Town of Rutland  250 Main Street, Rutland, MA 01543

December 27, 2018

Town of Rutland
Zoning Board of Appeals

Minutes: December 27, 2018
Meeting Opened: 6:30 P.M.

Attendance:

Board Members Present: Richard Surrette (Chairman), Chris Senecal (Vice Chairman), Robert Paulsen, Jacob Morris, Arthur Wells

Board Members Absent: Paul Kirrane

Guests: George Kiritsy, Jeffrey Bonina, Linda Bonina, Bernie Nowak, William Cassanelli, Nancy Austin, Ann Gwyther, John Gwyther, Tom Olson, Marcia Olson, Pam Chenevert, Vinny Chenevert, Jeff Stillings, Peter Heaney, Tomeca Murphy (ZBA Secretary)

Application Submissions:
None

Votes:

Motion to accept meeting minutes from December 5, 2018—Motion made by Chris Senecal, seconded by Arthur Wells; vote unanimous at 8:07 P.M.

Motion made to close the meeting—Motion made by Richard Surrette, seconded by Arthur Wells; vote unanimous at 8:08 P.M.

Hearings:

Application for Special Permit: LJB 25 Finn Park Realty Trust & JLB 21 Finn Park Realty Trust (Linda & Jeffrey Bonina, 21 & 25 Finn Park Rd.)

Memos provided for review from the Board of Health, Building Inspector & Planning Board (copies available at Office of the Town Clerk).

The board received letters from Ann & John Gwyther, 23 Finn Park Rd. and Barry Heinluoma, President of the Finnish Heritage Society. The letters were reviewed by the board and discussed at the open meeting.

Notes: Owners Linda and Jeffrey Bonina were present with their attorney, George Kiritsy. Also present were Jeffrey Stillings, Board of Selectman liaison to the Board of Appeals and William Cassanelli, town building inspector. In addition, 7 abutters were in attendance, as well as two representatives from the Finnish Heritage Society. Owners are seeking a special permit to remove existing and vacant structures on each property and construct a single family dwelling on each of the lots. Owners would like to move the houses further back on the lot from where existing structures currently stand, with the intention of residing in one house and selling the other. Currently, there are no documented plans or further specifications outlining details for the construction, septic plans or subsequent houses. Abutters in attendance raised concerns with the intended plans. Such concerns are outlined as follows:

Vinny Chenevert, 17 Finn Park Rd.—concerned about fitting both the building and Title V compliant septic on such small lots.

Pam Chenevert, 17 Finn Park Rd.—unhappy with the prospect of new construction, resulting in more people on the road that is in rough shape. Also concerned with the proximity to her septic.

Ann Gwyther, 23 Finn Park Rd.—concerned about the septic creating water pollution in Demond Pond. Existing road is unimproved, worried about potential flooding. Also not pleased with the removal of so many trees, making room for houses that would be much bigger than existing structures. Bernie Nowak, Finnish Heritage Society—many people have been using their property for parking without permission, ultimately trespassing in the society's parking lot. They are concerned that new construction would increase traffic and the likelihood that this would continue to happen, opening them up to liability. Also concerned that construction vehicles would cause great damage to the unimproved roadway, especially with there being mostly sand access to the current properties.

Nancy Austin, 34 Finn Park Rd.—concerned about protecting Demond Pond and maintaining proper set backs. Also worried about safety of current structures, however, the board advised that is not within ZBA jurisdiction.

John Gwyther, 23 Finn Park Rd.—concerned about access to both properties. Access to one lot is a cart road and not intended for vehicle traffic nor is it maintained by the town. Also worried about size of replacement structures.

Thomas Olson, 12 Finn Park Rd.—siltation concerns with Demond Pond, since much of it comes from the roadway and construction vehicles could make this
problem worse.

Peter Heaney, Finnish Heritage Society—siltation concerns with construction
William Cassanelli, Building Inspector—lots are too small and do not conform with setback requirements.

Attorney Kiritsy addressed some of these concerns: Any construction done would have to be in compliance with DCR and DEP requirements, which should alleviate concerns regarding any erosion issues. The new houses would be 200 feet from Demond Pond and necessary erosion controls would be put in place. The Title V is designed to avoid pollution and would still have to be approved by the Board of Health before any plans move forward. The board strongly feels that the "non-conforming status" as written in the town by law is in question, which would mean that the owners need to apply for a variance rather than a special permit. The board agreed to continue the hearing to Wednesday, January 16, 2019 at 6:30 P.M. so that Attorney Kiritsy can conduct further research on behalf of his clients. If necessary, the board will refer to town counsel for further clarification.

**Discussions:**

None

Respectfully Submitted,

Tomeca Murphy
Secretary