

ZBA Meeting August 21, 2017 6:45 Site inspection and– 7:00 PM Meeting

In attendance ZBA members Richard McClain, Michael Socks, Oliver Welters, Amy Hornblas, Larry Gochey, Chuck Marian

Leonard Spencer, Karen Deasy (ZA) Val Covell (Health Officer) Jack Daniels, Ryan Kane (Town Attorney)

1. Site inspection 6:45 PM on site at 3075 Main Street
The Board toured the site with the landowner at 6:45
2. 7:00 meeting immediately after return from site inspection
Meeting Called to order at 7:18 pm
3. Review agenda
4. Public comment
5. Conditional use application 258, 3075 Main Street, Leonard Spencer
 - a. Open Hearing – advise all parties that all questions are to be directed to the board and the Chair will recognize you prior to having the floor.
 - b. Swear in those who wish to speak on application

Witnesses sworn in. Leonard asked to present his application, Leonard is requesting to continue use of the structure with apartments, as a whole building built in 1851, Goldie Hopkins owned building and ran insurance agency out of it. It was a restaurant as early as the 1970's. Leonard has tried to improve lighting on back wall, has added a railing and stairs on back entry. Munch Family upgraded the restaurant (see applications) and lower level of building is commercial space. There is a real estate office in front room. Commercial use can provide activity to draw people into the community. Like to put a rear exit in the upper apartment but it is occupied.

Larry questioned door to left of front apartment as to where it went. Leonard stated it exited to a landing and a rear stair which is not functional. Leonard stated that the Fire marshal had inspected the building.

Val Covell – interjected that the State Fire Marshall has not inspected the property and they have never inspected the apartments, the front apartment is illegal and should not be occupied, stating there is only one exit from that unit.

Leonard stated he wants to improve access but that while it was occupied did not feel he could.

Larry – He owns many apartments and the fire marshal would never approve unit. As a landlord you are responsible for people in the building. It comes back to you as the owner of the building. There are dogs in that building as well and your insurance agent if they saw the pit bull would cancel your policy they would not allow it.

Leonard stated he was not aware if the dog was present when his insurance adjuster was on site.

Richard – Leonard did you bring a draft of the site plan as requested by the planning commission.

Leonard I have had difficulties connecting with the process, I have put together this sketch, (presented site drawing to board (attached)) I am missing detail and it would help to see sample. If perhaps someone can help present this. I could provide a better sketch.

Leonard was reminded of the request from the planning commission which specifically indicated the requirements for the plan that should be presented.

Leonard explained his sketch, He sees the buildings operating as a pair they should function together, drive around would service both buildings, pull in above the red building and exit at the wider more level drive between the hardware store and the yellow building. He calculated that he would need 14 spaces for both buildings.

Fault is keeping driving lane clear, He would need to provide easements to continue access for each building. Stated that it would not work unless they cooperated between buildings tenants and owners. Leonard mentioned that perhaps the dumpsters would be removed. They had experimented with totes over the winter when he had issues with Casella not being able to empty the dumpster.

Val - Totes located if dumpsters are removed.

Leonard - Would place them in front of building. Dumpsters hold more and there was less trash when he had the totes. Totes would be placed under red building porch.

Both Larry and Val testified that garbage overfills dumpster and is dragged out on site and has been on many occasions overflowed the containers.

Leonard would like to remove dumpsters as site is small.

Amy had a question on how much area is devoted to retail and calculated into parking numbers. A building drawing from the Lister file was used to calculate the

areas. The Planning Commission calculated parking needs and measured available space when on site.

Ricky asked board if there were further questions and asked if members wanted to end testimony.

Ryan Kane indicated there are two options, close testimony and review provided information or allow for an extension if there are issues that require more clarity.

Leonard said perhaps he could provide an updated drawing, the barn could potentially allow for an additional space but cars would need to be shuffled if people went in or out. Leonard time is quite committed and has not been able to work on request believes he could produce something more complete in a few days.

Oliver made motion to provide Leonard until close of business on Thursday to provide an updated clear site plan. Amy seconded motion. Discussion.

Larry – Leonard knew the application needed to be complete and has had a lot of leeway from the town and doesn't follow through

Chuck indicated that the planning commission had made the request at there hearing and there was plenty of notice, he saw Mr. Spencer on site prior to the meeting working on the drawing provided. Stating it is difficult to make decisions without required information.

Amy should provide opportunity to allow for benefit of doubt that the request was not clear. Larry suggested that if time is the issue he should hire someone.

Vote called in favor 2, against 4 motion did not carry. Ricky made motion to close testimony and enter deliberative session. Oliver seconded. Vote called in favor 5, against 0

6. Other Business

7. Adjourn

motion to adjourn Larry - seconded 6-0 Meeting adjourned 8:32 pm

Submitted by Karen Deasy