



Office of
ZONING BOARD OF APPEALS
272 Main Street
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William Cadogan, *Chair*
Darlene Sodano, *Vice-Chair*
Julie Johnson, *Clerk*

Anthony Genova, *Member*
Craig Stevens, *Member*

John Giunta, *Associate member*
Kelly Chambers, *Associate member*

MEETING MINUTES
December 14, 2011 at 7:00 p.m.
Room 2

1.0 Preliminaries

- 1.1 Call the meeting to order:** Chairman Cadogan called the meeting to order at 7:02pm.
- 1.2 Roll Call:** Present were members Bill Cadogan (BC), Darlene Sodano (DS), Tony Genova (TG), and Craig Stevens (CS) and Associate members Kelly Chambers (KC) and John Giunta (JG). Also present was Administrative assistant Karen Chapman.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting:** none.
- 1.4 Review & approve minutes:** none.

2.0 Hearings/Appointments/Work Sessions:

2.1 Public Hearing – Appeal – 39 Blood Road

BC opened the public hearing at 7:03pm. BC appointed KC as a full voting member for the purposes of this hearing. JG recused himself from the discussion as he is an abutter to the applicant. The applicant, Chad Falardeau, and the owner of the property, Marcel Falardeau, were present. KC read the legal notice. BC read the Zoning Enforcement Officer's (ZEO) letter to the Falardeaus dated October 18, 2011 ordering the applicant to cease and desist operating a landscaping business at the property at 39 Blood Road as it is in violation of the Zoning Bylaws, specifically §§145-26 and 145-23. BC read three letters of support for the applicant from the McMasters at 37 Blood Road, the Burnetts at 36 Blood Road and the Crosbys at 51 Blood Road.

TG states that the property looks just as the ZEO describes it, with equipment and materials and also mentions that it is nice that the neighbors like you but the law is the law and what you're doing is not allowed. DS asks the applicant what his plans are for his business. Chad states he is requesting an extension of the order so that he can move his business to an acceptable location. Chad says he had a big pile of wood that he has mostly sold, has stopped all equipment storage at the site as much as possible and no work is being done at the location. He also mentions that the pile of topsoil is from onsite and no materials are brought to the location from offsite. Chad also mentions that these types of operations are done all around town and it should be allowed because you are stopping the livelihoods of people doing business and employing others. BC states that no one wants you to not make a living, but what you are doing is not allowed under the bylaw.

TG claims the stonewall next to the road has been disturbed and this needed to go through the Planning Board under the Scenic Roads Act. Chad states the stonewall has had an opening in it his whole life and he did not do anything to disturb the stone wall. Chad states that he is looking to get his entire operation out of this location by June 2012 and is in the process of buying a house to do just that. Marcel, the property owner, states that we understand that it is a residential area and what he's doing is not allowed, but he is working until he can find a place to move. He states further that we would like to have until June when everything is not frozen anymore.

DS asks if Chad has contacted anyone in town in order to store his equipment in an acceptable location. Chad states that it would not be cost effective to rent when he is trying to save money to purchase a house and a suitable location for the business. DS states that the Bylaw is clear on what is allowed in a residential district and the Board does not have the authority to allow this type of business. She further states that we do have the authority to regulate the time period for compliance. BC states that the best bet is for the Board to continue the hearing until February, which is the maximum time that can be given under the Appeal laws. At that time, BC continues, the Board must make a decision, but the decision can allow a certain time period for compliance, possibly 60-90 days.

TG states that operating a business like that in a residential neighborhood brings down the value of the homes. Chad and Marcel disagree with this assumption.

CS motioned to continue the hearing until February 1, 2012 at 7:00pm. DS seconded the motion with all voting in favor.

3.0 General Business:

- 3.1 Planning Board Mandatory Referral re: Cell Tower Renewal – 60 Warren Road:** no comment.
- 3.2 Request from BOS re: Renewal Applications for Licenses:** no comment.
- 3.3 Memo from BOS re: Remote Participation in Meetings – requesting comments by January 6, 2012:** the Board would be interested in remote participation.

4.0 Correspondence:

- 4.1 Planning Board Special Permit Renewal Cell Tower – 60 Warren Road:** noted.
- 4.2 Planning Board Letter of Determination Cell Tower – 12 Ball Road:** noted.

5.0 Schedule

Next meeting is scheduled for February 1, 2012 @ 7:00pm.

6.0 Adjournment

DS motioned to adjourn at 7:52pm. CS seconded the motion, with all voting in favor.

Minutes Respectfully Submitted by

Karen Chapman
ZBA Administrative Assistant

Documents used during this hearing can be found in the Town Clerk and ZBA files under 39 Blood Road.