he seemed to think...he didn't mention, this was Blue Dolphin Pools that we talked to, he didn't mention the need to replace that filter system. The actual system.

NEIL DUNN: Right.

JASON PARENT: So it's just the cartridges that you purchase. And I don't know if there's a way to prove that I'm buying environmentally friendly products to show the Town or to do my part.

NEIL DUNN: Well, you would do a pool inspection.

JASON PARENT: I know it can't be policed, but..

NEIL DUNN: You do a pool inspection, right? For the electrical and...?

RICHARD CANUEL: Well, we do during the initial installation, yes.

NEIL DUNN: So if we...and again, I'm not trying to throw more on you, but if we said it had to be a...just on the initial inspection, not the chemicals, the filter, the filtration system had to be one of these approved, that shouldn't be hard to verify.

RICHARD CANUEL: Not at all.

NEIL DUNN: And then we would presume that it has a 30 year plus life and yes, he's going to change his filters. My bigger concern is not knowing how much we're encroaching anywhere. So I would like to see some harder numbers of...

JASON PARENT: I understand that.

NEIL DUNN: ...[indistinct] four feet into the 25 setback or whatever.

JASON PARENT: Right. But if it's...in just looking at where I flagged it within, again, I know it's only one component, but that 25 feet of buffer, again, on the east end of where the pool and decking and fencing

008 would be, that's within...it's in 25 feet of the buffer in that end of the pool. It's probably to 30 in the middle of  
009 the pool area and then 35 feet at the end of the pool. I don't know if that helps, but that's what I'm looking at.  
010  
011 JAY HOOLEY: And that's with it centered behind the home?  
012  
013 JASON PARENT: Correct.  
014  
015 JAY HOOLEY: It's possible that you could meet the 25 by going somewhat to the right. Is that...?  
016  
017 JASON PARENT: Yeah.  
018  
019 JIM BUTLER: Mr. Chairman? Are you working with the pool company now?  
020  
021 JASON PARENT: Yes.  
022  
023 JIM BUTLER: You are?  
024  
025 JASON PARENT: I mean, he came out to the house to...  
026  
027 JIM BUTLER: Take a look, yeah.  
028  
029 JASON PARENT: ...take a look, yes.  
030  
031 JIM BUTLER: Is there any way that they would provide you, understanding the con...do they know the  
032 conditions that you have?  
033  
034 JASON PARENT: They do.  
035  
036 JIM BUTLER: They do? Is there any way they could provide you some scale drawings as to exactly where the  
037 pool is going to be...  
038  
039 JASON PARENT: I could ask. Sure.  
040  
041 JIM BUTLER: ...in relation to the lot?  
042  
043 JASON PARENT: Mm-hmm. I could ask.  
044  
045 JAMES SMITH: I think that's what I'm looking for...  
046  
047 JIM BUTLER: Yeah.  
048  
049 JAMES SMITH: ...and I think that's what Neil would be looking for.  
050  
051 JASON PARENT: Okay.



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JAMES SMITH: In other words, so that we can say 'this is what we're going to give you a variance on...'

JASON PARENT: Okay.

JAMES SMITH: '...and this is where it has to go, not four or more feet beyond it or two feet this way, but right there,' then we know how much the encroachment's going to be...

JASON PARENT: Okay.

JAMES SMITH: ...and everybody is...

NEIL DUNN: Then Richard could measure.

JAMES SMITH: He's got something to work with.

JASON PARENT: Okay.

JAMES SMITH: In other words, you keep...you say you're gonna need 25 here, 35 feet...but again, we're looking at a curve, it's not a straight line.

JASON PARENT: Okay.

JAMES SMITH: And that's where I'm at. I think, at this point, unless anybody...Do you have any particular questions?

JAMES TOTTEN: I do not, no.

JAY HOOLEY: I would only suggest that you make certain that you explore the option of going to the right...

JASON PARENT: Sure

JAY HOOLEY: ...as much as possible.

JASON PARENT: Okay.

JAY HOOLEY: And you may find out that you don't need to come back at all.

JASON PARENT: Okay.

JAY HOOLEY: If you can...I'm sorry, you'd have to come back but that you may be able to meet their request for the 25 feet.

JASON PARENT: Okay.

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JAY HOOLEY: You'd have to go, yeah, way out to the right and forward to get out of there completely.

JASON PARENT: Okay. If I was able to submit these scale drawings, would I need to come back next month to present this all over again and...?

