

Zoning Board of Adjustment

June 7, 2016

Memorial Building

7:00 P.M.

These minutes are considered to be draft minutes until approved by the board at their next meeting.

Members Present: Susan Chiarella (chairperson), Justin Hastings, Peter Abair, and alternates Rick Corbett, and Josh Worthen

Others present: Janet Roberts, Leigh Callaway, Jenn Roberts, Kevin Roberts, Tamara Butcher, George McCusker, Ben Crowell, and Malcolm Milne

Susan called meeting to order at 7

Susan asked Jim Bednar to sit in as an acting board member on hearings in place of Bryan.

Motion by Peter to add in the typo to the April 9th minutes and submit them, second by Rick and unanimously approved

Susan shared she was the only one at the planning and zoning conference. She stated there was a new commissioner of agriculture. She had talked about agricultural easements.

At the conference they also talked about ADUS.. Accessory dwelling units. At least one will be permitted by right.

Susan opened the Roberts Hearing for both special exceptions. She asked if notices were mailed.

Kevin addresses the board regarding his landscaping/excavating business. He handed the board a site plan map. Susan asked about equipment he stated small skid steer, small excavator, and small dump truck. He states he does water maintenance, sewer maintenance, landscaping, plowing/sanding in the winter. He states employees are offsite and subcontracted. He states in the winter hours may be 24/7 as needed for snow removal.

Jenn addresses the board for the special exception for her in home daycare. She states she watches children all sorts of times and different days. She said some are part time kids some are full time. She has 3 to 4 full time kids. She has a playhouse, swing set and yard toys that are also used by her own children. She states there are no houses within 400 feet. Very minimal traffic.

The board goes through the finding of the facts for both applications for Jennifer and Kevin Roberts as they are very similar.

a. The proposed use would not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the character or appearance of the neighborhood because: *In both special exceptions for the in-home daycare and excavation business they are not visible from the road. There are no abutters.*

b. The proposed use will not be injurious, noxious, or offensive, and thus detrimental to the neighborhood because: *The excavation business has been in existence since 2006 with no complaints as with the daycare. Nearest resident is 400' away.*

c. The proposed use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions because: *Care to children is an accessory to life. With the excavation business the equipment will be stored off site.*

d. The location and size of the proposed use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and location of the site with respect to the existing or future street giving access to it shall be such that it will be in harmony with the orderly development of the District because: *For both businesses the board felt that there was 340' of road frontage, a five acre lot with 298 acres surrounding them w/nothing on it.*

e. The operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration than would be the operation of any permitted uses in the District which are not subject to Special Exception procedures because: *The daycare does not create fumes, odors or vibrations. Limited traffic. The excavation business most of work is done off site. Nothing has changed on the property since 2004 with no complaints.*

After reviewing finding of the facts both special exceptions for Jennifer and Kevin Roberts Justin made a motion to grant both special exceptions, second by Jim Bednar all in favor. Susan, Rick, Justin, and Jim all voted yes.

Durgin and Crowell hearing for a variance- Ben Crowell addresses the board stating he needs a water storage tank underground for his pellet building and it will be within the 35' setback. The tank will be 18'x25'x40'. He states there will be a small pump house below. No one will be able to see it. He stated it can be used by Springfield fire department or any other department for water if need be. It will hold 200,000 gallons of water. The fire chief is in favor of this as well. George McCusker said he feels it will be an asset to the town to have this. Kevin Roberts also agreed that it will be an asset and doesn't foresee traffic being an issue in the event of an emergency.

The board reviewed maps and went over the finding of the facts to support the Variance.

1. The variance will not be contrary to the public interest because: *The board felt this will benefit the whole town in emergency situations and surround towns.*

2. The spirit of the ordinance is observed because: *It will not be visible, and have only a positive impact.*

3. Substantial justice is done because: *Long term health and safety of land owners*

4. The values of surrounding properties are not diminished because: *It is a benefit to surrounding properties*

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship owing to special conditions of the property that distinguish it from other properties in the area because:

A. No fair and substantial relationship exists between the general public purpose of the ordinance and the specific application of that provision to the property because: It only enhances safety and enhances value of surrounding properties.

B. The proposed use is a reasonable one because: *the size will ensure additional safety to D & C buildings as well as surrounding buildings.*

After reviewing the facts Jim Bednar makes a motion to grant variance which would be no closer than 5' from right of way. Tank is to be no closer than 5' from the edge of the right of way of Fisher Corner road. Justin seconds and all in favor. Susan, Justin, Rick, Jim, and Peter all voted yes. A variance of 30' is granted.