

Development review board
December 20, 2017

The meeting came to order at 7 pm. Present were board members Chris Ponessi, Mike Day, Tom Huncharek (chair), and Michael Bidy. Also present was zoning administrator Shelly Stiles.

Conflict of interest. Mr. Ponessi reported a conflict on item #5. He is nearly an abutter to the applicants.

Sign and sheets were distributed and completed.

Mr. Bidy move to approve the December 6, 2017 minutes. Mr. Huncharek seconded the motion. In the discussion, a number of typographical errors were noted. The corrected minutes were approved 3-0-1 (Mr. Ponessi abstaining).

Application # 17-9924. Larry and Melissa Telford, parcel # 11 01 15, request for a permit for a home occupation in an R40 zone.

Mr. Ponessi stepped away from the meeting.

Ms. Telford explained they hope to open a small engine repair business, which her husband will run. There will be no other employees in the near term. The business will be housed in a new garage, 36' x 40'. Some office work will be done in the primary dwelling. He will repair snowmobiles, 4-wheelers, chain saws, lawn mowers, leaf blowers and the like. Mr. Telford explained he may do some body work and grinding.

He anticipates installing an 80 gal air compressor, a pneumatic scissor lift, tool boxes, an arc welder, a grinder, perhaps a pneumatic hammer. Most deliveries will come via USPS, though he may get some metal deliveries from Albany Steel.

Some bottled gases will be stored on site.

He will be open 6a to 6p.

He may do some oil changes. Waste oil will be stored in a drum and transferred to Advanced Auto. The majority of the welding will be done outside. Spills will be cleaned up with Speedy-Dry, and appropriately disposed. Oily rags will be stored in a safety can. Engine testing will be done in the yard. Occasionally, derelict equipment will be repaired and offered for sale. It would be kept out back.

Ms. Telford guesses they might have 3-4 customers daily.

Ms. Telford provided a statement that the abutters had been notified in a timely fashion.

Mr. Lon McClintock, attorney for abutters Bill and Lucy Robinson, asked questions of the applicant. Their responses were: parking will be in front of the garage, where there is room for two or three cars in addition to their personal vehicles; two to three spot lights will be placed to shine on the driveway in front of the garage (they will not be large commercial lights); anything needing venting will be done outside; an extra-high door was placed in the garage to provide access for the family's backhoe; a half-story above (12'x40') will be used for storage and someday for a woodshop (there are at present no stairs); the doors will be closed in winter and open in summer; Mr. Telford hopes to install propane for his in-floor radiant heat system; he will use ceiling fans in summer; he will work Monday through Friday; no additional screening.

Mr. Robinson noted that the occupation would produce 12 hours of noise daily. The Robinsons shared photos and a letter which are now part of this record. They said their major concerns are noise and fumes, which they are already experiencing. Ms. Robinson played a short clip of the noise of engine revving, which she captured on a summer afternoon after listening to it for several minutes. They said they had complained to the Telfords, but gave up after getting no satisfactory response. They complained to a former zoning administrator, who visited but found no evidence of a business. They said it is now too noisy to enjoy their yard and they expect it will get only worse should a business be permitted. They own about 0.5 acres, which they purchased in 1982 or 1983. Their well is about 30-40 feet from the property line, in sandy soil.

Mr. McClintock said that the application should be denied, but if permitted it should be a temporary permit pending a sound study, or with strict conditions regarding the impacts noted in testimony.

Eleanor Twardy, an abutter, said she has stopped gardening because of the noise. She said a survey pipe had been removed from her property, and limbs in the orchard next to the Telfords had been cut. A business such as is proposed shouldn't be allowed in a rural neighborhood. If it is permitted, she requested that an 8' fence should be installed at the Telford's expense along their shared property line.

Ms. Robinson said the noise would impact the neighborhood monetarily and environmentally.

Mr. McClintock expressed thoughts regarding the maximum number of square feet allowed by the bylaw. He said the bylaw did not permit activities other than storage outdoors. The board went through the items in section 3.4:

Air quality: it was noted that fumes are now being generated. Mr. Telford said they would be no more than would occur in any other yard.

Noise: Mr. Telford said he would run equipment on the far side of the garage, away from the neighbors, and avoid an early morning noise.

Soil and waste products: the earlier discussion of these items was recalled. Mr. Telford said he would make oil changes inside, on a concrete floor.

Landscaping: NA

Aesthetics: flood lights would not be pointed at anyone's house. The garage is screened by foliage during the growing season.

Fire hazard: Mr. Telford said he would keep only 5 gal containers of fuel. There will be no gas pumps. He hopes to eventually have a parts washer, which uses a solvent. Mr. Telford said he doesn't know if the solvent is flammable.

Odors: Mr. Telford said he doesn't see a problem as his garage is too far away from other houses. He said he didn't know what to tell the board.

Ms. Twardy mentioned a nearby creek, to which wastes might flow.

Mr. McClintock asked the board to make a site visit. The board agreed they had all the information they needed.

Mr. Huncharek moved to close the hearing. Mr. Bidy seconded the motion, which passed 3-0-0. Mr. Huncharek explained the decision-making process to the applicant, the 45-day period, and the appeal process.

Other business. Mr. Ponessi returned to the meeting. Mr. Huncharek signed the Myers finding of fact decision. The January 3 meeting was cancelled (there is no business to be reviewed). Mr. Huncharek said he will be away for a January 17 meeting should it be needed. Everyone else will be available. Mr. Huncharek noted that his and Mr. Ponessi's terms will end as of March. Both will run again and will submit their letters of intent to the Select Board.

Mr. Day moved to enter deliberative session on application # 17-9924. Mr. Huncharek seconded the motion, which passed 3-0-0. Mr. Ponessi again left the table. Mr. Huncharek moved to leave deliberative session. Mr. Bidy seconded the motion, which passed 3-0-0.

Mr. Huncharek moved to deny application # 17-9924, because

- 1) Per 0.4 Table of Uses, on page 10 of the Zoning Bylaw, repair garages are not permitted in an R zone; and
- 2) Per Zoning Bylaw 4.2.2.f.1, all home occupation activities other than storage must take place inside a structure.

Mr. Bidy seconded the motion, which passed 3-0-0. Permit # 17-9924 was denied.

Mr. Huncharek moved to adjourn at 9:58 pm. Mr. Bidy seconded the motion, which passed 4-0-0.

Notes by ZA Stiles.