

17/011
Wednesday June 13, 1988

Meeting called to order at 7:30P.M.

Present: Rachel C. Reinstein, Chairman, Edwin F. Rowehl, John J. Jones, Elizabeth Shaw, Secretary.

Correction on minutes of last week's meetings with the Board of Selectmen, and the CDBG to show those present at each.

The contract was signed for the second phase of the CDBG by John Jones and Ben Pratt. Lee Marshall was present at this time. (R.H.White was awarded the contract.)

Mr. & Mrs. Lemire were told the trailer which is on their property should have been removed as of October 1987 in order to comply with the permit issued in 1982 allowing them the use of the trailer for five years in which time a house was to be built. The sub-division for their property never was approved by the Planning Board. Mr. Lemire had a lawyer draw up the sub-division and it was Mr. Lemire's understanding that one sub-division was allowed for a family member without going to the Planning Board.

Mr. Rowehl explained that a modular home which is brought in on a flat bed or without its own axle and wheels is considered a modular home when placed on a permanent foundation.

Mr. Lemire will contact an attorney as he believes he can build when he wants and not conform to Town Zoning Regulations.

A building permit for the Chirichillo lake property was approved. The permit for the Route 9 property was held until the request can be checked with regulations.

A letter from Mr. & Mrs. Wasserloos was discussed. Town does not put in speed bumps as requested. Speed bumps would make plowing difficult. Caution Children signs, at the expense of those requesting them may slow the traffic down. A tree which has some dead branches will be checked out by Bob Varnum to see if the tree needs to be removed and if the tree is on Town property.

Chris Joseph reported the property on Pleasant St. has been cleaned up. Chris also reported having checked the traffic on Water St. and Depot St. and found the average to be 23 MPH and two cars were traveling at 30 MPH.

Harry Page met with the Selectmen to review corrections on land known as the Reel Shop property. Glenn Loucks, Carol & Richard Court were present for this meeting.

Mr. Page wanted to clarify the property lines shown on the old survey, the drawing submitted with his permit and the Highway map.

On his original application on which the permit had been rescinded, his figures for amount of land which is owned by Kincaide Construction was over by 85'.

Mr. & Mrs. Court asked how much wet land was within the lines of the property proposed for the building site. Mr. Page does not believe any. Mr. Page was to have left a copy of the new maps and designs with the Selectmen but failed to do so.

A group of concerned citizens, list attached, met to discuss their concerns over the former Vose property, now owned by the Hickey Brothers Realty Co.

John Cronin represented some of the property owners.

There is concern over the number of apartments in the building. Several property owners believe the building was one family, but are aware several member of Mrs. Vose had lived in the house at different times. No one was ever aware of there being more than two apartments. Mr. Cronin suggested a two week period in which a history research of the property should be made to determine who lived at the property, for how long, and what period of time. How long was the property used as a multi-family, weeks, months, years. If it was a multi-family, and ceased to be multi-family, how long did it cease to be one.

When did the multi-family start? Was it a legal use? Was it ever allowed under the ordinance? Was it a legal use at the time it started as a multi-family? If it was historically illegal, it did not become a legal multi-use just because the Selectmen did not stop the use.

Phil Runyon was present to represent the Board of Selectmen.

Mr. Runyon pointed out the Selectmen never intended not to enforce the zoning regulations. They were moving cautiously so as not to violate rights of anyone. Selectmen can not act on violations until they are notified of one going on.

Mr. Cuddihy knows the water was shut off in 1985 and 1986 when Ann Vose went to Florida. The following winter Mrs. Vose's daughter lived at the residence. At that time there was only one/meter. When four meters were installed, Mr. Cuddihy notified the Selectmen of a possible violation. This was after the Hickey Brothers purchased the property and started renovations.

A deck was put up without the proper building permit being granted.

Rachel Reinstein pointed out the permit application had been submitted but Selectmen withheld decision pending outcome of the question as to the legality of the number of apartments in the building as it is possible the deck was to be an egress to an apartment. *Mr. Hickey had been advised of this.* Mr. Hickey has been advised of the possibility of his renovations being illegal.

Mr. Cronin and Mr. Runyon had advised Mr. Hickey's lawyer that a meeting of interested parties were meeting tonight to discuss the possible violations.

It was agreed to allow a two week time for a history of the property to be developed and with that in hand, if it is determined that there is a violation, a cease and desist order will be issued within two weeks.

Mr. Runyon believes this is a reasonable time frame in which to work. He pointed out the Selectmen are trying to do their best, not being lawyers, judges etc, they are trying to keep the peace and not end in court at every turn while seeking legal opinions in an effort to enforce the zoning regulations.

An on site inspection will be required.

Mr. Flanders pointed out Mr. Hickey did not go before the BOA to gain approval for a multi-family. Zoning was put into effect to ensue that multi-family dwelling did not go into Town without the knowledge of the Selectmen. Mr. Flanders believes it was the intent of the zoning regulations that an owner had to live in the house in order to have the additional apartment.

Mr. Cutter believes the zoning ordinance allows one apartment in a dwelling or two families.

Since the Selectmen had sent Police Chief Joseph down to view the property, Mrs. Sarah Edwards asked what was found by the Police Chief. Chief Joseph found renovations going on. Chief Joseph had known of several people renting over the years but could not say they had separate apartments as he could not view the entire apartment when he had been called in on complaints.

Was it possible rooms were rented and not apartments? A question no one could answer at this time.

Selectmen met in Selectmen's office to continue the regular meeting of the Board.

Executive Session was voted to discuss and gain legal advise as to how to proceed with the Vose/Hickey problem.

Meeting reconvened: No information from executive session available.

An intent to cut for the Weston land was signed.

Mail was read.

Meeting adjourned 10:45

ems

6/13/88

Glenn Kovacs

Bob and Sarah Edwards.
Peter + Melissa Schibly
Bruce + Elaine Cuddihy
Erosatha White
Donald Paige
Sharon Hall
Edythe Paige
Klein Blackbury
Dorothy Lang
Philip El Jang
Howard Humphrey Sr
~~Howard Humphrey Jr~~
BOB FLANDERS
Shelley Netters
Richard F. Court
Carol Ann Court
Bill + Debbie Lafante
Russell + Mary Cuddihy
Everett S. Chamberlain
Henry Cutter
Gwen Cutter
Jane Hill
William T. Hall
Peter J. Wasseros
Bethany Edwards Wasseros
Sept McQuire
Andy Jennings
Arthur + Allison