

Westmoreland Zoning Board
Draft Minutes of April 18, 2018 Hatt Hearing

Present: Chairman Peter Remy; Vice-Chairman Barry Shonbeck; Members; Brian Merry, Ernie Perham

Purpose of hearing: To consider an Administrative Appeal filed by Tammy and Tim Hatt on a decision made by the Zoning Administrator to grant a Zoning permit to Clyde Simeno to replace a shed on his non-conforming lot , Map R-7, Lot 50 without requiring a Special Exception Hearing by the Zoning Board.

Chairman Remy opened the hearing by explaining to Ms. Hatt that the Board had one member who was traveling. Another member had moved away from town and had not been replaced and a third member had accepted the position of Zoning Administrator and also had not been replaced. Since an even number of members would be deciding her appeal she had the option of rescheduling until there was a full five member Board. Ms. Hatt asked what a tie would involve. Mr. Remy said that the hearing could be continued. Ms. Hatt opted to go ahead with the hearing.

Chairman Remy asked Ms. Hatt to state her case.

Ms. Hatt had brought surveys and pictures she had taken to demonstrate that the shed which was used to collect the sawdust from his mill had not been rebuilt on the same footprint as the old shed and that there had been no shed there for quite a while. The saw dust had been blown into a truck on the site of the shed for up to three years. She brought pictures from previous years of the empty site, some of which were time stamped. Mr. Simeno's son argued that time stamps can be easily changed.

Ms. Hatt said she does not want to get rid of the shed. She suggested that the shed be moved to a location that would be more convenient for both her property and Mr. Simeno's business. Both Ms. Hatt's property and the Town garage use a right of way across Mr. Simeno's property to reach their own lots.

Mr. Remy examined the 2001 survey Ms. Hatt had provided. There were no measurements on the survey to show exactly where the shed was located. Ms. Hatt said she had another survey at home and sent her daughter to go home and bring back that survey.

In the meantime, Mr. Simeno stated that the shed was absolutely in the same place as the one it replaced. He said that the old shed was set on four telephone posts which were set into the ground. As the shed fell into a state of disrepair, Mr. Simeno cut the posts at ground level and covered them over with dirt. When the time came to build the new shed, he pulled the old posts out and put new poles into the same holes. He denied that the old shed had been missing for longer than a year.

Ms. Hatt continued to dispute the position of the shed. She said it was set at a different angle.

Mr. Simeno said that in order to make Ms. Hatt happier with the shed which does sit right on her property line, he had made the shed two feet smaller. The Board members examined the photos and surveys provided by Ms. Hatt.

Mr. Merry asked what was the problem with the position of the new shed. She repeated that it made it harder to use the right-of-way. When Ms. Hatt's daughter came back with more documentation but Ms. Hatt was unable to find the survey which showed the measurements.

Chairman Remy said that they needed to see that documentation. A surveyor could probably work off of the survey she had shown the Board and fill in the measurements.

He asked what she would like to do. Would she like the Board to vote on the Administrative Appeal or would she like to continue the hearing until she could get the measurements which would prove her argument?

Ms. Hatt decided to opt for a continued hearing which the clerk set for Wednesday June 20, 2018 at 7pm.

Mr. Shonbeck made a motion to continue the appeal until Wednesday, June 20, 2018 at 7 pm. Mr. Merry seconded the motion and all voted in favor

After the hearing, the Board reviewed the Minutes of the January, 2017 hearing for John Matthews request to have a covered parking lot at his property off of Route 12.

Mr. Merry moved to accept the minutes as read. Mr. Shonbeck seconded. All voted in favor.

Chairman Remy reminded the Board that since this was the first meeting of the year, it was time to elect a Board Chairman and Vice-Chairman.

Mr. Snominated Mr. Remy for Chairman which was seconded by Mr. Merry. All voted in favor.

Mr. Remy nominated Mr. Shonbeck for Vice-Chairman and Mr. Merry seconded. All voted in favor.

Mr. Merry moved to adjourn the meeting at 8:20 pm and Mr. Remy seconded. All voted in favor.

Respectfully submitted by Jackie Cleary, Zoning Board Clerk. April 23, 2018