

**BRANDON DEVELOPMENT REVIEW BOARD HEARING**

**JANUARY 25, 2023**

**VARIANCE REQUEST APPLICATION #6229**

**APPLICANT: MATTHEW & MARCY CRAM LANDOWNER: JENNIFER KEELER**

**BOARD MEMBERS PRESENT:** Sam Stone, Jack Schneider and Jim DesMarais

**OTHERS PRESENT:** Jason Sica, Sue Paro, Mark Brothers, Erynn Doaner, Andy Doaner, Maggie Doaner, Linda Grace, Carrie Fraiser, Josh Fraiser, Marty Feldman, Gabe McGuiugeon, Bill Moore, Matthew Cram, Marcy Cram, Beth Manchester, Lucas Manchester, Kyle Medash, Judy Bunde, Jeff Biasuzzi and Hillary Knapp, Secretary.

The hearing was opened at 7:01pm.

The warning was read and found to be in order.

Matthew Cram, Marcy Cram, Kyle Medash, Gabe McGuigan, Beth Manchester, Lucas Manchester and Jeff Biasuzzi were sworn in.

**Matt:** We are looking to build a 16' by 32' structure on the higher elevation of the lot, which is the western portion of the lot. The eastern portion is in the flood plain. Richard Bell the surveyor is doing the elevation shots to make sure we were out of that flood plain and utilizing the higher elevation. We are looking for a setback waiver on the western line.

**Jeff:** Looking at Base flood elevation and the house will be above base flood elevation and will be placed on a slab. The drive way will be placed through the flood plain and the flood plain manager is on the Zoom for the meeting.

**Kyle:** The house is set up on the higher portion of the lot which is what the State would want to do. FEMA can only make that decision on the lot, the driveway and a possible drainage area and a possible culvert will be added as well. This could be done as a conditional use and avoiding any fill in the flood plain. Depending on how much grading is possible, if we are bringing in 50 cubic feet of stone, we would need to remove 50 cubic feet out of the natural fill. The drainage area in the drawing is a new item but would be a good idea to have for the flood plain. We would need to be documenting what we are doing in the flood plain area.

**Sam:** I went by the site and there is a ton of water there currently even though we are in the middle of winter. I looked at the A & R atlas and it looks like the entire property is in the flood plain?

**Kyle:** The right of way that is mapped, we recognize what the elevations are and the upper portion of the lot was put in the flood plain in error, this has been removed with the LOMA. This area will stay the way it is with the flood plain.

**Jeff:** When you are looking at the site plan and you see Furnace Road on that plan, the square box on the map is a catch basin which was put in by the Town years ago. The water drains towards the town road and this drains to a catch basin and to a culvert. There was a mobile home on this property at one time. The old USGS map only had 20-foot changes of contour shown. The newer maps that have come out have a much more accurate laser measured map. The most accurate information is the site map in the packet. This is also possible wetland. The owners have had the wetland biologist come look at the property and is

a class 3 wetland and would allow for fill. The flood plain does not allow for the flow of water to be changed.

**Sam:** I recognize that this is a hearing on the set back waiver and wanted to have clarification. Regarding the setback, what are the setback requirements and what type of waiver are you asking for and the reason for the waiver?

**Jeff:** Minimum set back waiver of 6 feet, set back would be 20' in the aquifer district.

**Marcy:** We are asking for a waiver for the West portion of the lot and the rest of the setback requirements would be met. This is to keep it out of the flood zone.

**Jack:** What about the setback from the rear line?

**Matt:** The back line is 30'.

**Jeff:** This was warned as a conditional use as well.

**Sam:** The conditional use will have to be a hearing for a later date. Conditional Use and Variance hearings are warned as separate hearings and the conditional use where was not properly warned.

**Gabe:** I am the property owner on the east side, which would be the property to the left if standing on the road. My concerns are the wetland, the drainage and there is a lot of water that goes into that area. When the water does back up it goes directly into my basement. Before they put the catch basin in, the flooding was much worse. When the catch basin clogs my basements fills with water. I have great concern with something that is going to happen in that water collection zone as it has an immediate and great effect on my property. I want to make sure that the current measures are preserved and protected and the construction does not impede in any way the current catch basin and that all of the requirements with the flood plain are met and enforced. I would ask that it be properly document and resurveyed once it has been done. Before the catch basin was put in it used to flood out the next house down the street and it became an issue. By putting something in that pathway it would not be properly drained.

**Jack:** The Catch basin does not do its job?

Gabe: The catch basin gets filled and overwhelmed and does not catch all the water that is coming into the catch basin. We have significant impacts with the catch basin being clogged. The idea of putting anything in the way or reworking it is a concern to the neighbors. With the 6-foot set back, the sketch in the application has the arrow drawn to the other dimension line and not the property line.

**Sam:** This is possibly a 4 foot set back waiver based on the drawing in the packet? Or is the set back is 6 feet.

**Matt:** It is 6 feet and that was a mistake on my behalf and will be 6 feet from the property line. We are going to install another catch basin on the other side of the property, and this was a suggestion from Shawn Erikson and by redefining it will help in redirecting the water. There would be an opportunity to add the sump pump of the neighbor into the new drainage.

**Beth:** One of our concerns is the drainage, when the water lines were replaced, and it flattened out the lines, we had water running into our basement. The water in the past has effected the property across from us as well. With the construction we are worried that water is going to go into our house and that the catch basin will still be able to do its job once construction is done. With redoing the drainage will it help the water not flood the property around. We are also concerned with the house being 6 feet away from the

only private area that we have on our property. We will not be able to use that space on our property in the way that we have in the past. We were looking to do other construction in that area where the house will be 6 feet away from our property line and we would have some reduction of privacy. Will anything need to happen to their property for the structure to be built, will construction equipment have to be driven be onto our property when the house is being constructed. Would the shrubberies, which are the only privacy that we have be removed. The aquifer district is a 30' set back waiver.

**Gabe:** The workable area on the construction site is very difficult and the likely hood of secondary impact is quite high. I want to make sure that other people's property is not filled with silt or debris and this construction could be vulnerable to these things. I also want to make sure that all of these wetland requirements are met. Making sure there are steps on a keeping a tight site. With 6 feet you will not be able to get any equipment without disturbing the adjacent property.

**Kyle:** Knowing how it floods is very helpful and it can be engineered to make sure that those concerns are met. There are always incidentals, and they will happen in the flood plain and all that will need to be documented and permitted to make sure that there are no impacts from that process. The experience of the people that live there is very helpful.

**Jeff:** Section 607 of the BLUO and the slopes and excavating in them.

**Sam:** Is this the least impactful of the setback waiver that the applicant could request? Is this the only option. To go from 30' to 6' set back is pretty significant.

**Jeff:** If you look at the site plan, the west side of the house, the shelf looks like it is 45 degrees to the Northeast and possible to move that to move to the contours. The house would face to the northeast and further away from the boundary.

Meeting was adjourned at 7:50pm

Respectfully Submitted,

Hillary Knapp  
Recording Secretary