

## ZONING BOARD OF ADJUSTMENT

JULY 2, 2013

## MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

**Board Members Present:** Susan Chiarella (chairperson), Bryan O' Day, B Manning, Gene Hayes, Justin Hastings and alternates, Karen Cook and Cynthia Hayes.

**Others Present:** John Trachy, George McCusker

Susan called the meeting to order at 7:00 p.m.

**Review of May minutes:** B made a motion to accept the minutes, second by Cynthia and unanimously approved.

**Review of June minutes (joint hearing w/planning board) :** Bryan made a motion to accept the minutes, second by Cynthia and unanimously approved.

**O' Day Hearing:** Susan opened the hearing at 7:10. Susan appoints Alternate Karen Cook to fill Bryan O' Day's spot on the board for the hearing. Susan read the public notice. Susan Chiarella wanted it noted that all abutters have been notified and that we had received return receipts. Susan Abair confirmed.

Bryan addresses the board stating he wants to add on to a non-conforming structure. Roof will stay at the same pitch as existing structure. B explains that he is uncertain why Bryan is coming before the zoning board if he already has a special exception. Bryan states that his special exception is not for a non-conforming structure. Bryan states that it is non-conforming because it is not 150' from the river. Bryan gave copies of the site plan approval from the planning board to the zoning board. Cynthia asks what Bryan will be doing in the building. Bryan states that the building will be a multi-purpose building. It will be used to work on equipment, trucks, etc...as well as storage, and will be used for projects. He explained that the building will be completely enclosed with a concrete slab, frost walls, and drainage ditch.

Cynthia wanted to make sure for Bryan's protection that they went over the Prohibited Uses:

### **4.24 Prohibited Uses**

Uses prohibited within the Shoreland Conservation Overlay District include, but are not limited to, the following:

- A. The establishment or expansion of salt storage sheds, automobile junk yards, underground storage tanks, solid waste facilities or hazardous waste facilities.
- B. The bulk storage of chemicals, petroleum products, toxic or hazardous materials.
- C. The dumping or disposal of snow or ice collected from roadways and parking areas located outside the Overlay District.

Bryan states that there will be motor oil, antifreeze, car products as he repairs vehicles. Susan asks how it will protect the environment. Bryan explains there will be a concrete floor that tapers to the center and there is no drainage ditch. Bryan explains that there will be a concrete wall all the way around 6' or higher.

Susan inquires whether he is in a flood plain. Bryan states he is not in a flood plain. Bryan also states that he does in fact live on the property.

Gene inquires on how the materials are cleaned up. Bryan explains when there is a spill of any kind, speedy dry is put down and then it is shoveled up and put into a dumpster.

B expresses that he really feels that Bryan did not have to come before the Zoning Board that this whole case could have been handled thru the planning board. He feels that Bryan has a special exception already and doesn't feel he is more non-conforming. Susan Agreed. B also feels the process for a special exception should take at least 7 weeks. He feels for future cases of applicants who are needing site-plan reviews and special exceptions that the applicant should come before Zoning—then a scheduled site-walk inviting the planning board, and then the board will decide at second meeting. The applicant can then go to Planning board for site-plan review after special exception is granted- if it is granted.

Susan asked if there were any other questions for Bryan. Justin asks the public if they had anything to say.

Susan closed the hearing at 8:05 and the board went into deliberation. After reviewing all the information Susan stated she didn't have a problem with granting the special exception. B didn't have an issue but felt conditions needed to be stated. Justin made a motion to grant the special exception, second by Karen and unanimously approved as follows:

**You are hereby notified that the application of Bryan O' Day for a Special Exception to Article III, Section 3.12; 8.13 to construct an addition of 50' (feet) in length, 10' (feet) in width and 15' (feet) in height onto the existing "Shop" Building referenced and identified on a Plan entitled "Setback Sketch", Map 8, Lot 360, 362 dated August 31, 2010 prepared by Clayton E. Platt and presented to the Zoning Board of Appeals at the hearing held on July 2, 2013, has been **GRANTED**, subject to the condition(s) listed below, by the affirmative vote of five members of the Zoning Board of Adjustment.**

**CONDITIONS:**

**The building must meet all of the requirements of the special exception(s) already in existence and granted to the Business previously and meet all State and Federal requirements pertinent to the use of chemicals, toxic and/or hazardous materials.**

**Other Business:** B wanted to share a little bit from the Selectman's meeting minutes on June 24<sup>th</sup>. He read the following:

New Business:

Tom Duling reported that there is a mobile home next to a new home that was constructed. They started

building the new home while living in the mobile home. The mobile home was to be removed, but has not. He has spoken to the owner about removing the mobile home several times. The woman's daughter is living there. Her cars are registered in Enfield and her kids to go school in Grafton. This past weekend  
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he went there and the owner told him she was ".....sick of him being there, and no one was forcing her daughter out of the trailer". Tom is recommending a letter from the Selectmen regarding Zoning violations and consequences in terms of fines and such. They may be able to see a hardship ruling from the Zoning Board.

George states that a letter had gone out or will be going out to let the owner's know of the different options that they may have showing. Gene brought up that Zoning had a similar case not too long ago. Bryan stated that it was a little different because the case prior was a disability issue. B feels the owner may be able to show hardship, but we will have to see what happens.

Cynthia wanted to bring up the fact that the board has been four months deciding on another alternate. Susan said she was going to contact the LGC but after some discussions she doesn't feel that she needs to. Cynthia nominated John Trachy, and second by Gene. There was a vote of 4 out of 7 in favor. Susan announces that John Trachy is an alternate on the Zoning Board.

Meeting adjourned@8:55

Submitted by,

Susan Abair