

Applicant: David Linnane
88 Bunker Hill Avenue

Members Present: John Dold, Bruce Barker, Arol Charbonneau, Brad Owens, Mike Smith and David Short

The Board of Adjustment held a Public Hearing on Tuesday, April 14, 2009 at 7:30PM in the Municipal Center to consider the request of a Special Exception to the terms of Section 2.1.27 of the Zoning Ordinance. Applicant asks that said terms be granted to permit the relocation of a home occupation to the lower portion of garage.

Secretary Brad Owens read the notice and the application.

Chairman Dold asked the applicant to present his case. Mr. David Linnane stated he is following the instructions given on change of use. Mr. Linnane stated he doesn't feel that he has a change of use since he was granted the Special Exception. Mrs. Norma Linnane said the condition in granting the Special Exception states, "If the situation changes, then the Special Exception will be null and void, such as adding employees, traffic or space." Mrs. Linnane stated they are not adding, they are changing. She added they are more than willing to change the terms of their conditions if they need to. They are not adding space, they have done nothing but downsize. Chairman Dold asked the applicants to describe where they are moving it to. Mr. Linnane explained in 2001 they were granted the home occupation and in 2002 a shed was put on the site and that was eventually approved as well. The dimensions of the shed are 16' x 24'. Mr. Linnane added that they stated in 2002 that eventually they would be moving the shed and building the garage. Chairman Dold asked what type of business it is. Mr. Linnane responded it is a plumbing and heating business with no employees. In 2002 he had four employees, a secretary and himself. For the past two years, he has had no employees and he has an outside bookkeeper who he faxes everything to. The office is minimally used. Mr. Linnane added he only has one work vehicle.

Mr. Linnane stated they are allowed to use 25% of the overall square footage of their residence and they will be below that using the lower portion of the garage. Mr. Linnane displayed an architectural drawing of the garage for the Board. Mr. Linnane stated he presently has a 10' x 24' tent in the back yard, the contents of which will be going into the lower portion of the garage.

Chairman Dold asked Mr. Linnane what the square footage of his house is. Mr. Linnane responded it is 3116 square feet. The lower portion of the garage is 900 square feet. They do not intend on using all of the lower portion for their business, as they don't need it. A good portion of the lower level will store a tractor, a four-wheeler, two trailers and lawn equipment, etc. Mr. Linnane stated they want to use less than half the space of the lower portion, which would be about 450 square feet.

Bruce Barker asked the applicants if they are the resident owners, to which the Linnanes responded they are. Arol Charbonneau asked about the office in the house. Mrs. Linnane responded it's a personal office and the fax machine is located there. Mr. Linnane added the fax machine could very easily go into the basement portion of the garage but they would prefer to keep it in the office since they use it for personal use as well. David Short asked how big the office is. Mr. Linnane responded the room is approximately 10' x 12'. Bruce Barker stated with a home of 3116 square feet, they can use 779 square feet for the home occupation.

Chairman Dold asked if anyone would like to speak in favor of or in opposition to the applicant. Bill Kenny, 1 Russell Drive, stated the Linnanes are great neighbors and added that the turkeys that roost in the Linnanes' back yard make more noise than the Linnanes do. Mr. Kenney added they are excellent neighbors and he hopes they get their garage. Terry Barnes, Code Enforcement Officer, stated he is in favor of the Linnanes' garage. Paul Deschaine, Town Administrator, stated this application has been reviewed over and over again from a number of different angles. The initial approval was for the office area, the basement area of their home and the shed. Mr. Deschaine stated altogether it was approximately 750 square feet, so their request today is actually a significant drop from that. The original approval had the condition that any change would render the approval null and void. Mr. Deschaine added he felt it was important for the record to state how many square feet the Board is approving. Chairman Dold stated in the minutes from the March 3, 2009 meeting, Mr. Linnane states the house is 3300 square feet and tonight he is saying it is 3116. Chairman Dold asked for clarification. Mr. Linnane responded they came up with 3116 because it is based on finished area and there is a small portion of the basement that is unfinished.

Chairman Dold stated in order to grant a Special Exception for a home occupation the following conditions must be met: 1) Standards provided by this ordinance for the particular use permitted by Special Exception. All Board members agreed that the standards have been met. 2) No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials. All Board members agreed there would be no hazard. 3) No detriment to property values in the vicinity or a change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials. All Board members agreed there would be no detriment. 4) No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. All Board members agreed there would be no creation of a traffic safety hazard or substantial increase in the level of traffic congestion. 5) No excessive demand on municipal services including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools. All Board members agreed there would be no excessive demand. 6) No significant increase in storm water runoff onto adjacent property or streets. All Board members agreed there would be no significant increase.

Chairman Dold motioned to approve the application for Case #535 for a home occupation for a plumbing business for the use of up to 779 square feet within the home

area and/or the garage and incorporating the testimony and exhibits in previous cases numbered 534, 430 and 427. David Short seconded the motion with all Board members voting in favor. Chairman Dold advised the applicant of the thirty-day appeal period and called Case # 535 closed.

Respectfully,

Norma Corrow, ZBA Clerk

The tape of the meeting is available at the Town Office Building for review during regular business hours.