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3 **Town of Goshen**
4 **Zoning Board**
5 **Minutes of October 14, 2015**

6 Zoning Board Members Present: Doug O'Clair, Chair; Steven Smith; Judy Dunn; Ray Porter;
7 Michael Chilson; Keith Hall, Alternate

8 Members of Public attending: Glenn Fellows, Beth Rexford, Lynn LeClair, Alicea Burse,
9 Bernie Cutter, Chris Osgood, Dick Fraser, Tom Dombroski

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11 Chair O'Clair called the meeting to order at 7:04 p.m.

12
13 **MINUTES**

14
15 Chair O'Clair presented the minutes from the meeting held September 9, 2015. Members
16 received copies prior to this meeting for review.

17
18 **There being no changes Mr. Chilson motioned to accept the minutes as presented. Mr.**
19 **Porter seconded and the vote which followed was unanimous in favor to accept the**
20 **minutes.**

21
22 **ZONING BOARD PUBLIC HEARING FOR VARIANCE BY GLENN FELLOWS TO**
23 **CONSTRUCT A 12' x 16' SHED WITHIN 15' FROM A SUDE LOT LINE ON**
24 **ROUTE 31 (MAP 202, LOT 37.2)**

25
26 Chair O'Clair informed the applicant of the costs related to the hearing and collected
27 payment from Mr. Fellows. Chair O'Clair read the public notice which was published in the
28 Eagle on Saturday October 1, 2015 and posted in several public places around town. He also
29 explained that the building inspector had discovered the shed being built and asked the owner
30 to cease construction and seek the necessary variance. Following that he explained the
31 application before the Board seeking permission to construct the shed along the side of the lot
32 bordered by the brook. Mr. Fellows presented the application and sketch of the property to
33 the Board for their review. Mr. Fellows noted the long, narrow characteristics of the lot
34 prohibiting him from placing the shed elsewhere on the lot. Chair O'Clair called for
35 members of the audience wishing to speak in favor of the variance. Ms. LeClair and Ms.
36 Burse indicated that they had no objections to the shed being constructed at the location.
37 Chair O'Clair called for members of the audience wishing to speak in opposition to the
38 variance. There being none. Chair O'Clair asked the Board for their questions and there
39 were none.

40
41 **Mr. Chilson motioned to approve the variance for the shed construction as proposed.**
42 **Mr. Porter seconded the motion. The vote which followed was unanimous in favor to**
43 **grant Mr. Fellows' variance to allow construction of a shed within 15' of the side lot**
44 **line.**

45
46 **ZONING BOARD PUBLIC HEARING FOR A SPECIAL EXCEPTION TO ALLOW**
47 **THE CONSTRUCTION OF A HOME WITHIN 25' OF A SIDE LOT LINE ON**
48 **PROPERTY ON RAND POND ROAD (MAP 209; LOT 046)**

1 **Member Ray Porter recused himself from the hearing since he lives across the street**
2 **from the subject property. The Board appointed Keith Hall to serve as an alternate for**
3 **this hearing.**
4

5 Chris Osgood was in attendance as Agent for John and Michele Hay, owners of the property
6 on Rand Pond Road. Chair O'Clair informed the Board that he has received several calls
7 from interested parties recently while this property was for sale prior the being purchased by
8 the Hay's. Mr. Osgood explained the application referencing a map of the narrow lot which
9 has a brook running through it. The map included a septic plan which was in place at the
10 time the lot was purchased. Mr. Osgood explained that the special exception is being
11 requested since the septic design showed was extremely expensive to construct and difficult
12 to maintain overall. The special exception would allow the owners to design a more
13 traditional septic system for less expense and less maintenance. He explained that the
14 traditional system was also very typical of most of the homes around Rand Pond and in the
15 immediate neighborhood. The lot size is challenging to accommodate the shoreland
16 protection set back requirements from the pond, and to work around the unusable area around
17 the brook. By requesting the special exception to move the house to within 20' of the side lot
18 line eases this difficulty for the property owner. The home is intended to be a vacation home
19 similar to others in the immediate area.
20

21 Chair O'Clair called for members of the audience wishing to speak in favor of the variance.
22 Mr. Porter, who lives across the street, indicated that he had no objections as the request is
23 consistent with the nature of the area and indicated that the explanation seemed to fit the
24 character of the neighborhood. Mr. Cutter lives five house beyond the subject property and
25 knows the family. He spoke "highly" in favor of granting the special exception.
26

