



Minutes
November 9, 2010

7:06 P.M.

Present: Christopher Neeven, Chair, Erik VanBuskirk, Robert Jensen, James Killion, and Harold Mitchell

Absent: Fred Watt

7:07pm

Approval of Minutes

Mr. Jensen moved the Board approve the minutes of October 26, 2010 as written. Mr. Van Buskirk seconded. The vote was unanimous.

7:07pm

Modification Request

Special Permit #10-11

138 Main Street

Frank and Janice Colombo

Chairman Neeven read a letter from Dr. Colombo requesting that the Board modify the Special Permit #10-11 granted to him to allow for the storage of firearms on his property. Dr. Colombo addressed the Board and explained that the ability to store firearms on the property is a condition of receiving his state license. He told the Board that on rare occasions it might be necessary for him to hold a gun overnight or for a day or two until the purchaser could pick it up.

Mr. VanBuskirk made a motion that the Board of Appeals modify Special Permit #10-11, 138 Main Street, to allow Finding #9 to be amended by removing the words "guns or". Mr. Mitchell seconded. The vote was unanimous.

7:14pm

Board Discussion

Forestdale Village Lotting Plan

Attorney Jonathan Fitch, Steve Powers, owner, and Chris Bailey were present. Mr. Fitch stated that there were conditions from the May decision that need to be met. There had been some delays due to the fact that the engineering firm had been replaced. Because the Department of Housing and Community Development (DHCD) will not even speak with Atty Fitch regarding the Forestdale Village project until a plan showing lot numbers is on file and showing which units are affordable housing units, he asked the Board to agree to proceed serially with approvals.

Mr. Sam Jensen, Asst. Town Engineer and Peter Spiro, Building Inspector, were present. Mr. Jensen expressed concern with the serial approach because it is more difficult to make physical improvements when the property lines are defined first. Board member Robert Jensen asked if it would be possible to work in tandem with DHCD and wondered how much more work was required to go forward. Mr. Sam Jensen replied that he had yet seen enough detail.

Mr. Jensen stated that he needs to that the roads, drainage, and utilities were going to fit well into the plans. Mr. Fitch assured him that he would have a new set of plans to review on 11/10/10 which would be responsive to his requests for information. He went on the say that all the risk was on the part of Mr. Powers because is a mistake were made, the applicant would have to come before the Board again.

Mr. Killion asked Mr. Powers what the biggest pitfall would be if the project proceeds serially. He replied that getting boxed in if something was not right. Mr. Fitch then said that the Town and the Board were protected by Condition #23. Nothing is finalized until all plans are complete. Mr. Killion then asked Mr. Jensen how much more work or how much more time would it involve for him. Mr. Jensen said it was hard to say at this time, but it could possibly take twice as long. Mr. Mitchell commented that it is ideal when the roads go in first.

Mr. Jensen also mentioned that he needs any waivers that are being requested. Mr. Fitch would like to submit the waivers as minor modifications. Mr. Neeven said that he "wants to do it the right way once". Mr. Robert Jensen asked if there were a list of anticipated waivers. Mr. Fitch said that the list of waivers would be given to the Planning and Development office with the lotting plans tomorrow (11/10/10). Mr. Neeven requested that the list of waivers requested by sent out to the Board when it comes in to the office. Mr. Fitch asked that Forestdale Village be placed on the agenda for the next Board of Appeals meeting to be held on November 23rd.

Mr. Jensen motioned to adjourn. Mr. VanBuskirk seconded. The vote was unanimous. The meeting adjourned at 8:49pm.

Respectfully submitted,
Marilyn K. Bassett

