

Westmoreland Zoning Board  
Minutes of September 18, 2029  
These Minutes are unapproved until voted on by the Board

The Westmoreland Zoning Board met on Wednesday, September 18, 2019 to hear the following application:

The Westmoreland Zoning Board will meet on Wednesday, September 18, 2019 at 7pm at the Westmoreland Town Hall to consider an application by Tim and Cindy Hatt for a Variance for their property at 17 Macadam road, Map R-7, Lot 50, according to the terms of Article IV, Section 421.1 of the Ordinances of the Town of Westmoreland. The owners wish to have a Variance of 20 feet on their side setback for a portable shelter.

Present: Chairman, Peter Remy; Vice-Chairman, Barry Shonbeck; Regular members, Brian Merry, Ernie Perham; Alternate members, John Harris, Mark Terry. Not in attendance, Nancy Ranson.

Chairman Remy opened the meeting at 7:00 pm by welcoming the applicants and inviting them to explain their application to the Board. Cindy Hatt introduced her daughter, Tasha, and asked her to explain the need for a portable structure.

Tasha explained that she is a mechanic and she is building a truck. The structure is to protect the truck and herself while she is working. Mr. Remy asked her to explain the placement of the structure. Cindy Hatt explained that the lot is very small and there was no other place to put it.

Chairman Remy explained that the lot is a lot of record, a non-conforming lot and if the Board granted a Variance it would go with the property and not the portable structure. Should the lot ever be sold, any number of things could be built there once a Variance was granted.

Mr. Shonbeck asked whether the structure was intended to be a Portable or Temporary structure as they were subject to two different ordinances. A temporary structure could be in position for 270 days, at which time the structure had to be taken down. It could be put up again for one additional year only.

Mr. Remy began to go through the criteria for granting a Variance, the first being that it would not be contrary to the public interest.

Ms. Hatt said it would not. She felt it is in a safe place, out of the way, and not bothering anybody.

Mr. Merry asked how many feet out of compliance was the structure. It is about 25 feet out of compliance from the Simeno property.

Tasha Hatt showed the Board a photo of the Structure. Chairman Remy asked if it was likely that the structure would be there forever. Mr Merry re-iterated that if a variance is granted it is likely that the structure could be there forever.

Mr. Merry said that if a Variance is granted the Hatts could eventually put up a garage right next to the boundary. Or if they sold the property the new owner could put up a permanent building where the structure is now.

The elder Hatts said that the lot would go to their kids.

Mr. Merry asked how moveable the structure is. Mr. Hatt said that it could be put up within an hour

The next criteria for granting a Variance was: Would substantial justice be done. Cindy Hatt asked for an explanation.

Chairman Remy returned to the criteria for granting a variance: Denial would result in unnecessary hardship to the owner seeking it because of the unique features of the land.

Chairman Remy asked if the Hatts could think of anything unique about the lot which would result in unnecessary hardship to them if they did not get the Variance.

Cindy Hatt talked about the shape of the lot which had a small rectangular extension. She said that they stored a lot of things on that lot.

Mr Shonbeck asked for the size of the structure.

Tasha Hatt said it is 12 feet by 20 feet.

Mr. Merry asked how high. Probably 9 or 10 feet Tasha estimated.

Mr. Merry asked about the storage of hazardous waste

Tasha answered that so far she only had a frame.

Mr. Harris asked about electric service

Mr. Perham asked about doing engine work.

Tasha plans to buy an engine.

Chairman Remy opened the hearing to comments from the abutters.

Clyde Simeno owns the adjoining property. He told the Board that all he wanted is nothing within 20 feet away of his property. He enumerated the different kinds of vehicles etc., which are stored on the property. He said the property is just too small to do anything with it. He felt that as long as the rules are there they should be obeyed.

Ted Ferguson is also an abutter. He told the Board he had been mowing his property that day and he couldn't see the structure. He wasn't able to say one way or the other if he favored or did not favor giving the Variance.

Cindy Hatt said that they were not trashy people and the structure is not affecting anyone except one person and so it seems unfair. They are not doing anything to cause harm to the public.

Mr. Perham said that it is the future use of the property which worries him.

Cindy Hatt reiterated that the Zoning Ordinances are senseless. Her family is not hurting anybody.

Mr. Shonbeck asked how the Board could make a decision without an outline of the property.

Chairman Remy explained to the Hatts that the Board needed to have a map.

Mr. Harris said they might be able to renew a temporary structure.

Clyde Simeno said that he had helped Bob with compliance. The Hatts would need variances on three sides of the lot.

Cindy explored the idea of applying for a temporary structure.

Peter suggested that the Hatts ask for a continuance until next month's hearing.

Cindy asked for a continuance. Mr. Shonbeck made a motion to continue the hearing until October 16, 2019.

Mr. Merry seconded and all voted in favor.

The Board reviewed the minutes of the last meeting. There were no corrections to the Minutes as read and the Board voted to accept the minutes of the August 21, 2019 hearing.