

**Zoning Board of Adjustment Public Meeting  
Richmond Veterans Hall**

**January 8, 2020**

**7:00 PM**

**Members Present**

Tom Lavoie (Chairman)  
Larry Richardson (Vice Chairman)  
Mark Beauregard,  
Alan Schmidt

**Members Absent**

Lloyd Condon  
Jean Tandy, Alt

Public: Leroy and Lorraine Austin.

**1. Meeting called to order/roll call:**

Meeting called to order @ 7:10 PM.

**2. Public Hearing Map 408 Lot:044:**

Public Hearing called to order @ 7:10 PM. Public Hearing is a continuation from December 21, 2019 site walk located at 59 Bullock Road.

Chairman Lavoie discussed procedure of the hearing and asked if there were any questions?

**Chairman Lavoie gave a brief update on the December 11, 2019 Public Hearing:**

- Public notice and hearing procedures were reviewed with the public present.
- Applicant (Austin's) given opportunity to explain their application for a Special Exception to Article 6, Section 604.2 requiring a 75' setback from the Wetland Conservation District.
- One potential option was discussed but the Austin's explained that the location was opposed by an abutter who was concerned that it would devalue her property due to visual impacts.
- The Richmond Conservation Commissions site review and recommendations were discussed.
- ZBA determined that a site walk was needed to make an informed decision on the Special Exception request.

**December 21, 2019 Site walk:**

- ZBA members walked the site and looked at a proposed alternate garage site as well as the applicants proposed site within the Wetland Conservation District.
- Mitigating measures were discussed should the ZBA rule in favor of the application to provide protections of the wetlands.
- It was the sense of the board that a Conditional approval could be made if all the ZBA and Con Com Concerns were addressed before, during and after construction of the garage.
- A draft conditional approval will be written and hopefully finalized at the ZBA meeting on January 8, 2020

Chairman Lavoie asked the applicant and the board members if there were any questions, additions or if anyone needed clarification. The applicants and board responded no. The ZBA briefly discussed the possibility of the garage being made smaller to allow for

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additional set back from the wetlands. The ZBA consensus was that other than the angler change recommended by the Conservation Commission changing the size of the building was not needed. The ZBA had no problem with the distance or the size considering the history of the lot.

The applicant added that it was his intentions from the beginning to take care of the Conservation District First. The completion of the ditch with the silt fence and then stake out the dimensions of the building.

The Board discussed the garage location and they believe it was a landing for logging and the ditch was put in the divert all the water down to the culvert. With the location of the house and driveway the applicant's choice is a reasonable and customary accessory to have with a single-family home.

There were no further question or comments from the ZBA members or the applicant.

Motion made by Larry Richardson to close the public hearing. Seconded by Alan Schmidt. All in favor. None opposed. No abstentions. Motion carries.

Public hearing closed at 7:35 PM.

The board discussed the **Findings of Facts:**

**1105 Special Exception:**

1105.1 General provision that apply to all Special Exception Uses.

- **1105.1.1-** Article 6 Wetland Conservation District, under 604 Special Exceptions more specifically 604.2 allows for the erection of a structure within the wetland district.
- **1105.1.2-**The proposed site is appropriate for a single-family use. The proposed site was the most reasonable place to site a garage with the home. Conservation Commission determined measures to protect the wetland setback. The alternate site was not considered appropriate for the building. The site was located in the front and downhill from the home.
- **1105.1.3-** Factors mentioned in the criteria would not be a problem other than during the construction phase of the proposed building. The adjacent neighbor had a problem with the second location it would devalue her property. Received: 2 letters and one attendee who were abutters in support of the proposed site.
- **1105.1.4-**This was not sent to the Planning Board for review due to the nature of the application. ZBA requested the input from the Conservation Commission due to wetland setbacks and all the recommendations will be put into the final Conditional Approval.

Notice of Decision:

Draft Notice of Decision was discussed.

Under Conditions: more specifically 1. Add Approval is. Line should read: 1. **Approval is** subject to the completion of the recommendations set forth by the Richmond Conservation Commission dated November 27, 2019.

Add to the Conditions **4. Maintain ditch on an annual basis.**

The final copy will be sent to Chairman Lavoie to review and sign.

Motion made by Tom Lavoie to accept the Draft Notice of Decision with conditional approval subject to adding 1. Approval is subject and add 4. Maintain the ditch on an annual basis. Seconded by Alan Schmidt. All in favor. None opposed. Motions carries.

**3.Minutes December 11, 2019:**

Page 1, Fourth paragraph down, fifth line, change the word we to were. Should read 10 acres of which 7 ½ **were** located across.

Page 2. Fifth paragraph down, third line, change the word professional to **professional's**. Should read. Conservation Commission since they are the professionals.

Motion made by Mark Beauregard to accept the minutes as amended. Seconded by Alan Schmidt. All in favor. None opposed. Motion carries.

**Minutes December 21, 2019:**

Third paragraph down completely remove the last sentence. **The large ditch appears to be large enough to handle the volume of water That may seasonally run off the hill side.**  
Fourth paragraph change the word Rihcmond to **Richmond**.

Motion made by Mark Beauregard to accept the minutes as amended. Seconded by Larry Richardson. All in favor. None opposed. Motion carries.

**4.Other:**

**1.Clarification of Article 6:**

Clarification of Article 6, under 604 Special Exceptions, more specifically 604.2. The ZBA requested that the Planning Board consider clarification on erection of a structure.

**Definition of structure is:** 1767: Structure- Any mad-made object or construction having an ascertainable stationary location on, above, or below the surface of the land or water.

Or, in some manner clarify 602 Purpose, under 602.1:To prevent the development of structures and land **uses on naturally occurring wetland**, which **would contribute to pollution** of surface and ground water by sewage or any other pollutants, or cause damage to abutter's property.

The Planning Board was asked to address the clarification at their January 7, 2020 Public Hearing for Zoning changes. There was no result assuming time restraints.

Motion made by Mark Beauregard to adjourn. Seconded by Larry Richardson. All in favor. None opposed. Motion carries. Meeting adjourned at 8:05 PM.

Respectfully submitted,

Kandace Mattson