27 Chair O'Clair called for members of the audience wishing to speak in opposition to the
28 variance. No one was present to speak against the special exception, but Chair O'Clair
29 informed the Board that on Sunday morning, October 12, 2015 he visited the neighboring
30 property after receiving a couple of phone calls from Mr. Henry Vitale Sr. and his family.
31 Chair O'Clair explained the nature of the variance to Mr. Vitale's son and daughter-in-law
32 and encouraged them to attend the hearing. Mr. Vitale Sr. was not able to attend but faxed a
33 letter requesting postponement of the decision. Chair O'Clair read the letter aloud and
34 provided a copy to each Board member which was faxed to them earlier today. A copy of the
35 letter is on file.
36

37 The Board discussed the special exception, asked Mr. Osgood questions about the drawing he
38 provided to obtain a better understanding of the lot layout. Members expressed their
39 sympathy regarding Mr. Vitale's feelings and concerns but agreed that his property was
40 similar to others near the pond as many are closer than 20' to their side lot lines. The Board
41 agreed that because of the characteristically small, non-conforming lot sizes around Rand
42 Pond the Special Exception before them was not unique. Chair O'Clair asked the Board to
43 consider conditional approval requiring the Hay's to plant six screening trees, like arborvitae,
44 a 30' long by 6' high row, along the lot line common to the Vitale's property to serve as a
45 buffer. Mr. Chilson cited another special exception granted with the past year or so for
46 similar lot conditions noting again that this situation arises frequently around Rand Pond.
47 Mr. Hall felt that Chair O'Clair's suggest of screening the lot line with plants or trees was a
48 reasonable condition to consider.
49

1 **Mr. Chilson motioned to approve the special exception to construct a home within 25'**
2 **of a side lot line, under the condition that the owners plant six arborvitae or comparable**
3 **trees along 30' of the line common to the Vitale property. Mr. Smith seconded the**
4 **motion. The vote which followed was unanimous in favor to grant The Hay's a special**
5 **exception to allow construction of a home within 20' of the side lot line.**
6

7 Chair O'Clair informed the applicant (agent) of the costs related to the hearing. Mr. Osgood
8 would arrange to leave payment at the Town Office. Following the hearing, Mr. Hall stepped
9 down as alternate and Mr. Porter resumed his seat on the Board.

10
11 **ZONING BOARD PUBLIC HEARING FOR A VARIANCE TO ALLOW A LOT**
12 **WITH 50' ROAD FRONTAGE ON PROPERTY ON LEAR HILL ROAD (MAP 403;**
13 **LOT 004-001)**
14

15 Tom Dombrosk was in attendance as Agent for Guildhall Sand and Gravel, who own the
16 subject property. Mr. Dombroski explained the application for the variance to create a lot
17 with 50; road frontage instead of the required 175' lot frontage. He provided plans to the
18 Board for review explaining the location of the lot in relation to the access road to the Davis
19 Pit. Chair O'Clair reminded the Board that Mr. Dombroski and Mr. Fraser had attended the
20 previous meeting to inquire about the potential to create the lot in question. Mr. Dombroski
21 explained that there is an existing house on the lot and that other than the frontage
22 requirement there would be no change in use of the property and would create a usable
23 reasonably shaped lot.
24

25 Chair O'Clair called for members of the audience wishing to speak in favor of the variance.
26 There were none. Chair O'Clair called for members of the audience wishing to speak in
27 opposition to the variance. No one was present to speak against the variance. Mr. Hall asked
28 if there was a subdivision involved. Mr. Dombroski indicated there was no subdivision
29 included. Chair O'Clair noted that should the variance be approved the lot would be required
30 to be presented to the planning board for approval as well. The Board discussion included
31 citing several lots in town which were accessed by long narrow roads to the lots of which
32 they found many examples. Mr. Smith noted that this lot was similar in access style to those
33 discussed.
34

35 **Mr. Porter motioned to approve the variance for the lot with 50' frontage on Lear Hill**
36 **Road. Mr. Chilson seconded the motion. The vote which followed was unanimous in**
37 **favor to grant variance for 50' frontage.**
38

39 Chair O'Clair discussed the fee for the Guildhall Sand and Gravel hearing with the agent and
40 applicant. Mr. Dombroski paid Chair O'Clair for the hearing fees.
41

42 There being no further business, Mr. Chilson motioned to adjourn the meeting, seconded by
43 Ms. Dunn. The unanimous vote was accepted by Chair O'Clair at 7:50 pm.
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