

ZONING BOARD HEARING MINUTES

10/1/2024

Meeting called to order at 7:02 pm

ZB members present; Jim Newcombe, Robert Roland, Bill Dunn, Andy Lorette, Keenan Blanchard

Also present: Petra Kallman, Brenna Kucinski and Mike Blaudschun

HEARING FOR CERMAK FAMILIE TRUST OPENED AT 7:05PM

Bill Dunn, chair, read the rules on how the hearing would be conducted and options for appeal. Petra Kallman, Trustee, presented for the Cermak Family Trust. Petra explained that the non-conforming shed, which is only a few feet from the property line on one side, is used by her occasionally during the day as a retreat and art studio. She is looking to reinstall the wood stove pipe for heat that was removed due to lack of a variance. She said she has talked to the abutting neighbor and has already planted 2 trees and plans on painting the pipe green to help it blend in if allowed to put it back. Keenan questioned if a variance was actually needed as the chimney is a pipe that doesn't touch the ground. Jim said it is already non-conforming. Mike B said anything that is done to a non-conforming building makes it more non-conforming so it needs a variance. Mike Blaudschun said he had a letter from the abutter, Susan Hansel, that she sent with Mike to be read and put the file. Susan states she is strongly opposed to adding the chimney to the already non-conforming structure. Mike B went on to explain that this variance request is not in the spirit of the ordinance as it is not a few feet short of the 25' set back requirements but pretty close to right on the property line. Keenan did bring up the fact that the smoke from the chimney could be an issue as it is so close to the property line. There was a discussion on other options available like an electric heater, putting the pipe through the roof or on a side that would meet the setback. Brenna pointed out Petras original intent for the heat source was to live in the shed which has no running water or sanitation. Brenna asked if it is approved, should at least have the condition that it can't be lived in. Petra stated she lives in Rhode Island and sleeps in the lower level of the house on the property, which she rents out, when she is in town for property maintenance. Bill Dunn said the town voted not to have inspectors and we have to trust what the applicant is telling us is the truth. There was discussion among the board members on what you can occasionally sleep in and how is this different than say a tent. Petra was asked if she wanted to go ahead with a vote and she said yes.

HEARING CLOSED AT 7:37 PM

Deliberations began as Andy pointed out this was solely about the chimney. Bill and Andy said because there were other options they were leaning toward no. Robert said the same. Jim and Keenan followed suit. The 5 criteria were discussed.

1. **Not be contrary to the public interest-The consensus was this was not an issue**
2. **Spirit of the Ordinance- As discussed earlier this was not a matter of forgiving a few feet so it was not in the spirit of the ordinance.**
3. **Substantial Justice- it was agreed the public would be hurt more than the landowner.**
4. **Values to surrounding properties would not be diminished- the values could be diminished by the person who would see the chimney and the smoke.**
5. **Unnecessary Hardship- Maybe if there were no other options but there are alternatives.**

Bill Dunn called for the vote called for a vote and Jim seconded.

- **VOTE 0-5 UNANIMOUSLY DENIED.**

It was explained to Petra she could put the pipe through the roof or on a side that met the setbacks and not need a variance.

Minutes from May 2024 meeting were read, approved and signed.

Meeting was adjourned at 7:54 pm

Respectfully submitted:

Karen Castelli, Zoning Board Clerk

Jim Newcombe _____

Andy Lorette _____

Robert Roland _____

Keenan Blanchard _____

Bill Dunn _____