

ZONING BOARD OF ADJUSTMENT
MARCH 7, 2013

PRESENT: Wendy Freeman, Chairman, David Lage, Marianne Graham, Joanne Meshna

The meeting was called to order at 7:30 p.m. at the Town Office.

7:35 p.m. USA Properties, Inc. - Continuation of public hearing for variance application:

There was no-one present for the applicant and no verbal or written request had been received for a continuation. The applicant had been scheduled for a hearing on January 2, 2013 and on December 13, 2012 had requested a continuation of that hearing to March. The Board had granted the request and scheduled the hearing for March 7, 2013.

The Board proceeded with the public hearing. Wendy read the letter sent to the Planning Board from USA Properties and dated February 13, 2013. She then referred to the application which is a request from a variance from Article X, Section (D) (4) to permit the construction of roadway, driveway and fill placement within the Wetland and Surface Water Conservation District. Wendy read the applicant's response to the variance criteria to the Board.

Marianne stated that without a presentation she did not have enough information to determine if the applicant's assertions were accurate. David agreed with Marianne that without being able to ask questions it was difficult to evaluate the application. Wendy noted that a variance would be needed for the number of lots. Marianne added that she had questions about the wetlands and how they would be affected and also concerns about the access road. Wendy noted that there appeared to be steep slopes in several of the lots near the wetlands. Marianne also stated that she was concerned about the process being followed when it is the responsibility of the applicant to convince the Board of the need for the variance.

Marianne made a motion to deny the application on the grounds that the Board has not had the benefit of a presentation from the applicant to answer questions and more information is needed. David added that there may be additional variances required. David seconded the motion and it passed unanimously.

8:10 p.m. Beverly Alden - Public hearing for special exception application:

The applicant submitted an application for a special exception to Article V. D. of the Zoning Ordinance to permit a small retail gift and flower shop at 545 Turnpike Road, lot 11/142, Village District II. Ms. Alden explained that the gift/flower shop would be located on the first floor of the dwelling and she would live in the upstairs. There will be no changes to the outside of the building. A sign will be erected. There is parking at the right side of the building for 4-5 cars.

Wendy noted that it appeared there was a paved area and grass used for parking. Ms. Alden stated she was going to put gravel down and use the area to the right side of the house for parking. Mr. William Fannon, the abutter to the east of the property, stated there was grass in that area. He noted that usually with new parking lots catch basins are required for oils, etc. dripping from cars. His garden is in that area. He added that there is only one paved parking spot.

David stated that he would like to see a site plan for the parking for residences and customers. Marianne added that she would like to see the parking area measured out with a turnaround. Setbacks have to be adhered to. Backing up onto Turnpike Road is illegal. The applicant was referred to the parking section of the Zoning Ordinance. If a driveway is added or the access changed, a driveway permit from the State Department of Transportation would be required.

David noted that he would also like to see a plan for the layout of the business showing access for customers, dimensions, etc. He added that the applicant should meet with the Building Inspector/Code Enforcement Officer.

Wendy stated the Board needs assurance that the only variance required is the one being applied for. If there are other variances needed for the parking area, etc., the Board wants to address all the special exceptions and variance requests at one time.

Jim Shultz noted that the applicant will have to go through site plan review where the Planning Board will look at the sign, parking, etc. and noted that the information will be looked at twice. Wendy responded that the Zoning Board looks at all the issues, not only location, to be sure the business conforms. A special exception would not be granted unless the Board knew it met all the criteria.

Mr. Fannon noted he had been told in the past that he could not run a business out of his home within a certain distance of the center of the town. The Board responded that he should refer to the Zoning Ordinance and determine if what he might want to do conforms. Mr. Fannon also stated that Ms. Alden could not move the parking lot any further forward; also, he believed there was not enough room to turnaround without backing onto the highway.

Marianne made a motion to continue the hearing to April 4, 2013 at 7:45 p.m. David seconded the motion and it passed unanimously. The applicant was asked to bring detailed dimensional plans for parking and the retail use of the first floor. David seconded the motion and it passed unanimously.

8:25 p.m.:

Marianne made a motion to approve the minutes of the February 7, 2013 meeting. David seconded the motion and it passed unanimously.

Wendy announced that she would not be town next week for the Dollar General Store hearing on March 14. The Board continued the hearing to April 4, 2013 at 8:30 p.m. as long as the applicant agreed.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Joanne Meshna, Land Use Manager