

Zoning Board of Adjustment

September 12, 2019

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Willis Wood, Todd Hindinger, and John Broker Campbell. Sven Fedorow, land use administrator, was also in attendance.

Nancy Lewis, David Lewis, Barry Polidor, Anne Marie Hestnes-Harris, H. Vern Harris, and Rene Bergeron were in the audience.

Prior to the meeting, there was a site visit at 6:30 PM at Goulden Ridge Road/Parcel ID 050256.7. All of the above-Board members attended. Sven Fedorow, and Rene Bergeron were in also attendance.

2. Call to order

Willis Wood called the meeting to order at 7:00 PM.

3. Public Hearings

- (a) Continuation of 11 July 2019 appeal of Zoning Administrator decision regarding whether “junkyard” exists at 157 Moore Drive (parcel ID 040229.7), C10 zoning district

Willis Wood opened the hearing by reading the hearing notice. Willis Wood discussed with the everyone present that James Cahill could not make this meeting, but John Broker Campbell was present for this meeting. He wanted to make sure that they were comfortable with this. If not, the meeting would need to be continued due to lack of quorum. Barry Polidor stated that before any decision has been made that John Broker Campbell should do a site visit. John Broker Campbell stated that he has not done one. The Board stated that they could hear testimony and then do a continuation till James Cahill is available. Everyone agreed that testimony would be taken, another site visit for the Board members, and a continuation till all Board members could be present. Since Vern Harris has been providing the Board with pictures, he would like to be at the site visit also.

There has been no exparte communication. Barry Polidor, Nancy and David Lewis were sworn in at the previous meeting, so they continue to be sworn in. David Lewis wanted to know if a permit was needed for the sugar shack. Sven Fedorow stated that no permit is needed since it is agricultural. It just needs to meet the setback requirements. He will look into the file and find out about the sugar shack.

Barry Polidor stated that Mr. & Mrs. Lewis decided not to do a survey. They decided to get more photos and have Sven Fedorow contact the State in regards to their previous visit. The main question was the right of way. The survey is confusing in regards to the road/right of way. The road is 100 feet wide and owned by the Lewis's. Then it turns into a right of way. The Lewis's wondered if any of the vehicles are within 100 feet of the road/right of way. If so, they could do a trespass action. After the Lewis's contacted the surveyor, they decided not to do it.

Willis Wood went up to the site today (September 12, 2019) and saw that some things have been removed. The blue truck, the bull dozer that was up above, and the skidder are gone.

Exhibit #7 was four pages of photographs (seven photographs). Exhibit #8 was an email dated July 17, 2019 from Vincent Chiorgno and a complaint report form dated December 22, 2017.

Barry Polidor stated that he understands the State and Town's regulations. If the Town's regulations do not matter, then why are they there. How can the Town have regulations that can't be enforced? The State does not seem to want to get involved. That State stated that there were only three vehicles and the other three vehicles were for his business. Mr. Barbour did not have to prove that those vehicles would start. There are no engines in some and trees growing through others. The Town regulations do not discuss the number of vehicles either. It does not matter if the vehicles are sold or not. The Town should look at how long the vehicles have been there and ask the owner to come in for a permit. Some have been there for many years. It affects the neighbors. He feels that this is a junkyard according to the Town regulations. The previous Zoning Administrator sent a letter stating that.

Sven Fedorow stated that the previous Zoning administrator wrote the letter at the same time the State's violation in 2017, or early 2018. The Town's definition is to mirror the State's statute. Barry Polidor stated that regardless of that we say with our eyes six to eleven non-operating vehicles are there. The State only saw three vehicles, so the Town can't take action unless the State does.

The Board discusses what is a vehicle. Tractors do not need a registration. Vern Harris stated that tractors go up and down roads. Barry Polidor stated that there could be a junkyard with no vehicles. He asked if there is no engine in it, then it is not a vehicle?

