

Zoning Board of Adjustment

September 26, 2023

Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, Jason Rasmussen, and Grace Knight.

The audience members were Andrea Murray, Julie Davis, and Beth Corsok.

2. Call to order

Todd Hindinger called the meeting to order at 6:31 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

There were none

5. Approval of Meeting Minutes – May 23, 2023

Todd Hindinger made a motion to approve the minutes of May 23, 2023 as amended. Grace Knight seconded it. Jason Rasmussen abstained. The motion passed.

6. Public Hearing: Application 2023.08.02.CU by Richard Davis for the change of use to residential at 78 Route 131. The parcel is located in the Highway Commercial zoning district.

Todd Hindinger opened the hearing at 6:35 PM by reading the Public Hearing Notice. Todd Hindinger made a motion that Julie Davis have interested person status as the representative for the applicant. Grace Knight seconded it. The motion passed. Julie Davis affirmed. There was no Board conflict or exparte communication.

Julie Davis stated that she is the niece in law for Richard Davis. She is representing him tonight. She stated that Richard Davis would like to have this changed because he is in the highway commercial zone, but has used this as a primary home. He received a letter that he was grandfathered in due to the time frame. It was originally a model home. He has lived there with a DJ business. Its primary use has been residential. He purchased it more than 15

years ago and has always lived there. She stated there will be no development there and no changes.

Exhibit #1 is the Notice of Public Hearing. Exhibit #2 is the Certification of Posting and Distribution. Exhibit #3 is the Land Use memo to the Zoning Board (2 pages). Exhibit #4 is the Zoning permit application #2023.08.02.CU (12 pages). Exhibit #5 is the Community Facilities Sign-off Sheet. Exhibit #6 is the 1978 septic inspection form (4 pages). Exhibit #7 is the 2003 Zoning Permit (3 pages). Exhibit #8 is the 2008 complaint form. Exhibit #9 is the 2020 memo from the Land Use Administrator.

Todd Hindinger read Exhibit #3. He stated that this is a single family residence in an RR3-5 district, but does not have 3 acres. The applicant is here for a conditional use. Grace Knight stated that the minimum lot requirement for highway commercial is 1 acre, but with residential the minimum is 3 acres. Todd Hindinger stated that to allow residential dwelling in highway commercial zoning it needs to have a minimum of 3 acres. The Board reviewed the setback measurements and frontage. There is an old survey map which was hard to read. They have a hand drawing of the parcel with setbacks. The 1978 septic inspection paperwork was hard to read too. Ryan Gumbart noted in his memo that the existing frontage is 223 feet. The front setback is 40 feet with the rear setback being 25 feet. In Ryan Gumbart's notes, he wrote that there were no setback distances provided, so he called the applicant. He provided a 25 feet setback for the rear. Julie Davis stated that there is a well on the property and the septic is from 1979.

Todd Hindinger read Section 4.5.2.1 in the Bylaws regarding Home Occupation. If there is a single family residence, home occupation is an allowed use. This is a non-conforming lot because it is so small. It is already developed with a building. Grace Knight stated that its current use is coming up because the current owner is considering selling it. She wanted to know if the owner sells it, will the septic be an issue. Julie Davis stated that pre - 2007 they were told that it is grandfathered in. If they were to put in another bedroom, then they would need to have the septic reviewed. Todd Hindinger stated that the applicant would have to check with the State. The Town does not regulate waste water. The Board has evidence that the leach field was designed for a 3 bedroom home.

The challenge is that it is a single family residence in a highway commercial zone which needs 3 acres. This lot only has .3 acres. It needs to meet the setback requirements too. It does not meet the 50 foot setback requirement on the rear. The footprint is the same with no changes to the building.

Julie Davis stated that Richard Davis is the only employee for the business. There are 3 bedrooms on the 2nd floor with 1 ½ bathrooms.

Todd Hindinger reviewed the conditional use checklist. Grace Knight stated that the new owners could want to have a home occupation there. Andrea Murray wanted to know if the new owners move in and complain about the noise level in highway commercial what would happen. Todd Hindinger stated that the noise level would stay the same. The home occupation would need to be inside. Grace Knight stated that the new owner(s) should be aware that the home is in a highway commercial zone.

Julie Davis asked Todd Hindinger to read the section in the Bylaws on existing small lots.

Todd Hindinger made a motion to close the hearing at 7:25 PM. Grace Knight seconded it. All were unanimous to close the hearing.

7. Site Plan checklist

This was postponed till their next meeting.

8. Land Use Department Update

This was postponed till their next meeting.

9. Discussion of Items for Future Agendas

This was postponed till their next meeting.

10. Adjournment

Jason Rasmussen made a motion to adjourn at 7:30 PM. Todd Hindinger seconded it. All were in favor.

Respectfully submitted,

Diana Stillson