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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Tue Sep 21, 2004 3:37 pm
Subject: Southeast ZBA Recap 9/20/04

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Hi All,

Below is a fairly brief recap of the Zoning Board of Appeals meeting last night. I'm serious-
really, it's short.

As always official minutes will be available within two weeks. And as always the comments
that follow are my own. And, NB, not nearly as snippy as usual. I love this Board. I
got some sleep, plus there is good news to report. Also note that I arrived at the meeting
late so I missed the beginning of this item.

I am only reporting on agenda item one as the remainder of the meeting centered around the
usual deck, garage, and shed labyrinth of variances.

AGENDA:
1. Ross Alan, Welfare Road:

The applicant felt that since this subdivision (High Meadow Farm) 'almost had approval' for
four lots when he purchased the property it should remain as such. Using the Town's
Resource Protection Plan formula the Town engineer found that the property could only
accommodate 3.5 houses and RP plan clearly calls for 'rounding down' - thus three lots.

The applicant's attorney, Mr. Lusardi, argued that the additional house would not impact the neighborhood since it would 'not be seen'.

Several audience members commented that the environmental impacts in this already flood prone area would be great . CRSE Board member, Brian
Alberghini, brought a photo illustrating this point. And I added, on behalf of CRSE, that circumventing the Resource Protection Plan would set a
dangerous precedent, previously indicated in a letter. The ZBA listened attentively to all arguments.

Zoning Board member Costello noted that although the 'extra' house would not be seen that it's impact would be felt. An extra roof, driveway, septic,
cut trees, and lawn all within an already existing area of problematic storm water run-off.

After over an hour of discussion from all parties the Board voted 6-0 (with one abstention) to deny the applicant a variance from the Resource Protection Plan.

COMMENTS:
Yippee! Did I mention that I love this Board? Although I don't always agree, the ZBA is almost always deliberate and thoughtful. And isn't this the way all Boards should work- with open discussion and resident participation. Democracy at work at the local level. Cool.

Although I've spoken to some who feel that litigation might follow this decision I can't see how a lawsuit could possibly be won. The Board has been considering this application since at least last June and when I tell you they were 'dragging out the hindquarters' last night I mean it. Everything that could have been said was- about ten times over.

Note to Mr. Alan: build the damn houses and run. If memory serves you've actually 'almost' gotten permission to cross wetlands. So if I were you I'd quit pushing that envelope. I mean, I'd love to see a whole new environmentally sound site plan here (since it was based on 4 lots and now only three) but I won't tell anyone if you won't.

So many thanks to all members of the ZBA. Judging from the time taken this was a difficult decision to reach. Special thanks to Mr. Costello and Mr. Froessel for asking all the right questions and to all of you for doing the right thing.

As always feel free to e-mail me with any questions or comments you might have.

With Best Regards,
Lynne Eckardt