

Zoning Board of Appeals
July 31, 2019

Site Visits before meeting

35 Firehouse Lane owned by the Richmond Fire Department
2079 State Rd owned by the Town of Richmond

Meeting opened 7:02

Members Present: Bill Martin, Dick Stover, Wendy Laurin, Peter Killeen, and Howard Greenhalgh

Community Members Present: Roger Manzolini, Eric Smith, Marc Volk (Foresight Land Services), Vern ?, Mark Fowler, Robert Malinowski, Catherine Malinowski, Tracie Barry, John Keenum, Katherine Keenum, Kevin Holden, Paul Greene, Mago Hensel, Sola Forcier, David Martell

Minutes from June 19, 2019

There was a motion to Approve and all members voted yes.

Copies of Decisions

Hoe Permit from Last Meeting

Decision has not been picked up and recorded by the applicant

Scorpa Property, Approved by Town Clerk

Notice has been recorded at the Registry

Two Public Hearings

35 Firehouse

Hearing was opened to the public

Marc Volk from Foresight Land Service

Representing Fire Department

Went to Planning Board

Use would be municipal and had an opinion that required a site plan review

It was approved by the planning board.

In front of the ZBA because of the front yard setback

Showed Site Plan

Fifty by Eighty Foot Building

Not unlike buildings in rest of neighborhood.

Other buildings are close to property lines.

Other variance requested was for use. In the use table there was no listing for a firehouse. Planning Board said because fire engines being stored there, had no issue.

Beth Goodman, Town Council, and Bill Martin believe there should be a variance because fireman are using town equipment. Matter of caution and the applications should continue.

Application should include use.

Steel Building, Concrete Slab, with 4 foot frost walls with paved apron for safe access and paved across way for turns.

Conservation Commission approved.

For purposes of variance ZBA has to make specific findings.

Regard of variance under section 7.2.2, ZBA is required to make specific findings.

Marc Volk listed findings from page 2 of application and that the building will not counter any of them.

Anyone speak in favor of proposal

Roger Manzolini. It is for the public good but his

concern was with access to next property. Can't pull out and park in road.

Town owns road so they have access. Keep as record that they can't park on road.

Opposition

Kevin Holden, West Rd.

Is Building going to be heated.

Eric Smith said yes

Any commercial building has to have an oil and water separator and since so close to wetland that should be maintained.

Has been addressed by Conservation Commission and this would be outside of domain of ZBA. Building code is out jurisdiction of ZBA.

As matter of law, ZBA cannot give anything more than zoning relief.

This is a question for Marc and Fire Department.
Kevin wanted on record.

Margaret Hensel State Road.

In regards to Kevin's concern who oversees fire department is in compliance with the laws.

Should be building inspector who looks at set of plans and whether plans are in compliance.

Paul Green

Three levels of drain. Asked about bathrooms.

Eric said no bathrooms

Could take four trucks.

Conversation can add comment and than building inspector will make a decision

Public meeting closed at 7:22

Exhibit 1 Agenda for meeting

Exhibit 2 Petition

Exhibit 3 Plan Submitted

Exhibit 4 Published notice of public hearing July 15 and 22

Exhibit 5 Selectman no comment

Exhibit 6 Review comments of conversation commission of order of conditions

Exhibit 7 Planning board had no comment on application to ZBA but gave site plan approval

Exhibit 8 Notice to abutters

Exhibit 9 Planning Board has given site approval

Motion to approve petition

Discussion

Town Counsel has said that Fireman use and not the town will need approval

Variance 1 use

Variance 2 dimensional and have to look at specific findings.

Richard Stover to Eric

Where will Fireman park

Park in front of pavilion and town in front of red town shed.

Motion to approve findings

Find section 7.2.2.

Shape and topography especially affecting this lot make the application appropriate, 2-hardship, 3 –in public good.

Motion to accept based as stated in application

Motion and approved yes by all members of ZBA present.

Variance for use by Fire Department

Suggest general condition simply states does not eliminate applicants obligation to comply with any other state law.

