

Westmoreland Zoning Board
Minutes of November 18, 2020

The Board met at the Westmoreland town Hall at 7pm in order to continue the hearing of October 21st hearing during which, Attorney Michael Bentley acting for CKB Properties presented a case to the Board for granting a Variance for the property located at 1769 Route 63 Map R17, Lot 45. The previous hearing had been continued at the request of Chairman Remy who wanted time to consult with the town attorney, Silas Little

Present at the November hearing were Chairman Peter Remy, Vice-Chairman Barry Shonbeck, Brian Merry, Nancy Ranson, and John Harris.

Not attending were Ernie Perham and Mark Terry.

Chairman Remy explained to property owner Katie Beam that only four of the Board members would be able to vote that night if a vote would be taken. Or they could wait until the next scheduled hearing when it was likely a full Board would be present. Ms. Beam opted for going ahead with the current hearing.

She introduced Bailey Streeter, a former tenant of the property in question to testify before the Board that he had found the square footage of the building to not be any problem at all.

This was in aid of helping the owner to receive a Variance that would override the town ordinance that a housing unit required a minimum of 600 square feet.

Chairman Remy then reported that the original septic report had turned up with the help of the Town Clerk, Jo Ann LaBarre. It allowed for a maximum of 60 gallons per day as opposed to the current allowance of over 300 gallons per day.

Attorney Bentley emphasized that the owners were not saying that they wouldn't jump on the problem if and when there is one. Katie Beam said she had spoken to the state and they told her that they did not review old plans, only new ones. She said again that if a failure occurred they would immediately arrange to have a new system installed.

Attorney Bentley said it places a burden on the homeowners to fix something now which might have years left in it. He also said that the contemplated use for this application is now less than if they had a commercial tenant who might be there seven days a week and all day long. But it is not undersized.

Mr. Harris asked Chairman Remy what the numbers were comparing a Residential tenant and a Commercial tenant.

Chairman Remy said that the Tom Forest letter of 10/16/ 20 does not make that clear.

Attorney Bentley said it is not the Board's responsibility to fix a system which has not failed. If the system has not failed, the state approved system **is** working.

Chairman Remy said it was very hard to know how many properties in town have inadequate systems.

Mr. Shonbeck made a motion to have a septic engineer review the situation before taking a vote on the Variance.

Attorney Bentley asked if there are other issues that need to be addressed.

Mr. Harris asked if Attorney Little had given Chairman Remy any advice. Chairman Remy said that it was up to the Board to make a decision. But Attorney Little agreed that a working septic system was one of the most important aspects of a property.

Mr. Shonbeck asked if the Board could set restrictions on the number of people per household to reduce any strain on the current system.

Chairman Remy inquired about the square footage of the studio building. Ms. Beam replied that it was 448 square feet.

Mr. Harris felt that this was too small.

Chairman Remy said that the square footage was of less concern to him than the condition of the septic system. He, himself, had owned some apartments in Keene that had about the same square footage as the one in question and the tenants had done very well.

Attorney Bentley said that the apartment would be available for a site visit.

John Harris suggested that this is a situation that might require two Variances. Change of Use applies to non-Residential use.

Attorney Bentley said that a change from Commercial use to a Residential use means you go to the Zoning Board first.

Mr. Merry said he was ready to vote and his inclination was to grant the Variance, because the buildings are there and the septic system is there.

Chairman Remy said that he would like a person familiar with septic reports to review all the available data before taking a vote. He was thinking of asking a former Board member, Russ Huntley, to take on this review with the town picking up the expense.

Mr. Shonbeck made a motion to continue the hearing until December 16, 2020. Mr. Harris seconded. All voted in favor.

Ms. Ranson made a motion to adjourn at 8:15 pm. Mr. Merry seconded. All voted in favor.

Respectfully submitted by
Jacqueline Cleary, Zoning Board Clerk