David Lewis stated that people can discuss what a vehicle is or isn't. The Supreme Court cannot define porn, but know when they see it. Barry Polidor stated that at the first State visit, they said there were eleven vehicles. Then when they went to visit and there were only three. The Lewis's have photos from 2014, 2015, 2017, and 2018 of things up there at this site. The State did not count the tractors and other things by the sugar house. Nancy Lewis stated that Mr. Barbour stated that some would be removed and he didn't remove them. Vern

Harris stated that there is also piles of scrap behind the sugar house. Vern Harris affirmed that his previous comments have been truthful and honest.

Barry Polidor stated that if the Board does find it is a junkyard, they could impose certain conditions; such as screening, etc. It would reduce the effect on the neighbors. Sven Fedorow stated that a junkyard is not a permitted use in that zone. Barry Polidor asked if it could be a contractor storage yard since Mr. Barbour says some of the equipment there are for his work. Sven Fedorow stated that it would have to have a conditional use and go to the Zoning Board. This meeting is not to decide if it is a contractor storage yard.

Nancy Lewis stated that in the State's email it said it is not a junkyard. The State also said he uses the equipment for his business. Barry Polidor stated that the Zoning Board has the legal authority to contact the person and left him know that he is operating a contractor storage yard. It could be both. Sven Fedorow stated that he could look into contractor storage yard.

At 7:58 PM, Willis Wood made a motion to continue this hearing till October 15, 2019 at 5:45 PM with a site visit at 5:00 PM. John Broker Campbell seconded this motion. All were unanimous.

- (b) Setback and buffer variance application by Peter Ducas for placement of camper at Parcel ID 050256.7, RRR-35 & C10 zoning districts

Willis Wood opened the hearing at 8:00 PM by reading the warning. Rene Bergeron affirmed and has interested party status. He states that he lives close to the property and drives by it. He is concerned with the camper on the side of the road and that it has appropriate setback from the stream and road. If the owner sells it, he is concerned with what else could happen there. There is no septic or waste water system at this location. This camper could be there for years.

Sven Fedorow stated that he has received complaints about the location of the camper. Peter Ducas applied for a variance to keep his camper there. It is not a permanent residence. Peter Ducas looked into a septic system, but that will cost \$8000. He uses the camper only on weekends. Sven Fedorow stated that the land is not very developable with the location of the road and stream. Based upon the survey, the southern part is power line. Forty percent of the parcel is covered by an easement. Peter Ducas uses facilities at Wilgus State Park.

Exhibit #1 is the CVPS easement survey and the blow up #292 dated 6/1962. Exhibit #2 is the site plan survey. Exhibit #3 is #277A property from Evan and Philip Jarvis dated 1962.

Sven Fedorow stated that it needs to have a fifty-foot buffer. He cannot do that without a variance. He would need a permit to be parked behind the setback. Todd Hindinger referenced Bylaw 7.6 in regards to travel trailers. If it is a travel trailer, it does not require a

permit. It could be an allowed use if he meets all the setback rules. John Broker Campbell stated that it is not a structure. The Board agrees that this is a travel trailer. Sven Fedorow stated that it needs to be forty feet from the right of way from the edge of the road and fifty feet on the other sides from the abutters.

Exhibit #4 was the yellow map for RRR35. Todd Hinderger stated that the camper is 25 feet 9 inches from the property line. The setback is 40 feet. With the existing location, it does not meet the setback regulations by 14 feet 3 inches. The camper is 50 feet 9 inches from the center line which meets the 50-foot right of way requirement. It is 75 feet from the property line to the top of the bank. If you take 75ft -40ft -11 ft 25 inches, you are left with 23.75 feet in the backyard to the top of the bank. He would need to move it back from the road 11.25 feet to be in compliance.

Todd Hinderger made a motion to close the hearing at 9:00 PM. John Broker Campbell seconded it. All were unanimous to close the hearing.

#### 4. Approval of Minutes – 11 July 2019

Willis Wood made a motion to approve the minutes of July 11, 2019 as corrected. Todd Hinderger seconded it. John Broker Campbell abstained. Willis Wood and Todd Hinderger voted in favor of the minutes.

#### 5. Adjournment

John Broker Campbell made a motion to adjourn at 9:02 PM. Todd Hinderger seconded it. All were unanimous to adjourn the meeting.

Respectfully submitted,

Diana Stillson