

Westmoreland Planning Board

April 15, 2024

Westmoreland Town Hall

Unapproved Minutes

Attending: Lauren Bressett Tim Thompson, Liana Capra, Lauren Bressett, Bruce Smith, Bill McGahie, John Stronk (alt.), Kristen Riley (clerk), Alison Fissette

Dismissed: Larry Siegel (alt.)

Lauren Bressett called the meeting to order at 6:30 pm.

Review of Minutes, 3/18/24

Tim Thompson noted that "Cindy Ham" should read, "Cindy Hatt"

Liana Capra pointed out that Lauren Bressett is listed twice under "Attending".

Business Site Plan Review: R14-34

Lauren Bressett reopened the hearing for the Larkin site plan, continued from March 18. Kristen Riley recused herself, John Stronk was continued to be seated. Jim Larkin spoke about his updates to his business site plan. Jim's engineer, Ron Bell, added the items that were requested at the last planning board meeting, which included dimensions of buildings, parking spaces, and disturbed areas. He also added the zoning district, as well as a reference to the survey used to delineate boundaries. During Ron Bell's walkthrough of the property, he observed that gravel is being washed from the road into the brook, which is redirecting the stream path. It is also killing nearby vegetation. The engineer said that the berm actually helps with guiding the waterway. He suggested that the town should look at addressing the road gravel washing into the stream.

Barry Shonbeck, an abutter of the property, would like an indicator of a 25 foot buffer between commercial activity and residential. He also wanted the board to look into Section 412 of the zoning ordinances which reads: .

Yards on Corner Lots Any yard adjoining a street shall be considered a front yard for the purposes of this Ordinance. Only one front yard is required to comply with the minimum depth requirement, all other front yards shall equal the minimum, or be at least 25 feet in depth, whichever is less.

Lauren Bressett noted that the lot is nonconforming and referenced SECTION 206 Non-Conforming Uses:

The following provisions shall apply to all buildings and uses existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these Regulations. Any non-conforming use of structures or land except those specified below may be continued indefinitely, but:

1. Shall not be moved, enlarged, altered, extended, reconstructed, or restored except by Special Exception by the Zoning Board of Adjustment using the criteria established herein for the consideration of Special Exceptions, and provided further that such enlargement, alteration, extension, reconstruction or restoration shall not increase the non-conforming use or size of the structure by more than 20 percent from the original building(s) foundation, and provided further with respect to setbacks, the enlargement, alteration, extension, reconstruction or restoration shall not encroach any further than the existing building into the setback area.

Additionally, a good portion of the lot is within the wetland setback. The lot has most likely reached its allowed increase and has also increased development in the wetlands setback.

Bruce Smith compared the new and old site plan. There is 4,380 square feet of existing building space. 1,093 square feet was removed, and then they added 2,553 square feet. Bruce Smith noted that there is a

discrepancy on the square footage of the existing barn. It says 789 square feet on the building, but the table on the site plan that is listing all buildings' square footage says 769 square feet.

Alison Fissette pointed out that the hard pack goes further around the building than what is shown on the site plan. Alison Fissette asked what will be in the market area. Jim Larkin said there is hard pack spread out, but not compacted. It will get 3 inches of topsoil and will be reseeded. Alison Fissette asked if there is a way to shrink down the parking lot, to accommodate that 20% for the nonconforming lot. Jim said he would like to go to the zoning board to get a special exception so that he can use his lot at a larger capacity. This lot is limiting with the 75 foot wetland setback and certainly has created hardship for him and his business.

Tim Thompson, John Stronk, Lauren Bressett, and Bill Mcgahie voted to continue the hearing with a site visit on Monday, April 22nd at 8:00 am, at the site at the corner of London Cross Rd and Rt 12 . Liana Capra voted against this, and Bruce Smith abstained. Allison Fissette did not vote, as she was not at the first meeting.

Status of R2-11

Jodi Scanlan reached out to the state to recover the requested septic information.

Status of U6-14

The applicants met with the zoning administrator, they are going to be applying for variances for a list of uses. They have also followed up with the DEHS in regards to what is required of them to operate.

Differences between the zoning and planning board tasks

Lauren Bressett explained that the planning board has to take everything into consideration: setbacks, neighbors, environmental impact, health and safety, etc. The zoning board grants variances or special exceptions based solely on the zoning ordinances. Alison Fissette noted that it is important to consider everything when addressing a plan. There are to be no structures, parking or services in the state's 15 foot road setback. There should be nothing in the town lot setbacks. A home business is not allowed to have external storage of supplies. The regulations also require screening from abutters. Even if a plan doesn't list items in the regulations, the board must keep in mind the regulations and apply them equally to all applicants.

Alison makes a motion to adjourn the meeting. Liana Capra seconded that motion. All voted in favor. The meeting adjourned at 8:24 pm. Recorded by Kristen Riley. Draft.