

Selectmen's Meeting, Monday, May 8, 1989

Present: Edwin Rowehl, Chairman, William Suydam, Madeleine Henley, AA, Betty Shaw, Secretary.

Mike Oldershaw's appointment to the Planning Board has expired. A letter will be sent thanking him for his service and telling him if he wishes to be considered for reappointment to let the Selectmen know.

SWRP requested two reps. from the Town. Dave Essex and Madeleine will represent the Town.

Abatements were signed for errors made when calculating the CUTs on the Caughey and the Mulhall. An abatement for the DeRoeth property was signed. Assessed as five acres in place of .50 acre.

Tim Foley has notified Ed that he has completed the required work on Beaver Dam Rd. Ed and Bob Varnum will check the road out.

CUV applications were signed for the James Shea and George Dawson properties.

Selectmen accepted Mr. Russell's resignation as the Emergency Management Director. Hank Cutter was discussed as a possible replacement. Madeleine will contact Hank to see if he will consider the appointment.

Bill will call and speak to Mr. Runyon regarding an appointment. (Harry Page joined the meeting at this time.)

A court summons was delivered today, regarding the fire in 1986 at which time the old fire station and the Edmunds property burnt. A copy will go to Bellows' Nichols and to Town Attorney.

Don Mellen and Mr. Noble met with the Selectmen to discuss the proposed construction on the Noble property located at Pierce Lake. Mr. Mellen presented the plans which had been presented to the Planning Board. Judy Pratt checked with the Planning Board lawyer. She was told that if a boundary line adjustment were made, the grandfather clause would be lost. A variance would be required from the ZBA for set backs as well as for a lot line adjustment before any building permit can be issued for a new construction. Presently there are two nonconforming lots, one of which has two dwellings. Mr. Noble wanted to know if he has any legal status on the permit which he applied for July 21, 1988.

A letter from the Selectmen, dated August 24, 1988, to Mr. Noble advising him to appear to the Planning Board for the lot line adjustment. Bill Suydam does not see where the letter from the selectmen makes a legal position for Mr. Noble. Mr. Mellen was busy at the time and did not follow up as quickly as possible. August 1, 1988 selectmen's minutes mention Mr. Noble and son meeting with the selectmen to discuss placing a new building between the two properties. Permit applied for July 21. Rachel had told Mr. Noble he could upgrade the boat house. Then he was told to get a lot line adjustment. In September the Planning Board asked for a survey. This was turned over to Mr. Mellen for the line adjustment. (A meeting with the Planning Board on April 13, 1989.) Mr. Noble had started all the work before the new zoning took place. He claims he was able to meet all the requirements at that time. Mr. Rowehl pointed out the problem was that the zoning allowed for one building per lot. A letter had been sent by Betty Shaw back in April 20, 1988 stating the property was on Town records as one lot and the tax maps did not show the Noble property as being lakefront. This was later found to be in error. Mr. Noble said his parents had said the lots were counted as one for tax purposes. Bill Suydam pointed out that the building permit which was presented was for construction straddling the two properties. The requirements have changed some, but Mr. Noble could not be granted a permit under the old regulations. Mr. Noble understood he required only the lot line adjustment and he would get a permit. It was pointed out no lot line adjustment has been granted as of this date. Mr. Suydam mentioned an attorney was in the other night who mentioned that when property is taxed as one lot, it should not be allowed to be counted as two or more without a sub-division.

Mr. Noble mentioned the size of lot, the distance from the lake etc. have changed with the new regulations. Mr. Noble would prefer not to redo the boathouse since it is five feet from the water. He would rather remove the boathouse and build one more in conformance with the regulations. Bill pointed out he would not be in conformance since he does not have the lot line adjustment. The present boathouse is grandfathered and this can not be taken away that is why he would be allowed to do renovations to the boathouse.

The new regulations would require he go to the ZBA for variances. Madeleine suggested Mr. Noble decide what he wants then sit down with Barbara Elia to decide what variances are to be requested. Mr. Mellen sees a variance being required on the lake front as well as area on both lots and possibly from the road. Edwin Rowehl believes the selectmen do not have to turn down the application before an application is sent to the ZBA. Madeleine pointed out both properties can be heard by the ZBA on the same night.

The building permit would be applied for after the variances were acquired.

Don Mellen mentioned the slope may also require a variance.

If Mr. Noble is turned down by the ZBA will he still have the two lots? Selectmen said yes. If he chooses to reconstruct the boat house, will he be allowed to tear it down to rebuild with a foundation. Bill Suydam read the zoning regulations regarding the nonconforming structure. Mr. Noble would like to put in a concrete foundation, does he raise it up to have the foundation, or can he tear it down and rebuild? Madeleine mentioned the extended use. Since this is a new question, Madeleine suggested the selectmen think about this. Mr. Noble wants to build a year round home. Bill pointed out this is a change in use.

Bill Suydam believes more detailed information will be required before the selectmen will consider the questions.

Harry Page mentioned the lawyer having said the fact of having tax maps being taxed as one parcel does not agree with the town zoning regulations. Mr. Page mentioned the use being extended was a question which needs to be cleared up.

Shaun Hickey asked if Art had spoken to selectmen about the replacement of stairs on the former Vose property. A set of stairs have been removed and a new set will be replaced. Shaun mentioned he wants to close in a porch on the former Jackson property and enlarge an apartment. Shaun asked that the selectmen do not take a full three weeks to do the work. Ed said if there is no problem Madeleine will sign the permit tomorrow. Shaun asked if Art will come out to verify the duplex on the Hebert property. Shaun asked if an awning requires a permit? A lot of extentions are showing up without the property owners acquiring a permit.

Madeleine mentioned Ken Andrews will be scheduling a meeting for those who are interested in the BOCA. A firm date will have to be set.

Shaun asked if it is true the lake water has been checked and what was found. Tests will be done this summer.

The letter to all property owners on Gregg Lake and Great Brook regarding testing the septics was approved.

The Bennington administrator asked if the town of Bennington can use a portion of the landfill as a ball park since they have two teams both of which may want to use their field at the same time. Selectmen will have to think this over.

Selectmen agreed to have the town clock lubricated.

Letters have gone out to the Town Hall Committee requesting they meet with the selectmen next Monday.

Madeleine brought the Selectmen up to date on the Conval, AMS property.

Although they may not require a building permit, the Town parking lot and the ball field are Town property and can not be used without Town approval.

No meeting will be scheduled for the Memorial week. Bill Suydam and Edwin Rowehl agreed to not having a meeting. So voted.

Selectmen saw no problems with the BAF District minutes.

A building permit was requested using a septic approval from last year when construction was required 50 feet from the center of the road. The new regulations require that he be 50' from the edge of the road. In order to meet the new regulations, he would require a new septic approval. It appears this will have to go to the ZBA.

Harry Page asked to have information regarding \$ for the Town Hall Committee.

Bill Suydam requested executive session. Edwin Rowehl second. So moved.

Meeting called to order. No information from executive session.

Meeting adjourned 10:15

ems