



1 subject property is 2.73 acres in a zone that requires 3.5 acres for the construction  
2 of a new multifamily building.

3 4. The property owner is being afforded a reasonable amount of relief to allow for  
4 the full use of his property with no evidence of any negative impacts on others.

5 5. No evidence was presented that suggests property values will be adversely  
6 impacted.

7 6. The variance, as conditioned, represents the minimal amount of relief that is  
8 needed to accomplish the owner's objective.

9

10 Member Moynihan moved to approve the area variance finding that the request meets the criteria  
11 found in 5.6III subject to the following conditions:

12

13 1) The applicant has offered and the Zoning Board has made the approval of the variance  
14 conditional upon the owner of the property being the occupant of one of the units.

15

16 2) Any significant change to the structures or use of the property, as determined by the  
17 Zoning Administrator, will require a new hearing.

18

19 The motion was seconded and voted in the affirmative.

20

21 The Board moved on to deliberations for the multi family special exception making the following  
22 findings:

23

24 1. The existing residential structure on the property is adequate, with minor  
25 renovation, for the proposed use. The town's building inspector has testified to  
26 this in his report to the board.

27 2. The structure is served by two state approved septic systems and a local septic  
28 system designer has certified that in the event of a failure a single replacement  
29 system could reasonably be designed for the site.

30 3. The development on the lot is located so as not to adversely impact abutters.

31 4. Given the size and layout of the structure the approval of a special exception will  
32 bring the entire property more closely into compliance with the town's land use  
33 regulations.

34

35 Member Moynihan moved to approve the special exception subject to the following two  
36 conditions:

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38 1. This special exception approval is contingent on the area variance approval,  
39 specifically see condition #1.

40

41 2. Prior to occupancy of both units the town's building inspector must complete a  
42 final health and safety code compliance inspection

43

44

1 The motion was seconded and voted in the affirmative.

2

3 There being no other business the meeting adjourned at 8:30pm

4

5

6 Stephen Halleran

Richard Colburn, Chair



1  
2 The motion was seconded and voted in the affirmative 4 to 0.  
3

4 **Case 2017-03 Thomas Lappin:** A request to modify the previous approval to operate a 48 seat  
5 restaurant at #19 Bean Road case 2014-06. This application seeks to add 20 outdoor patio seats.  
6 Included in the application is an expansion of the existing parking lot. The hearing was opened  
7 and the applicant explained the details of the proposed 20'x27' patio area. Board members noted  
8 that there was a deviation between the first approval and the number of seats in the restaurant.  
9 After a full discussion on that issue and determining that the application was sufficient the  
10 hearing was opened to the public. Jane Witzel spoke against the application, noting that while  
11 very well done the restaurant as currently configured does have negative impacts on the  
12 enjoyment of their property. Outside seating will only contribute more noise and more light.  
13 Halleran noted that the only issue with the restaurant has been parking on Bean Road. Options for  
14 reducing this were discussed. It was noted that as developed the parking lot is in conformance  
15 with the town's zoning ordinance requirements. An additional six spaces are planned as part of  
16 the patio project. Owner Tom Lappin agreed that parking does occur on Bean Road and that at  
17 times patrons to the restaurant do not utilize the parking lot efficiently. Tom is working on  
18 strategies to improve the lots use. Posting the west side of Bean Road, no parking was suggested  
19 as a way to insure an open lane for emergency vehicles.  
20

21 After completing its review of the application Member Moynihan moved the following:  
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23 The patio application be approved. In approving the application the Board acknowledges that,  
24 without further ZBA review, a relaxing of the town's lot coverage requirement for the  
25 Village Residential zone and a decision by the applicant to include a sprinkler system for  
26 the building resulted in the restaurant being developed with 68 seats and 30 parking spots  
27 (25 customer, 5 employee). The original application called for 48 seats supported by 21  
28 parking spaces (16 customers, 5 employees).  
29

30 In reviewing the patio addition, the Zoning Board made the following findings:

- 31 1. The restaurants development and the businesses summer seating (patio) to  
32 include a maximum of 80 seats, winter seating (no patio) a maximum of 68  
33 seats is reasonable for the size of the lot (1.02 acres, minimum lot size being .45  
34 acres in the VR with water and sewer). While patrons due occasionally park on  
35 Bean Road, the parking lot as developed and as proposed satisfies the minimum  
36 zoning ordinance parking requirements. As part of the patio addition the  
37 applicant has agreed to expand the parking area to include at least six (6)  
38 additional spaces and to explore ways to get more efficient utilization of the  
39 existing lot.
- 40 2. Based on abutter testimony the patio use and resulting noise and traffic has the  
41 potential to impact abutters.  
42

43 **Approval Conditions:**

- 44 1. Site Plan Review approval by the Planning Board with a focus on minimizing  
45 the occurrences of on street parking and the abatement of noise and light from  
46 the patio area.
- 47 2. In completing its Site Plan Review the Planning Board should review the entire  
48 use for compliance with the original site plan for the project. Landscaping along

1           the property line fence may not be completed and is resulting in light and noise  
2           spillover to neighbors.

3

4           The motion was seconded and voted in the affirmative on a vote of 4 to 0.

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6           The meeting adjourned at 9:30pm.

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8

9           Stephen Halleran

Richard Colburn, Chair



1 As part of its review the board made the following findings:  
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3 1) This proposal is for a 137Kw ground mounted solar array which will be approximately  
4 150' x150' in size to be located just to the north of the access road to the water treatment plan  
5 (see file). Individual array tables are to be approximately 11' in height at the tallest point. The  
6 array to be located is in the Village Residential zone.  
7

8 2) The School Board in considering and approving the array for the campus has held three  
9 separate public hearings, including a final hearing in which a project brochure was mailed to all  
10 property owners in the town. During this process, there was near universal support for the array  
11 development from hearing attendees. There were location concerns which were addressed by the  
12 school board in their review process.  
13

14 3) In reaching its decision to move forward with the application, the school board considered the  
15 safety of the students and determined the array would not pose a significant threat to the student  
16 body or other users of the property.  
17

18 2) The application satisfies the general standards for granting a special exception found in section  
19 5.6II of the zoning ordinance.  
20

21 3) The application satisfies the specific standards found in section 3.18 of the town's Zoning  
22 Ordinance, 2015 edition.  
23

24 4) The application specifies underground electrical conduit for the project.  
25

26 A motion to approve the use was made, seconded and voted in the affirmative. The approval was  
27 conditioned as follows:  
28

29 1) Site Plan Review approval by the Planning Board with a focus on screening for abutters.  
30

31 2) Prior to issuance of the building permit for the project, the town is to receive a project  
32 acceptance letter from the receiving utility company and a letter from the School Administration  
33 detailing the safety assessment that was conducted for the array.  
34

35 3) Code compliance review by the Town's Building Inspector.  
36

37 4) At a minimum a protective barrier, acceptable to the building inspector, must be provided to  
38 keep the public away from the high voltage components of the array.  
39

40 5) Any significant change to the array either in size or location, as determined by the Zoning  
41 Administrator, will require a new hearing.  
42

43 The meeting adjourned at 8:15pm.  
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45

46 Stephen Halleran

Richard Colburn, Chair



