

Approved: September 24, 2015

Town of New Castle Zoning Board of Adjustment
August 27, 2015
7:00 PM

Members Present: Chair Todd Baker, Russell Cox, Rebecca Goldberg, John Fitzpatrick, Margaret Sofio

Others Present: Elaine Clement, Jane Page, Samuel Page, Jennifer Schwartz and Ira Schwartz

Chair Baker called the meeting to order at 7:03 pm.

1. Public Hearings:
 - a. **Case #2015-02 filed by Jane R and Samuel W. Page, owner of 2 Duck's Head (Tax Map 4-3-1). Applicant seeks a Special Exemption per Article 4.3 Section 2 of the Zoning Ordinance to add a two-(2) foot lattice top to an approved six (6) foot privacy fence.**

Chair Baker opened the Public Hearing and noted that the application was properly filed, the fees paid and the abutters notified.

Mr. Samuel William Page explained that they are requesting a two foot lattice addition to a six foot privacy fence. He said the six foot fence would not be adequate because their property is sloped. Mr. Page said they feel the lattice would be more attractive than a higher straight board fence.

Mr. Russell Cox asked what the special circumstances are that merit a two foot addition to the six foot fence.

Mr. Page said the two foot addition is in keeping with a number of other fences in the area which are eight foot fences. He distributed photos of his back yard to the members; noting that the back of their neighbor's house is a dog run and the dogs bark when they are out in the yard or on their porch. Mr. Page noted also that the chain link fence on the neighbor's yard is not attractive.

Mr. John Fitzpatrick asked if there have been any objections from neighbors to the additional two feet of the fence.

Mr. Page said he has heard no objections from the neighbors.

Ms. Margaret Sofio noted that there was a letter from the Duck's Head Association approving and supporting the fence.

Chair Baker asked if the neighbor with the chain link fence is a member of the Association and Mr. Page said they are not and said that they are on Springhill Road.

Mr. Page said the dogs are the main reason for asking for approval of the fence.

Chair Baker asked if there was anyone from the public that would like to speak to this request. There being no comment Chair Baker closed the Public Hearing at 7:09 pm.

Mr. Cox said he has no objection to the request. He said similar fencing has been approved at other locations.

Ms. Rebecca Goldberg said she has no problem with the request as long as there are no objections from the abutters. She noted that it would be more of an impact for abutters on Springhill Road. Mr. Fitzpatrick said he lives on the other side of Springhill Road and he has no objections to the additional two feet.

Ms. Sofio said she has no objection and noted that she drove by and saw the slope of the yard and said due to the slope the six feet fence would not provide much privacy.

John Fitzpatrick MOVED to approve the petition for Case #2015-02 filed by Jane R and Samuel W. Page, owner of 2 Duck's Head (Tax Map 4-3-1) seeking a Special Exemption per Article 4.3 Section 2 of the Zoning Ordinance to add a two-(2) foot lattice top to an approved six (6) foot privacy fence; this was SECONDED by Rebecca Goldberg and APPROVED unanimously.

b. Case #2015-03 filed by Elaine Clement, owner of 15 Shaw Circle (Tax Map 10-11). Applicant seeks replacement of failed leach field and updated septic tank, which falls within the wetland setback per Article 9, section 2.

Chair Baker opened the Public Hearing at 7:12 PM. He noted the application was properly filed, the abutters notified and the fees paid.

Elaine Clement introduced herself and said she has a new set of plans to submit. She noted that the plans have changed to allow two ornamental trees which provide privacy on her patio to remain. Ms. Clement said therefore the leach field has been moved to allow that to occur. She said in 1950 the septic tank was made of concrete and the leach field was constructed of lead clay pipes. Ms. Clement said both are located in the backyard which is ten feet from wetlands. She said she was told this summer that the leach field has failed and the pipes have imploded and she would need to replace the leach field. Ms. Clement would like to replace the tank as well to put in place state of the art equipment. She said Tim Bodwell recommended the Singulair Green system (she distributed a pamphlet on the system to the members). Ms. Clement noted the system consists of three chambers and the water comes out almost clear at the end so it does not require as large a leach field. She said she is applying to the board because her lot is next to Class A wetlands. Ms. Clement explained that her lot is 75 feet deep and the entire lot is within the buffer zone. She said the leach field will be placed in the front yard to be as far from the wetland as possible. Ms. Clement said this proposed system was approved by both the Conservation Commission and the Planning Board.

