

MINUTES SELECTM'S MEETING - May 8, 1989

The Selectmen met at 6:30 pm with the Road Committee and went out to view Highland Road and Briar Hill. The Road Agent also accompanied the group and showed how the pug mill mix would be applied to both these roads. They also viewed the white fence in front of the David Aibel residence and all agreed that the fence had been placed on the Town Right of Way. David Aibel will be contacted and informed of this.

At 8:30 pm the Selectmen met with representatives from the Planning Board Harold Strong, Claire Dane, Brent Armstrong, Bruce Fillmore and Ella Daniels and representatives the ZBA Willam Hebert and Marge Colburn. Willard Dodge chaired the meeting in the absence of Tom Mansfield who had left for the evening due to illness. Sandra Gendron took minutes. Also in attendance was Kerwin Sizemore the Building Inspector. The general discussion of the group was a building permit which had been issued to Ronald Sizemore, Beard Road, New Boston to construct a large steel building on his home-site. The permit was issued on January 26, 1989 for the construction of a maintenance building to be located on Rte. #77 and would house the vehicles for Sizemore Rubbish Removal, an already existing business. Questions had arisen as to whether this permit should have been issued without requiring "Non-Residential Site-Plan Review" or whether construction of a building for this use would also require Mr. Sizemore to apply for a special exception under the Zoning Regulations as well as site review. The questions of these requirements was due to the increase in size of the rubbish removal service. Construction of the building had commenced since the permit had been issued by the inspector in good faith and under what he felt complied with the definition of an accessory building as defined under the permitted home business section of the Zoning Regulations. Ronald Sizemore had been invited to attend this informal discussion, but had chosen not to. At several points during the meeting it was noted that it was not the intention of this group to pick on or single out Mr. Sizemore; but more to discuss the meaning and intent of several areas of the Zoning Regulations as they might relate to the Sizemore building permit and similiar situations as they might appear. Discussion ensued on such definitions as found in the New Boston Zoning Ordinance for "accessory building", and "home business" and home business under the permitted use section of same. Everyone seem to agree that it was imperative to this discussion to determine if Sizemore's disposal business did qualify under the definition of a "home business" and after a fashion it was agreed by all that this was not, nor had it ever been, a "home business" but rather it more aptly fit the description of a "business run from a home". This term is not defined in the Zoning Ordinance and the possibility of expanding our definition to describe this category of use was discussed. The distance the building is being erected from the home was also cause for discussion and questions arose as to whether a building 1000' from the home with it's own septic system and water supply could still qualify under the definition of an "accessory building." There was also general discussion on a phrase quoted from the Zoning Ordinance "changing the character thereof..." Most agreed that this building did indeed change the character of the residential neighborhood.

Bo Strong related views and ideas he had gathered from the SNHPC when he asked for ideas and advice on this particular situation. When reviewing terminology of the New Boston Zoning Regulations there seemed to be no criteria as to the distance a building had to be from a home nor did the size seem to be at issue with the definition of an "accessory building". The definition of a "home business" was that which is conducted entirely within the confines of the home such as a hairdresser, a dentist, etc. and that if storage of equipment were necessary in an accessory building said building would be subordinate to the main house. In discussing our definitions it was further the suggestion of the SNHPC that we consider changing the term "home business" to "home occupation".

Discussion turned to the possibility that the Sizemore business had been in existence prior to the adoption of the Zoning Ordinance (March - 1977) and if so, the rubbish removal business would be grandfathered under current zoning, this is yet to be determined and will have to be stated by Mr. Sizemore in a Letter of Intnet which will be requested from him by the Board of Selectmen.

Claire Dane queried if this was in fact a grandfathered non-conforming use, could it fall under that portion of the Zoning Ordinance (Art. 4, Sect. 4-3) which talks about expanding a non-conforming property. After discussion it was decided that this

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section of the ordinance did not apply to new construction. However, this did bring about the resolution of the facts that: 1.] if the business does not meet the criteria of a grandfathered use, special exception would be a requirement for the operation of that building; 2.] if the business does meet the criteria; however, and if the building were to be used solely in relation of the Sizemore Rubbish Removal business as to the storage and maintenance of related equipment and the use of the office space will be applied to the operation of that business only, then a special exception would not be required. Site Plan Review would be a requirement regardless of that determination.

In closing some feeling was expressed that it might be easier for Mr. Sizemore to apply for a special exception now rather than in the future and even entertain subdividing the area around the new building from that of his home-site. It was agreed that Ronald Sizemore would be requested to submit to the Board of Selectmen a Letter of Intent stating exactly what business would be operating in the new building and when Sizemore Rubbish Removal came into existence.

Claire Dane came in to discuss with the Board the proposed Hopkins Road Project and felt that, in her opinion, it would not need a special exception that all appeared to be in order. She had check all aspects and would further check a question she had with regard to referancing a plan #8. She pointed out that the plans need to be recorded in order for deeds to be passed. She did think that a lot line could be adjusted without a hearing being held or the abutters notified, but felt the hearing process did give the abutters an avenue to ask questions. Willard will contact Arthur Martin and plans would go forth from there. Selectmen will have to decide whether or not to hold a hearing.

It was discussed that the Town is holding \$10,000.00 of Wm. Boivert's contract for the shaping of the landfill and further that the Town is responsible for not allowing Mr. Boisvert to complete the job at this time and it was agreed that he was entitled to $\frac{1}{2}$ of his remaining money. Mr. Boisvert was in agreement with this proposal and will complete the job when the Town is ready.

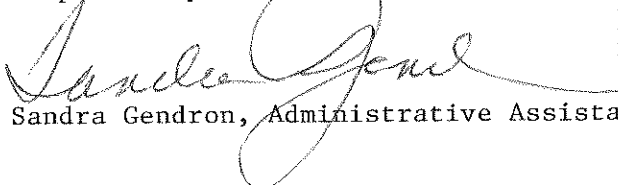
Selectmen Dodge will revise the Stickney Gravel Addendum to fit the requirements of the Boisvert Gravel Permit so that might be signed. A meeting was also scheduled for Sat. 5-13-89 at 8:00 am at the 4-H grounds between the Selectmen and Brent Armstrong so that final details can be worked out so that gravel permit can also be signed.

Robert Todd will be contacted to serve as Chairman of a committee to be established to move the Babson Memorial Monument to the site of the War Memorial Monument and to determine how the \$5900.00 appropriated at the 1989 Town Meeting can best be spent in making the common area more attractive. The State is looking for a date when the Babson Monument will be moved in order to proceed with pending highway projects. Selectman Johnson will serve on this committee and Almus and Georgia Chancey will be contacted to see if they would like to be appointed to this committee because they have spent so much time and energy over the years in caring for the Babson Monument in it's present lcoation.

The Selectmen viewed and realize work needs to be done to the coving which has loosened and partially fallen away from the Town Hall roof towards the playground. The thought was expressed that possibly the Fire Department ladder truck might be high enough to reach the deteriorated area and further that Fireman Bill Hebert might know where we might locate more of this coving.

The meeting was adjourned at 11:45 pm with checks and other paperwork being reviewed and signed.

Respectfully submitted,


Sandra Gendron, Administrative Assistant