

Zoning Board of Appeals Minutes, 02/21/2018

Zoning Board of Appeals Minutes February 21, 2018 Land Use Meeting Room

Members in Attendance: Acting Chair Shawn Leary Considine, SLC; Robert Fuster, (RF); Ned Douglas, (ND); Robert Fuster Jr., (RFjr); and Cliff Snyder, (CS)

Staff present: Peggy Ammendola, Land Use Clerk, (PA); Gwen Miller, Land Use Director, (GM)

Willow Creek Corp., 39 Willow Creek Road (Map 9, Parcel 1) Modification of an existing Special Permit. The proposal is to add two 60,000 gallon oil tanks to be mounded perpendicular to 2 existing 30,000 gallon tanks 25' from the southern edge of the property bordering the Town cemetery parcel.

RFjr, SLC and RF disclosed that they are customers of Clifford Oil.

Correspondence has not been received and there were no members of the public present.

Presenting the application was Jeff Clifford who stated that the tanks are for propane.

In June of 2004 the ZBA granted a Special Permit to permit the bulk storage of liquid propane gas in two 30,000 gallon vessels

SLC pointed out that in the Zoning By Law Schedule of Uses in this district there is a limit of 1,000 gallons, but in the 2004 Decision relief from this requirement was given.

Propane is safe and is not an environmental issue and when mounded the tanks will not be visible.

Mr. Clifford said that more and more people are using propane and he is concerned about running out when the weather is very cold. Having the extra storage enables him to have a competitive business. This is a good use for this property.

RF made a motion to close the public hearing. RFjr seconded the motion and the Board voted to agree 5-0.

RF made a motion to approve the application as presented. RFjr seconded the motion and the Board voted to approve 5-0.

Todd Burdick, Crystal Street, property owned by Thomas Hynes (Map 4, Parcel 63), Special Permit under Section 5.3.2 "Nonconforming Uses" of the Zoning Bylaw to allow for the construction of a shop/garage for a construction, landscape and tree removal business.

There was neither correspondence nor any members of the public present.

Presenting the application was Mr. Burdick who has a purchase and sale agreement with Thomas and Judy Hynes. He said that he wants to know if the use is permissible.

SLC stated that the lot is non-conforming because it does not have 200 feet of frontage and it is less than 2 acres. The lot is 150' X 150' in size. GM said that the lot has been vacant for many years and before that there was a single family home. In 2004 the owner wanted to put in storage units and that decision referenced the lot as a residential parcel. Under today's zoning a single family home on this parcel would be prohibited as it is zoned industrial.

Mr. Burdick would like to put in a garage that would measure 80' X 50'. A larger building could meet setback requirements but he needs space in front and side of the structure to park equipment, e.g., trailers, excavators, shipping containers, etc. He has a shipping container now that measures about 15' X 40' and he proposes that he would have two. The density of lot coverage allowed is 35% so there is ample room.

There was discussion regarding the storage units and if they would be considered accessory structures. RFjr said that anything within the setback would require a variance. GM said that Section 5.3.2 gives latitude.

CS pointed out that the Board needs a dimensional plot which depicts where the building and storage units would be and the setbacks. Mr. Burdick explained that he didn't want to spend money on a plan and then have it fall through. If this option is not permissible, he has other options. He knows that he will have to file with the Conservation Commission as there are wetland issues. RFjr said that it is important to know what the Commission decides.

SLC said that under Table 5.2, Table of Uses, Section H, Accessory Uses and General Off-street Parking, one can have by right off-street parking for commercial vehicles that are registered to the occupant. Mr. Burdick said that they would be registered to him or his son.

GM said that the Planning Board has put in a good deal of work in what they would like to see in the long term in the Dale and they have discussed this particular lot which is very small and has been vacant for a long period.

Mr. Burdick decided that he would withdraw his petition so that he could talk to his son about reapplying.

He was told that if he were to reapply and be granted a Special Permit he would have to act on it within 2 years. If he were to be granted a variance he would have one year to act on it.

RF made a motion to permit the Applicant to withdraw without prejudice. ND seconded the motion and the Board voted to agree 5-0.

Approve Minutes: *November 15, 2017*- The minutes were approved by consensus.

Other Business: It is understood that EB no longer wants to be the Chair. RFjr would like to move up from alternate status regular status. Discussion ensued regarding having two members of a family both being regular members. It was pointed out that as an alternate, RFjr has frequently filled in for members in their absence while his father has been sitting for the hearing. GM will check with Town Counsel.

Respectfully submitted,
Peggy Ammendola