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April 25, 2005

**BOARD OF APPEALS
minutes**

7:00 P.M. at the Town Office

Members present: Chairman Matthew Schaefer, Peter Leavitt, Michael Higgins, Lawrence Murch, Elden Lingwood, and Mary Picavet.

Staff present: Code Officer Jack Cooper and Karen Strout, Recording Secretary

Call to order: Chairman Schaefer called the meeting to order at 7:05 pm.

Chairman Schaefer welcomed new member Elden Lingwood and stated that he was delighted to have a full board once again.

Consideration of minutes dated February 28, 2005:

Motion: Michael Higgins moved and Peter Leavitt seconded to approve the minutes of the February 28 2005 meeting as submitted. **Vote was unanimous.**

Public Hearings:

**Map 76, Lot, 74, LRR1
Donald & Cathy Shimko
59 Thomas Pond Terrace
Setback reduction**

Mr. Donald Shimko addressed the board concerning his request for a 5-foot setback reduction. He told the board that in March of 2004 they had their property surveyed to establish the front pins on their lot and to confirm the placement of the back pins. This was done in preparation for a future addition. They decided to do the deck first and took a measurement parallel with the foundation straight back to the property line. In March of 2005 during a mortgage inspection for refinancing, they were informed that they were in violation of the zoning requirements from the house to the property lines. They are requesting a 5-foot rear setback reduction from 30 to 25 feet.

Comments:

Board member Lawrence Murch, also an abutter, stated that he had no problem with the Shimko's request. He stated that he had sympathy with anyone who had a Chester Swan lot because they were so small.

Code Enforcement Officer Jack Cooper confirmed that the setback reduction needed was a 5-foot reduction for a rear setback from 30 feet to 25 feet.

MOTION: Peter Leavitt moved and Mike Higgins seconded a motion to grant a rear SBR to 25 feet to Donald and Cathy Shako for Map 76, Lot 74. Vote was 5/1 abstention (Murch).

**Map 46, Lot 30, LRR1
Carlton Ralph Plummer
Meadow Road
Administrative Appeal to allow a 16'x 16' farm stand**

Carlton Plummer stated that he was requesting to build a farm stand that would be a garden project that he would manage with his children. It would be a seasonal operation with no set business hours. His purpose was to sell his extra vegetables. The only signage proposed would be one on the building saying "vegetables". There is no plan to expand or truck in any additional products. Plenty of parking would be available on site and there would not be any parking on the road.

Comments from the board:

The board asked why he needed an administrative appeal. Code Enforcement Officer Jack Cooper stated that Land Use Ordinance does not address farm stands although farming is a permitted use in this district. The board asked what requirements would need to be met. CEO Cooper stated that all set back requirements would need to be met and the proposed farm stand would need to comply with the Land Use Ordinance. Construction would need to be started within six months and completed within twelve. Mary Picavet of the board stated that she had attended the site walk and felt that there was plenty of room there for a farm stand and that I would not have any adverse effect.

Comments from the public:

Ralph Plummer spoke in support of his son and commented that there had been 5 generations on the soil in this area.

Jean Carter, an abutter, stated that she thought this would be an asset to the area.

MOTION: moved by Lawrence Murch to grant the administrative appeal to grant the request for a seasonal farm stand for Carlton Plummer at the following location: Map 46, Lot 30. The motion was amended by Michael Higgins and seconded by Matt Schaefer to include the following:

1. That the farm stand meet all of the Land Use Ordinances
2. That the operation is seasonal- spring, summer, and fall
3. That adequate parking off road is provided

The motion was further amended by Peter Leavitt and seconded by Mary Picavet to add:

4. That any trucking onto the property be limited to 2 axels

Vote 6/0 in favor.

Other Business:

CEO Cooper gave an update on the Thompson Boat house violation. It has not been moved and is back in court for the assessment of fines.

Next meeting is May 23rd because of Memorial Day; site walk on May 15th.

MOTION was made by Lawrence Murch and seconded by Peter Leavitt to adjourn at 7:40.

Karen Strout

Recording Secretary