

Board of Adjustment: January 15, 1985 Court Room.

Members present: Greg Bohosiewicz (Chairman), Gail Proctor (Clerk), Tom Mitchell, Gary Crooker, Arlene Laurenitis, Silas Little (Town Counsel)
Others present: Hugh & Carol Renwick (abutters), Robert & Ann Prest, Debbie Buxton, Michael & Lynn Lynch (Applicants).

Meeting called to order 7:30 P.M. by the Chairman. S. Little points out to the Board that he feels the POA submitted to the Board is not correct. He felt that the POA was to "sell" the property and not for the application as presented. S. Little feels that the Board can consider it a "technical oversight" and still hear the case this evening. The Board considered this agreeable and stated that the applicants would be required to submit the proper POA before the completion of their process.

G. Proctor read the context of the application and also the Ordinance involved to the audience.

Mr. Lynch then described the intent and purpose of his application. He explained that he and his wife would be operating a boarding school to train professional nannies as child care workers. They would have a maximum of ten trainees and also ten infants in a day care capacity at one time. The children would be in age from 6 weeks to three years. He expected the nannies to be in the age group of 18-25 yrs. and 40-60 yrs. One room would be utilized as a classroom and seven rooms for Boarders.

Mr. Lynch explained how they have worked with the state fire marshall & the local fire chief to arrive at the recommended requirements. He stated that the school will be certified & licensed with the state as also a day care facility. He also submitted a Septic Certification from Davidson's Septic that stated the unit was in sound operating condition. Mr. Lynch described the parking arrangements. Staff parking (4 cars) would be at the end of the driveway only during day hours. Nanny parking would be in the back of the house. Day-care pick-up and drop-off would be in the gravel access in front of the house. Mr. Lynch stated that there would not be any major external changes to the house other than the placement of an external fire-escape. G. Proctor asked for a clarification of the Septic Certification. The statement from Mr. Davidson only describes the condition and type of present arrangement, it does not address the proposed use. Mr. Little pointed out that it appears the present system would not meet the states' (WSFC) requirements.

Mr. Lynch explained to the Board that the present water supply included a drilled well and a dug well. To his knowledge there had not been any problems with water capacity in the past. At one time the property had been used as a dormitory for High Mowing School students.

The detail of the Septic system was brought up again by the Board. The concern by S. Little to the Board was the present system adequate to cover the proposed load? Apparently, the proposed use would not conform to the more lenient, residential only use. Mr. Prest, neighbor pointed out that the neighborhood is ledgy and makes it difficult for an adequate leach field to be installed. He anticipated a potential problem in expanding the existing system. Mr. Renwick, abutter, agreed.

The Board asked the applicants for a more specific detail of the parking areas. Mrs. Lynch produced a sketch indicating the proposed areas. The diagram, done by the applicants, showed a general lay-out of the proposal. S. Little pointed out that the Site-plan Review required by the planning board would need an engineers' approval.

Ann Prest pointed out to the Board that most of the area was wet and contained underground springs and waters.

Mr. Prest addressed potential traffic hazards, especially in the winter

when an accumulation of snowbanks from road plowing made visibility difficult. He stated that the past residents would continue to park their vehicles in front of the house making passage difficult.

Mr. Prest asked if the school would have supervision. The Lynchs would not be residing at the school. Mr. Lynch felt that their students would not need strict supervision. The students would be carefully screened and they would be responsible for placement of their students. There would be no overnight guests permitted. The Lynchs did not anticipate any additional traffic and cars on week-ends. The students would be only residing at the school for 4 months at a time.

Mr. Mitchell inquired about additional lighting. The Lynchs stated that perhaps one or two small lights to illuminate the parking areas and walkways would be installed. Mrs. Prest felt that additional lighting and activity would interfere with the natural habitat of the area deer.

Mr. & Mrs. Renwick pointed out that their main living area would be close to the proposed parking area and headlights from cars parking in would shine directly into their home, especially in the winter.. Mrs. Lynch explained that that area would be designated as staff parking and only used during the regular business day.

The Board brought up the issue of fire protection. According to Mrs. Lynch, Mr. Houle did not anticipate any problems in fire protection. She explained the location of a near-by pond for fire protection purposes.

Mr. Prest pointed out that the "Orchard pond" was not a true "fire pond" and was not acknowledged as such by insurance companies.

Mrs. Proctor asked about the State's guidelines for certification. The proposed school had not been certified by the state at this time..

Mrs. Prest asked about the quality of the water. Mrs. Lynch said the water had been tested O.K. for quality. She did not have the report on hand. Mrs. Prest was concerned about the quality as their well contained a great deal of iron that needed filtration.

Final Comments: The Board asked the audience and applicants for additional comments. Mr. Lynch stated that he felt that his site was appropriate for this use owing to its past history as being used as a residential unit for staff and students at HMS. Mr. Lynch also emphasized that the parking considerations were for the maximum of ten nannies and ten day-care children. They also felt that this use would not change the character of the area. Mr. Prest felt that the proposal was a commercial use and should not be permitted in the area.

By a vote of 4-1 (Tom Mitchell negative). G. Bohosiewicz making the motion and seconded by G. Proctor the Board recessed at 8:36 P.M. The Board readjourned at 8:45 P.M.

The motion was drawn up by Tom Mitchell and seconded by Gary Crooker:

Be it resolved that the application by Michael & Lynn Lynch for a Spec. Ex. to the terms of Article V, Section C-1, A-1, of the Zoning Ordinance for a post-secondary school to train and board professional nannies and maintain a day-care center be granted. The Board unanimously defeated the motion 5-0. For the record and for the benefit of the applicants the following reasons were stated in the Board's decision for denial: 1. The parking and traffic outlay did not show the exact numbers, locations, and dimensions of the areas. 2. The submitted septic survey only established that a residential system in sound condition existed. 3. The adequacy of water volume for this intent was not established. 4. The fire marshall's review only included the day-care aspect of the proposal. 5. No evidence was presented to sanction this proposal as a "post-secondary training school" as stated in the application.

Mrs. Lynch pointed out to the Board that in order for them to formally apply with the State they needed to own the "actual space". The Chairman explained to the applicants the procedure for rehearing. Meeting was adjourned at 9:00 P.M., motion by Tom Mitchell & seconded by Gary Crooker.

Signed: Gail Proctor, Clerk