Motion and approved yes by all members of ZBA present.

Fire Department resolved.

Town Garage

Public Hearing opened by application by town at 7:39

Application by town to replace and expand garage

2079 State Road

Town has applied for a special Permit

Expansion of prior existing non-conforming use

Marc Volk of Foresight

Existing Building is town storage

20 feet required

New Building 17.3 feet

Small section of existing building will be kept. Rest will be new building

Conservation Commission has approved

Noone spoke in favor

Noone In opposition

Question on drain form Kevin Holden recorded

Exhibit 1 Agenda

Exhibit 2 Permit Application

Exhibit 3 Legal notice July 15th and 22 in Eagle

Exhibit 4 Board of selectman had no comment

Exhibit 5 Conservation Committee approved on May 14 with some mitigation requirements

Exhibit 6 planning board no comment

Exhibit 7 town clerk abutters notices were sent on July 8

Public Meeting closed 7:32

Findings

Page 4 of application 6.3.4

Requirements general are in compliance with bylaw and in harmony with its intent, 2, 3, 4 and 5

Applicant has outlined answers

Board could adopt as accurate

Motion to approve. All board member voted yes.

Petition

Motion to approve special permit

Conditions

Impose

General Condition

Town has characterized as storage but not a town garage.

Not presented as trucks coming and going.

Roger stated that it is for occasional use and storage shed

Condition storage shed and is not intended to be a garage for active use. Truck traffic would be different than what is presented

Condition special permit is limited to use of facility as a storage facility and not for parking of vehicles in regular use by highway traffic.

Storage of occasional use, for example brush hogs. If town wanted to use it more than a storage building, town would need to come back to the ZBA.

Building for storage use and not active use of registered vehicles. Doesn't generate high volume of traffic. Concern that it might have greater use but don't want trucks in and out every day. Registered equipment cannot be parked in building. If get another truck that needs storage should come back to ZBA

Condition

Petition is limited to use of facility as a storage facility and not for parking of vehicles in regular use by active vehicles from the highway department or having trucks going out several times a day.

Garaging or daily use of registered vehicles is not permitted in building.

Motion to accept and approve conditions voted yes by committee members

7:49

Continued Variance by Balderdash, Primadonna LLC

Matter be continued to next meeting.

BOS granted a farm function permit. May have made application to ZBA unnecessary.

Application for garage August 21st at 7pm.

Continue Balderdash variance to that date.

Was voted and approved by committee members

Application special permit for garage on Dublin 6:45 site visit.

Will get out public notice.

Request from John Vittori for special guidance on Building Inspector's letter of July 3, 2019 for the need for a farm function permit.

To clarify for meeting.

This is not a public hearing. Opportunity for Hilltop to come in and discuss letter. Nothing in front of board that allows a public hearing.

Opportunity for Hilltop to come in and talk about farm function

Cannot talk about use of property

David Martell from Hilltop.

Question on have to have a permit for music during open hours.

Farm Function is where fee is charged.

Farm Function has nothing to do with what they are doing

Have background music on.

Need special permit if charging fee for live music.

Building Inspector

Cease and Desist Order was issued

Was this needed to be active if this has been in use for 10 years?

ZBA adjudicates if one party challenges the decision of building inspector. Cannot give guidance in advance of what building inspector's decision.

Recommended work with town counsel. The selectman could help Building Inspector/ZBA enforcement officer.

Was July 3rd letter a cease and desist that would start applicants appeal.

Procedure

Building inspector can issue a cease and desist letter. The party has 30 days to appeal to ZBA. It needs an application and petition and filed with town clerk. If not done in 30 days the appeal period is gone.

Examples were given on how to process an application by either abutters or other party involved in a dispute.

This is not a ZBA matter at this point since no one has filed an appeal.

The time for appeal can start on August 1st and based on information from this meeting that the letter to Hilltop was not an enforcement letter.

ZBA cannot take a position and gave procedure for process.

Meeting closed at 8:30