

BOARD OF ADJUSTMENT October 4, 2006

MEMORIAL BUILDING 7:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Present: ZBA Members: Bernard Manning, Chairman Cynthia Hayes, Mark O'Halloran, Andy D'Amico, and John Graham, and Gene Hayes, Alternate

Selectmen Representative: Absent, Bob Anderson

The meeting was called to order at 7:00 P.M.

Minutes: The minutes for the August 2nd meeting were corrected noting that Ken Rodgers was not present at the previous meeting but Peter Keene from the Planning Board was. Cynthia requested that the word "meeting" should be placed in the sentence "opened the meeting by." She also said that Bob Anderson was absent from the meeting. On the second page, she suggested that "the" be placed in the sentence "because the two she had seen." In the last paragraph, B. Manning asked that it be changed to say "There was some confusion that the Town Attorney had in reference to the stipulations made line by line." On page three, Cynthia requested that "from" be placed leaving the sentence to say "1 year time will be set from the date of recording. Cynthia requested that the minutes be accepted as changed and was unanimously approved.

B. Manning said that Dan Smith called him after the meeting. B. explained the changes made on the proposal and the decision that the Board had made. Dan Smith agreed with the conditions and said that the Board had made a good sound decision. B. said that the gesture was nice. Andy asked about the process should the Special Exception be contested. B. said that the appeal would have to be in writing stating the new conditions to be considered. At that point, the Board would decide to consider the appeal. Should the Board refuse to hear the appeal, the only other option for the opposition would be for it to be taken to Superior Court. Superior Court could then send the appeal back to the Board if the court felt it had not been clear in its decision. Andy said that Mr. MacDonald had no intentions of purchasing the property until the thirty days for an appeal were clear.

The Board discussed their concerns about what appeared to be two other Home Businesses that had not gone through the Special Exception process. The Board discussed researching laws in the state for future zoning issues. Andy stated that he was concerned that the Town of Springfield ordinances may not be up to par. Andy referred to a previous challenge concerning Abernaki Lumber Yard. B. spoke of a town that had limits on the quantities of dogs that can be owned and the definition of domestic pets and reference to the sizes allowed. The Board continued to discuss Home Businesses and Home Occupations and how the Town's guidelines may need to be adjusted. Andy suggested a workshop to include the Town residents offered by joint Boards. B. said that many businesses in town do not meet the current definition now nor did they

ever meet the conditions. Andy said that the Board should approach people and ask for their assistance. Mark said that the "grandfathered in" concept was not workable. There is no record prior to the new zoning regulations so there is nothing to make reference to. John asked about businesses that started prior to the zoning ordinances. Gene gave an example of a kennel that evolved after the zoning regulations were in place and has not applied for a Special Exception.

The Board discussed two residences that appear to be operating kennels in the town and that the zoning regulations were accepted in 1987 and the businesses appeared in 1996. B. said that he found the years between 1987 and 2005 to be confusing because changes were taking place and the definition for a Home Business was had not been clearly defined. Cynthia said that many businesses had changed through time. Gene brought up an example of how one home business as a kennel grew to be a training facility. Cynthia agreed that the Board should give the neighbors a chance to voice their concerns. B. stated that he agreed that there should be a joint meeting of the ZBA and Planning Board with the townspeople to discuss this problem.

Gene said that he understands the "not in my backyard" concept. He said that in his opinion a timber frame business is not a Home Business. Gene also said that he felt that it had not been wise to allow an auto mechanics business to be established in a residential area as it could affect the market value of neighboring homes.

The Board discussed how enforcement needed to be dealt with. The Board requested that the Selectmen be told that the ZBA would like to have a joint meeting to include the Planning Board to discuss Home Businesses and the enforcement of regulations.

The Board reviewed literature and correspondence.

B. discussed the packets that the Board received prior to this meeting. The packets included minutes from the previous meeting and copies of the "Notice of Decision" from the ZBA and stipulations from the Planning Board. B. requested that these particular papers continue to be included so that the Board may review their content and be assured that the process has been followed. Cynthia wanted to know what happens when a Variance has been approved and would Randie be responsible for creating the document. The Board decided that the ZBA would be responsible for the actual wording using the checklist including findings and facts and Randie would type it and send out all copies to those concerned.

The Board discussed the process for editing future minutes of meeting. It was decided that the minutes should be filtered through Cynthia then emailed or mailed to the other members of the Board.

MISCELLANEOUS BUSINESS:

Cynthia mentioned that Brandt Denniston was working on the Town of Springfield's website. The ZBA portion is under construction and he would like some assistance. Brandt wondered if the board should make the ZBA's content similar to that of the Planning Board's. The board could also make it user friendly in a manner that outlines the process for the applicant. Brandt has

requested that he be sent the minutes. Randie told the Board that the office has tried many times and due to the size of the document, Brandt's ISP has denied the sending due to the size. It was suggested that the board might like to create the site to assist the applicants and if the ZBA does not deal with the applicants specific request that the site provide direction. Andy said that he doesn't think that the site should include the RSA's, but just enough information that if they need further assistance the applicant could call the office. B. suggested that the site be used as a statement of function of the ZBA outlining the process and then time schedule and the minutes of the ZBA meetings. Gene said that the Ordinances and the forms that may be eventually found on the website may be confusing and the applicant may need further assistance and that may be a job for office personnel.

B. referred to the process written up for the Town of Wilton, New Hampshire. B said that the process outlined had simple points to make the applicants process easier and not at all technical. B. described how it had been written with instructions and the procedures noting the limitations of the process making them clear. B. suggested that the Board members review the website for the Town of Wilton to see how it might assist the Town of Springfield with their site.

B. made a motion to adjourn the meeting and Andy 2nd the motion.

With no further business, the Board voted to adjourn at 8:20 P.M.

Respectfully Submitted,

Randie Lee Peterson