

Zoning Board of Adjustment
Minutes
April 9, 2015

Members Present: PJ Cyr, Wayne Flynn, Keith Roberge, Tom Dyar, Rick Eichler and Steve Roy

Members Excused: Lenny Knowles

Members of the Public: Guy Gosselin, Jerry Haman, Gina Saladino, Jacqueline & Liz & Peggy Brickley & Lisa and Allan Pike

Call to Order: Meeting was called to order at 7:02 by Chairman Cyr

Review and Accept Minutes of December 18, 2014 – On a motion from Rick Eichler with a second from Keith Roberge, all members voted to approve the minutes as presented.

Election of Officers

On a motion from Wayne with a second from Keith, the board voted to keep the current slate of officers (PJ Cyr, Chairman and Tom Dyar, Vice Chairman). All members voted in favor

Appointment of Secretary

The chairman appointed Michelle Lutz as secretary for the board.

Case #01-2015 – Gosselin – Variance

The chairman reviewed the application and that the applicant is requesting a Variance from Article IV, Section 4.01. The chairman asked the applicant to present his case. Mr. Gosselin explained that he and his wife own the property at 1 Washington Street. They are requesting a variance for the use of the building. The history of the building shows that it has been used commercially most recently for his wife's therapy/energy business as well as a gift shop but historically as a tavern/hotel. There is currently a Reiki circle on the property. Though the building was originally built and used for commercial purposes, the current use is residential in nature. There will be no change to the building footprint. A small tarp structure will be removed to allow for more parking. The applicant has a potential buyer who would like to turn the building into a B&B/hostel but they need to know if the property will receive the variance prior to purchasing. The building is of such size and design that it would be difficult to sell as a residential home. The applicant met with the planning board for a preliminary discussion where he was told the board would work with him through the site Plan Review process but he needed to obtain a variance first. The property is surrounded on 3 sides by commercial as well as the St Lawrence and Atlantic Railroad and 2 residential properties. The building is assessed for 90% residential with 10% commercial. There is a porch near the railroad end of the lot that opens to the workshop. This area will become the dorm area for the hostel. The upstairs has several bedrooms which would be used for the B&B. Though there is a prospective buyer for the building, Mr. Gosselin is applying for the variance to make the property more saleable to any prospective buyer. Part of the first and second floors will be used for the B & B portion. There was question as to if this would be a B&B/hostel or B&B/rooming house as the application says. There is the potential for 4 B&B rooms with 6-10 bunk beds in the dorm area. Rick mentioned that the codes for B&B's have changed regarding fire alarms and egress among other things. There was no one from the public who wished to speak in favor of the application. Jacqueline Taillon stated that her concern was with the application for a rooming house. Liz Brickely, who is a direct residential abutter, works in the prison system. She explained that State Prison cannot release inmates to Berlin per an agreement however, they typically look for rooming or boarding houses to release to and is concerned with having one in her backyard. She does not have concerns with a B&B and is unaware of any issues with hostels. She purchased the home in a Residential Zone and has a younger child within 20' of the property line. She is concerned about what a rooming house could bring to her backyard. That street is a thoroughfare for kids heading from the Common to Libby's Rec Facility. Tom Dyar questioned if the board was voting on a variance for a B&B/Hostel or B&B/Rooming house. Mr. Gosselin explained that he was not fully aware of the difference between a rooming house and a hostel. Allan Pike does not believe that the request meets the five criteria required for a variance. He believes the variance will set a precedence for other properties in Town to do the same thing and he believes the variance would be against the spirit of the ordinance and the intent of the law. He is concerned as the ordinance does not limit the number of people the rooming

house can hold. Liz Brickley questioned the proposed use of the area surrounding the Reiki circle. The applicant could not address that. The board questioned why the potential buyer was not present. PJ suggested the applicant withdraw their application, reapply for a B&B/Hostel and request a joint hearing with the Planning board. It was also suggested that the potential buyer attend the meeting. Steve Roy felt there were a lot of questions that were not being answered. Rick questioned how the outdoors was going to be used and questioned if there would be campfires and or tents allowed. Those questions were not adequately answered either. The chairman closed the public input portion of the meeting at 7:50 for deliberation amongst the board. At that time, the applicant chose to withdraw the application and plans to reapply for a B&B/Hostel and will request a joint hearing with the planning board.

New Business –

Wayne questioned if the Town had received anything regarding the spring Planning & Zoning Conference. He will check and let the board know.

Old Business –

The changes the board discussed at its December work session have not yet been implemented. The secretary needs to meet with the Code Enforcement Officer to enact some of the changes.

Adjourn – On a motion from Keith Roberge with a second from Wayne Flynn, all members voted in favor of adjourning at 8:05 pm

Respectfully submitted

Michelle M. Lutz
Zoning Board Secretary
April 22, 2015

APPROVED APRIL 16, 2015