

**ZONING BOARD OF ADJUSTMENT
SEPTEMBER 13, 2016 FINAL MEETING MINUTES**

Present: Chairman - Jack Dearborn, Member - Stu Richmond, Member - Malcolm Wright, Member - Marc Morette, Alternate ó Michael Meyer, Land Use Coordinator ó Chip Meany, Minute Taker ó Tina Ripley

Guests: Michael Lecoese, Neak Kurk, James Compagna, Pauline Compagna

I. CALL TO ORDER

The meeting was called to order by Jack Dearborn at 7:30pm.

II. ADMINISTRATIVE ITEMS

Jack Dearborn said we have two cases this evening and they are: Case #0816: Three Ponds Rev. Trust who is requesting a Special Exception at 285 Mt. Dearborn Road, Map 407, Lot 130 in RA/ Historical overlay to build a 18x44ø barn with a special exception required by Article 30-A 3.1 and Case #9016: Andre and Pauline Compagna who are requesting a Variance to Article 17.2.2 to operate a business in a Residential Zone at 206 Twin Bridge Road, Map 412, Lot 235 in a Residential Zone.

The board introduced themselves ó Marc Morette - Member, Stu Richmond - Member, Jack Dearborn - Chair, Michael Meyer - Alternate, and Malcolm Wright- Member.

Jack Dearborn said they take each case individually. Jack Dearborn said they will complete one case then move onto the next case. Jack Dearborn said we can have interruptions on a case, such as, they can continue, if the applicant wishes to continue to gather more information the Board will consider it, they can also continue it if the Board feels they need additional information(site walk, engineering support, etc.)

Jack Dearborn said the way we run the meeting is I request a motion to accept the application, then I will ask the applicant to come forth to speak on behalf of their application, after the application has been presented, I will then ask the Board if they have any questions of the applicant. If there are no questions, the applicant will be asked to sit down, then I will ask for approving abutters, then disapproving abutters, public at large and other boards. Jack Dearborn said after one pass through I will ask the applicant to come forth to rebut anything if they want, then I will go through the process again. Jack Dearborn said all questions come through the Chair. Jack Dearborn said once that is done and the Board is satisfied they have asked the appropriate questions then I will close the public hearing. Jack Dearborn said the Board will then deliberate and said no public input is allowed. Jack Dearborn said for a variance they will take each major section of the variance individually and said there are five sections. Jack Dearborn said I will ask for all motions to be done in the affirmative (yes or no).

III. PUBLIC HEARING

Case #0816: Three Ponds Rev. Trust is requesting a Special Exception at 285 Mt. Dearborn Road, Map 407, Lot 130 in a RA/Historical overlay to build an 18x44' barn. Special exception required by Article 30-A 3.1.

Marc Morette moved to accept Case #0816. Stu Richmond seconded. Motion passed. 5-0-0.

Jack Dearborn said the seated members for this case are the Board members present.

Malcolm Wright said he doesn't see any measurements, frontage, maps and said none of the frontages are marked.

Neal Kurk said the application is to put up a four bay storage shed on the property. Mr. Kurk said the shed would be located south of the barn about 125' and will be in the same construction, material, design and scale as the barn that was built in 1800. Mr. Kurk read the hardships into record.

SPECIAL EXCEPTION

The undersigned hereby request a special exception as provided in Article 30-A, Section 3.1.3 of the Zoning Ordinance. The following seven (7) conditions per Article 6, Section 6.1.4 of Zoning Ordinance must be met in the positive to warrant the granting of a special exception:

- 1) The specific site is an appropriate location for such use or uses in terms of overall community development:

A circa 1800 barn already exists, enhancing the Historic Area Overlay District. The proposed shed would be compatible with the existing structure and would develop the area consistent within the purposes of the District.

- 2) The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area:

The proposed shed will expand an existing use at its existing location and will have no adverse impact on the neighborhood visually or in terms of real estate values. It is unlikely to be seen from Mt. Dearborn or any other road.

- 3) The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians:

The proposed shed will be used for the same purposes as the nearby barn and therefore will not create a nuisance. As it is located several hundred feet from the road, and will generate no more traffic than the existing barn generates, it will not add to vehicular or pedestrian traffic hazards.

- 4) The proposed use will not cause an undue burden on the Town through the provisions of basic Town services:

The proposed shed will require an insignificant increase in basic Town services, such as appraising, building inspection, and fire and police protection.

- 5) Adequate off-street parking be provided if determined necessary by the Zoning Board of Adjustment:

None is required, as the proposed shed will not generate additional traffic.

- 6) A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees:

No buffer is required as the proposed shed is in harmony with the purposes of the District, is set back over 200 feet from the road where the road is closest to the proposed use and from which it might possibly be visible.

- 7) The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to insure compliance with this section:

The applicant would be willing to comply with any such restrictions but can think of none that would be applicable or appropriate.