JAMES SMITH: Not all over again...

JASON PARENT: [indistinct], or could I just send it to you and then you levy your decision?

JAMES SMITH: We would continue the case tonight to the next monthly meeting. We would then take a look at whatever you bring in for...and it would just continue from this point on.

JASON PARENT: Okay.

JAMES SMITH: So we wouldn't start the whole thing all over again, no.

JASON PARENT: But I do have to wait until mid to late May to be heard again?

JAMES SMITH: Yeah. Is everybody agreeable to that approach?

JAMES TOTTEN: I am, yeah. Makes sense.

JAMES SMITH: Then I would ask for someone to make a motion to continue the case.

LARRY O'SULLIVAN: Just to make sure we know what we're going to be getting back, right, to make this so that we don't have to have any more delays, what we would like to be able to see is a proposal that includes the drawing of where this is going to fit on the lot in relation to the COD and the buffer. We'd like to have a measurement of how far in the buffer this is going or whatever you come back as proposed. Right? Is that pretty much it?

JAY HOOLEY: To include anything constructed, including the...

JAMES SMITH: The extensions.

JAY HOOLEY: ...pads, the fence, you name it.

JASON PARENT: Okay.

LARRY O'SULLIVAN: And you already gave us the impression that, or gave me the impression that with the proper filtering system, there wouldn't be any issue about chemicals or what have you, spills, and the like and filter changes and so on.

NEIL DUNN: Maybe in 30 years, but yeah.

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LARRY O'SULLIVAN: Richard, and that's an easy to verify type of scenario? Because my fear has been with something...or almost everything that people have asked for, has always been that they're going to put something in their pool that's going to poison their neighbor. Alright?

JAY HOOLEY: [Indistinct] swim in it.

RICHARD CANUEL: Yeah, if it's a particular type of filter system that's installed as part of the pool installation, then yeah, that's easily verifiable. As opposed to try to enforce the introduction of chemicals at some point in the future.

LARRY O'SULLIVAN: Right, well I'm willing to buy in on that, too.

RICHARD CANUEL: Yeah.

LARRY O'SULLIVAN: Just as long as we had that specification in whatever's proposed to us. Right?

JAMES SMITH: Okay.

LARRY O'SULLIVAN: Now is that...should there be further refining of that? I mean, I'm game, but...

JAMES SMITH: No, I think he understands what we're trying to get at.

JIM BUTLER: The one thing on the pool filter is if you can get from the manufact...can you introduce other chemicals into that pool filter except what is specified? Do you see...? In other words, if it's a charcoal filter, you can't put anything in there except a charcoal filter versus being able to modify it and dump other chemicals or chlorine in it.

NEIL DUNN: No, I think the filter system is talking about how it handles it and you don't have to backwash it and spew water out...

JASON PARENT: Correct.

NEIL DUNN: ...on your cleanings. You change the filter. But to your point, chlorine and charcoal filters don't get along well, so if it's charcoal filter system, then he's probably not going to want to be playing with chlorine or he's going to be buying the filter more frequently than he really needs to. But yeah, it gets back to...but, I mean, that was my bigger point, that it's not a back flushing thing where normally, you have to...I don't have a pool. Do you? Don't you have to back flush them and do all that? Well, this avoids that so you're not throwing that water out and, to me, that's probably half the battle.

JASON PARENT: Correct.

NEIL DUNN: Kids splashing, I don't think, is going to be as...That's why I'm more concerned about that buffer, so...

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JIM BUTLER: Mm-hmm.

LARRY O'SULLIVAN: So that ought to do it, then.

JASON PARENT: Okay.

LARRY O'SULLIVAN: Alright?

JAMES SMITH: Okay, do we have a motion to continue the case?

LARRY O'SULLIVAN: I make a motion to continue case 3/20/2013-1 to our May meeting.

JAMES SMITH: Do we have a second?

JAY HOOLEY: Second.

JAMES SMITH: All those in favor?

NEIL DUNN: Aye.

JAY HOOLEY: Aye.

JAMES TOTTEN: Aye.

LARRY O'SULLIVAN: Aye.

JAMES SMITH: Aye. Okay, you're continued to the next monthly meeting.

RESULT: THE MOTION TO CONTINUE CASE NO. 3/20/2013-1 TO THE MAY 15, 2013 MEETING WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED,



NEIL DUNN, CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

**APPROVED MAY 15, 2013** WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY JAY HOOLEY AND APPROVED 4-0-0.