

Zoning Board of Appeals
August 21, 201

Site Visits before meeting

Meeting opened 7:02

Members Present: Bill Martin, Dick Stover, Wendy Laurin, Peter Killeen, Ina Wilhelm, Howard Greenhalgh and Town Counsel, Beth Goodman

Community member present
Tracie Barry, Ron Veillette

Meeting to order at 7 pm

Site visit at 6:30

Review and approve minutes from July 31, 2019

All members who were at the July 31st meeting voted and approved .

Approve draft decisions for Fire Department and Town of Richmond from July 31st Meeting.

Fire Department

Approve written decision. All members who were at the July 31st meeting voted and unanimously approved.

Town Building with conditions.

Vote to approve decision.

Approve written decision. All members who were at the July 31st meeting voted and unanimously approved.

Tracie Barry

Petition was filed on July 24

Distributed to Boards July 24, 2019

Abutters Notice August 7

Publication Date August 5 and 12, 2019

Agenda was posted on August 14, 2019

Site Visit was today

7:05 Public meeting was opened.

Tracie said that garage will be put on crushed stone. The Garage will be delivered is 12' by 20' with a 10 foot overhang that can fit another car. It is a modular unit and will be built in one day onsite.

Discovered needed a building permit and then found she needed a special permit. The company (The Barnyard), she used had never found that they needed a special permit for a car garage or storage shed.

Had started in April, assumed she needed a permit. Building Inspector said it was the responsibility of company to ask for permit. The Barnyard does not do the building permit. She was given the necessary information from the company. Scheduled visit with Building Inspector and found out that permit was declined because it needed a special permit. Environmental individual looked at plot and said that there was no issue. She was told that she was a non-conforming lot at 2.2 acres.

Four findings that it is in compliance with bylaws 3.3.4

Tracie talked to her neighbors and they don't have issues with garage.

Planning Board and Selectman had no comment.

Public Hearing closed at 7:16.

No one spoke in favor or against.

All members voted in approval

6.5.3 condition.

ZBA is only for zoning issues

The special permit decision is limited to zoning matters only, the applicant is required to comply with all other municipal, state and federal laws.

Approval of draft of decision was voted yes by voting members of the board.

There was no hearing on the application of Mark Fowler but he was told that he could be there for educational purposes.

Beth Goodman, the town lawyer was present and discussed new findings for zoning from the state.

Defined building or structure that is preexisting non-conforming and criteria that existed prior to the zoning law.

Two sources of law. State statute and the town bylaw. If there is a conflict between the 2, the town bylaw is overruled.

First look at statute and then bylaw.

There was a new finding in the state that may affect the application of the zoning law in Richmond.

Beth gave the case that may change how zoning laws are applied.

Was lawful and then became unlawful.

Richmond will still need meetings and get findings.

Discussed decision from Feb 2019 case.

Could allow a non-conforming to become more non-conforming due to Statute.

May not afford fewer protections to existing non-conforming structures that are not radical.

Beth referred to new findings from the ruling that was applied to educate the committee.

3 prong test on specific case was discussed.

Meeting was closed at 8:29

Date for Next Hearing

October 2 at 7:00

Balderdash continued to next meeting