Margaret Sofio said the Conservation Commission was very enthusiastic about this proposal.

Ms. Clement said one of the stipulations from the Conservation Commission regards the maintenance plan which will be required not only of her but of future owners. She explained that the company that installs the septic system will ensure the equipment is maintained and treated properly.

Ms. Goldberg asked if there is the possibility to hook up to sewer and Ms. Clement said that is not an option.

Ms. Sofio said that most of her neighbors are moving to this type of system.

Mr. Cox said the system proposed is a large improvement over what is there currently.

Chair Baker asked if there was any public comment; as there was none he closed the Public Hearing at 7:20 pm.

Russell Cox MOVED to accept Case #2015-03 filed by Elaine Clement, owner of 15 Shaw Circle (Tax Map 10-11) and to approve the replacement of a failed leach field and updated septic tank, which falls

within the wetland setback per Article 9, section 2; this was SECONDED by John Fitzpatrick and APPROVED unanimously.

c. Case #2015-04 filed by Jennifer and Ira Schwartz, owners of 96 Main Street (Tax Map 18-4). Applicant seeks a variance to Article 7 Section 51 to expand a shed which is built within the side yard setback.

Chair Baker opened the public hearing at 7:21 pm and noted that the application was filed properly, the fees were paid and the abutters notified.

Mr. Ira Schwartz stated that the shed in question was constructed in 1984 and has deteriorated considerably. He said they are in need of additional storage space so they are requesting an expansion of 2.5 feet of the shed toward the center of the property. Mr. Schwartz said this will allow more storage of outside items during summer and winter. He said they would like to change the outside of the shed which is currently sided with "T-one eleven" siding and replace it with clapboards. Mr. Schwartz said they will not tear down the existing shed, but will remove one wall and extend it out and place the clapboards over the existing siding. He said the shingles on the roof will be replaced and the angle of the roof will change.

Ms. Schwartz said the design of the shed is consistent with a smaller shed on the other side of the property. She noted there have been no objections from abutters.

Ms. Goldberg asked what the height change will be of the shed.

Mr. Schwartz replied that the height of the shed will change from nine feet to ten feet.

Ms. Schwartz said the height change will not affect any abutter's view of the water.

Mr. Schwartz said the town regulations require five criteria for a variance; (1) no reduction of property value – the proposed shed will enhance property values because the new building will be better looking and the backyard will be less of an eyesore; (2) benefit the public interest – the proposed shed will allow the owners the possibility of not covering various items with tarps during the winter; (3) denial would be a hardship – the proposed shed is needed because the home has a wet basement so items cannot be stored in the basement and there is no garage; (4) substantial justice – the proposed shed is a needed item; (5) not contrary to spirit of the ordinance – the proposed shed will provide a more harmonious backyard.

Chair Baker asked if there were any questions or comments from the public; as there were none he closed the Public Hearing at 7:29 pm.

Russell Cox said the addition to the shed is within the property and not in the setback and will hardly be noticed by anyone once it is done.

Margaret Sophio MOVED to grant the variance for Case #2015-04 filed by Jennifer and Ira Schwartz, owners of 96 Main Street (Tax Map 18-4) to Article 7 Section 51 to expand a shed which is built within the side yard setback; this was SECONDED by Rebecca Goldberg and APPROVED unanimously.

2. Approve minutes of meeting held on April 16 2015

John Fitzpatrick MOVED to approve the April 16, 2015 minutes as written; this was SECONDED by Margaret Sophio and APPROVED unanimously.

3. Old Business

Chair Baker reported that the ZBA is looking for two additional members. He said there is a possibility that Mark Gardner will join the board in September (which would give the board six members). Chair

Baker said they would like to have seven members (five voting and two alternates). He asked the members to let him know if they had any suggestions for members. Ms. Goldberg said she viewed all the properties before the meeting and asked what would be the best way to approach such a situation.

Chair Baker suggested knocking on the door and introducing themselves as a member of the Zoning Board and ask to view the property.

4. Other business to come before the Board

There was no "Other Business" discussed at this meeting.

5. Set date of next meeting; September 17, 2015

6. Adjournment

Rebecca Goldberg MOVED to adjourn the September 27, 2015 meeting of the New Castle Zoning Board of Adjustment at 7:41 pm; this was SECONDED by John Fitzpatrick and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Zoning Board of Adjustment