Malcolm Wright said 39øfrom the intermit stream, are you concerned about any kind of runoff with tractors being stored in the shed? Mr. Kurk said he does change the oil in the tractor and said the shed will have a crushed stone floor. Mr. Kurk said he changes his oil into a container and said he doesn't want to spill anything onto the ground. Mr. Kurk said he is not worried about runoff at and said the barn is even closer to the stream which has already been approved. Mr. Kurk said the oil changes happen in the barn. Jack Dearborn asked how close a structure can be to a wetlands and Mr. Meany said 25ønon-disturbed.

Jack Dearborn asked for approving abutters. There were none.

Jack Dearborn asked for disapproving abutters. There were none.

Jack Dearborn asked for public at large or other boards. There were none.

Jack Dearborn closed the public hearing.

Malcolm Wright moved to accept the application. Marc Morette seconded. Motion passed. 5-0-0

Michael Meyer said in looking at Article 30-A.3.1.1, it basically says the Zoning Board cannot grant a special exception unless the Board finds the structure in the proposed development area more than 600ø from the centerline of Mt. Dearborn Road. Jack Dearborn said that is for a dwelling. Marc Morette said he agrees that is for a dwelling. Jack Dearborn read Article 30-A 3.1.1. Jack Dearborn asked that Mr. Kurk explain how he complies with the Article. Mr. Kurk explained how.

Case #0916: Andre and Pauline Compagne are requesting a Variance to Article 17.2.2 to operate a business in a Residential Zone at 206 Twin Bridge Road, Map 412, Lot 235 in a Residential Zone

Jack Dearborn read the information of the first page of the application. Marc Morette moved to accept Case #0916. Stu Richmond seconded. Motion passed. 5-0-0.

Jack Dearborn said the seated members for this case are the Board members present.

Jack Dearborn said we have a variance application, blown up section of tax map, tax map with location of septic, barn and well, warranty of deed and survey map.

Jack Dearborn said they received a letter of concern from Jessica Nelson (Animal Control Officer) on 9/13/16 by Mr. Meany, an advertisement from an organic disposal service (Mr. Meany said it is from the Animal Control Officer since she has an issue with the disposal of the manure), document from Penn State Extension regarding Equine Horse Stable Manure Management by Professor Illene E. Fabian (Wheeler) (27 pages), complaint on 07/6/16, complaint on 07/06/16, complaint on 07/05/16 and a voluntary statement form dated 07/05/16. Jack Dearborn said all of them speak of issues with the quality of the keeping the horses. Jack Dearborn said there are 10 colored pictures of horse stalls, horses, feet of horses, and said he thinks they are trying to show the conditions of the horses. Jack Dearborn said there is picture of a fence and a fence with an empty water bucket. Jack Dearborn said these are all from the Animal Control Officer.

Jack Dearborn asked the applicant if they have seen it and was told no. Jack Dearborn said he feels the applicant should have the opportunity to see the report. Jack Dearborn said he is not suggesting they are going to debate the demerits of the concerns, but said he thinks it is important they read it. Jack Dearborn said they don't want to drag something out, they go forward with the case and the applicant never had an opportunity to see it. Jack Dearborn suggested the applicant arrange a time to meet with Mr. Meany to go over the documents that became part of the case. Jack Dearborn said this is going to require a continuance to the next monthly meeting. Jack Dearborn said for some reason if the Board or the applicant is not ready because of the nature of this, a continuance can be requested.

Jack Dearborn said when people ask for a variance to an Article to Zoning, yours is running a business in a residential zone. Jack Dearborn said the Board would ask specific questions regarding the scale of the business (hours of operation, etc.). Jack Dearborn said you may or may not have addressed that in your application. Jack Dearborn said upon granting a variance the Board is relaxing the Zoning Ordinance. Jack Dearborn said they are asking the Town of Weare for a use variance for something that is not compliant. Mr. Meany said this would be fine if it was going to be their own operation, but since it is a commercial venture they will need to file a site plan and to the Planning Board with all the same information.

Marc Morette moved to continue Case #0916 to October 4, 2016. Michael Meyer seconded. Motion passed. 5-0-0.

IV. VARIANCE EXTENSIONS

Case #2707: Cindy Kaczmariski/Rooney

Jack Dearborn read the email from Ms. Rooney requesting a variance extension to build a home on 67 Pond View Road, Map 108, Lot 041. Malcolm Wright moved to approved Case #2707 extension. Michael Meyer seconded. Motion passed. 5-0-0.

Case #2504: Robert D. Bailey

Jack Dearborn read the letter from Bailey Family Trust requesting an extension on their driveway variance on tax Map 407, Lot 153-1, Case #2504. Malcolm Wright moved to approve Case # 2504 extension. Marc Morette seconded. Motion passed. 5-0-0.

V. MEETING MINUTES

Marc Morette moved to accept August 2, 2016 as printed. Malcolm Wright seconded. Motion passed. 5-0-0. Marc Morette moved to accept June 7, 2016 as amended. Michael Meyer seconded. Motion passed. 5-0-0.

VI. ADJOURNMENT

Marc Morette moved to adjourn at 8:44 pm. Malcolm Wright seconded. Motion passed. 5-0-0.

Tina Ripley
Minute Taker