

Ashland Zoning Board
September 26, 2013

Call to Order

Chairman Elaine Allard called the meeting to order at 6:35 PM.

Roll Call

Present – Robert Boyle, Don Latulippe, Eli Badger, Michelle Fistek, Elaine Allard

Other Present – Board Clerk Patricia Tucker; Attorney Mark Puffer; members of the public

The rules of procedure for this public hearing were noted. Chairman Allard stated that the one appeal and the three variances will be addressed before the board makes their ruling.

Case 2013-02 Ralph Lyford/Soldier On
Agent Atty. Richard Uchida

- #1 Request for Administrative Appeal of Building Regulation 7.2 [Minimum Building Area: every dwelling unit to be used by a single family shall have a minimum floor space of 750 square feet excluding garage, decks and porches].

The request is to grant a relaxation of the required square feet from 750 to 450. The occupancy of the units will be for one person only. The developer is agreeable to having a condition of approval stating that the units are for one person only. In order to make this project affordable the size of the units need to be scaled back.

Mr. Uchida stated that the regulation appeared to be a one size fits all. The units proposed in this project would not make sense because requiring larger units would be more costly. The spirit of the regulation is to create safe housing for the occupant.

Board member Badger asked why this is considered low income housing.

Mr. Caswell stated that because this project would be financed through public funding and HUD is for low income or elderly.

Board member Latulippe asked if the project could be scaled back. This item will be addressed when the variances are discussed.

Meeting opened for abutter comments:

Mr. Mills stated that he is against.

Ms. Keller expressed concerns about the future and felt that the regulations should be followed.

Ms. Landroche expressed concerns about the ownership; will the residents be local; answer was not necessarily.

Mrs. McCormack asked if the wetlands were to be built on; answer was no.

Meeting was open to public comments – there were comments both pro and con for the development and as to the size of the units. Concerns were what would happen if “Soldier On” were to leave; what would happen to the buildings.

Atty. Richard Uchida rebutted by stating that they were asking for relaxation of the 750 square foot regulation per dwelling unit. The proposed units range from 455 to 520 square feet consisting of a bedroom, bathroom, kitchen, and living area.

Chairman Allard closed the public hearing at 7:55 PM.

There was a short recess for the board to meet with counsel.

The meeting resumed; it was stated that the meeting would proceed with the appeals for variances until 9:00 PM at which time the meeting will be recessed until a stated time and place.

Chairman Allard read the five criteria needed to be found true by the majority of the board in order for the variance to be granted.

Clerk Tucker read Variance request #1 – Variance from Article 2, Section 2.2d to allow more than six (6) units per multifamily structure.

Atty. Uchida stated that the plan was to have 11 to 14 units per structure; permanent housing development; single male occupancy. The property is 1/3 village residential zone and 2/3 rural residential zone. More units would be a hardship for the project. The property is a unique larger lot with steep slopes and more usual for high density projects.

Criteria #4 – Atty. Uchida stated that the value of surrounding properties would not be diminished because the building area would not be very visible with little impact on the neighbors. ***[The following is from the application] Granting the variance will not diminish surrounding property values. The project is located on a relatively large tract of land and is set back a good distance from Riverside Drive.***

Criteria #3 – Atty. Uchida stated that substantial justice would be done if the project were allowed because the project could not be done with just 6 units per structure. ***[The following is from the application] Substantial justice is done where granting a variance will not cause harm to the general public that outweighs the benefit to the applicant. Here, the Project will not cause any harm to the general public. In fact, the Project will benefit the public by providing a much needed and well-deserved service to our veterans.***

Criteria #2 – Atty. Uchida stated that the spirit if the ordinance is observed by seeing that the lot is not overbuilt; has access to water and sewer, fire protection and the buildings would be sprinkled. ***[The following is from the application] The density provisions of the ordinance at issue are designed to prevent overcrowding, both on a property, and within a building. In this case, that purpose will be served by granting the requested variances. As noted above, the dwelling units are specially designed for the veteran population being served. A dwelling unit would be occupied by a single tenant and this naturally results in a greater number of smaller units than a typical multifamily development. It does not, however, mean that the population density will increase compared to a typical multifamily development.***

Criteria #1 – The variance will not be contrary to the public interest. ***[The following is from the application] The public interest strongly supports the provision of housing and support services to formerly homeless veterans, as contemplated by this Project. Soldier On has demonstrated success in its programmatic approach to veteran housing and support. That success has come, in large part, from the small, handicap-accessible units that can only be occupied by one male resident. This design promotes independence and dignity, which facilitates the rehabilitations and with well-being of veterans – all consistent with the public interest.***

Note by Applicant -The front of the lot is within the Shoreland Protection Area so the buildings need to be pushed back in order to deal with erosion and stormwater issues; an Alteration of Terrian application will be needed.

The proposed 50 units equal a sense of community.

Open to abutters –

Gordon McCormack Sr. – asked for clarification of the dark gray area on the plan; it is a .55 acre piece of land with undefined ownership.

Further project comments – the water and sewer lines will be brought to the building site [they have met with the Water and Sewer Commissioners and have a letter from them stating that the system can provide the services needed]. The setbacks in both zones are able to be met.

Open for public comments, concerns and questions –

- Of the 8.5 acres only 2 will be used for building
- Noted by applicant staff - Met with fire chief and the driveway was reconfigured in order to better the site for emergency vehicles.
- Will there be sidewalks – there are no provisions for sidewalks; vans are provided for resident
- Noted by applicant staff - Residents are put through a screening process to get into the units
- The property should be treated as rural residential

The meeting was adjourned at 9:10 PM with the next meeting to be held on October 3, 2013 – 6:30 PM – Ashland School Cafeteria

Patricia Tucker, Clerk