

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
NOVEMBER 18, 1993

MEMBERS PRESENT: William Colbath, David Paolini, Dean Trefethen and Brenda Whitmore

ALSO PRESENT: Steve Stancel and Thomas Clark

William Colbath, Vice-Chairman, called meeting to order.

ITEM #1: New Business

Bill Colbath read Chris Jacob's letter of resignation as Chairman of the ZBA.

Dean Trefethen made the motion to save the nomination of Chairman till the end of the meeting.

Dave Paolini seconded the motion.

ITEM 2: Old Business - None

ITEM 3: H93-16, Dyanne Chevalier (applicant: Ronald Chevalier), 83 County Farm Cross Rd., a/k/a Assessor's Map B, lot 10-A, zoned R-40, requests a variance from the terms of Article V, Section 170-16, Table I, Part B, to construct a shelter for a horse thirty-eight (38) feet from a side property line where one hundred (100) feet is required.

Ronald Chevalier - Expressed that due to the location of the septic system and the well, the new accessory building cannot be built anywhere else on the lot. He addressed the 5 criteria on his application.

Brenda Whitmore - Asked the number of horses to be housed on the lot.

Ronald Chevalier - No more than two.

Brenda Whitmore - Asked if this shelter could possibly house more than two.

Ronald Chevalier - No. It is just large enough to house 2 horses and their supplies.

Bill Colbath - Explained to Mr. Chevalier that he may go with the 4 members of the Board present or wait until the next meeting.

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Ronald Chevalier - Wishes to have the hearing this evening.

Brenda Whitmore made the motion to accept the case.

Dave Paolini seconded the motion.

U/A

Tom Clark - Asked where the location of the Smith's house was.

Ronald Chevalier - The Smith's farm is located a short ways from Ronald's home. The Smith's have agreed to dispose of the waste and by products produced from the proposed stable. Ronald also said that the flooring will be a 2" padding.

Steve Stancel - Found that in scaling the area, it appears that the 100' setback could be met.

Ronald Chevalier - Because of the location of the septic system and the leach field, and also swamp and hill area, the barn cannot go anywhere else.

Dave Paolini - Asked Steve why the ordinance was written requiring the 100' setback.

Steve Stancel - It was a density requirement and also due to the smell.

PUBLIC HEARING CLOSED

Brenda Whitmore - Walked the lot and felt that the building could be placed to be in compliance.

Dean Trefethen - Portions of the land are not usable and the applicant communicated with his abutters and they seem to have no objection.

Bill Colbath - Asked what the distance is to the abutter.

Ron Chevalier - 35 to 40 feet.

Dean Trefethen - Arrangements have been made to dispose of the waste and the septic system is a good point. The location of the stable cannot be anywhere else.

Dave Paolini - Agrees to the location. Asked if it will be a temporary structure.

Ron Chevalier - As long as there are horses. If no horses then it may be used for storage.

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Members discussed the conditions that should be placed if the variance were granted to insure that the use of horses would apply only to the current owners.

#### 5 CRITERIA

1. Applicant does face an unnecessary hardship due to wetlands and the septic system which dictates area available for use.
2. If granted, the variance will deliver substantial justice in that it allows the owners use of property consistent with zoning and size of lot.
3. If granted, the variance will be in harmony with the spirit and intent of the zoning ordinance. The health and odor considerations have been met to allow sufficient protection to neighbors.
4. If granted, the variance will not result in a diminution in value of surrounding properties provided conditions are complied with.
5. If granted, the variance will be of benefit to the public interest provided conditions are met. Public interest will be served and the neighbors protected.

Dean Trefethen made the motion that the variance be granted with the following conditions:

1. The structure will be used to house horses only, and only as long as the current owners own the property.
2. A maximum of two (2) horses to be kept on the property.
3. No boarding of horses owned by others.
4. The manure shall be disposed of in the manner set forth by the owner in his application and other conditions set forth in the application shall be met.

Brenda Whitmore seconded the motion  
U/A

Dean Trefethen made the motion to table the election of a chairman until January 1994 elections.

Dave Paolini seconded the motion.  
U/A

MEETING ADJOURNED