

Zoning Board Of Appeals
Meeting Minutes
April 8, 2015

The meeting was called to order at 7:05 pm

Roll Call:

Kevin DeLaughter, Chairman	Present
Emily G. Phillips, Secretary	Present
Frank Walls	Present
James Laforest	Present
Jonathan White	Present

Also Present: Lauren Murphy, Code/Zone Office, Matthew Smith, Paul Versnick, Pete Demola (Valley News Reporter), John Deming, Sandy Lewis, Mark Wrisley, Sarah White

Tax Map No. 58.1-3-1.000 Area variance for 199 Clark Rd. Mark Wrisley, Applicant

Chairman DeLaughter (KD) introduced the application, review of public notice and opened the floor for comment during the public hearing portion of the meeting. Mark Wrisley, applicant, discussed the building, property, history of permits applied for, description of property and conversations with abutters. Back property line does not meet the required minimum setback of 30ft, Mr. Wrisley has received a violation from the CEO and is requesting a variance from the ZBA. Chairman DeLaughter opens up questions to Mr. Wrisley from the board. Jonathan White (JW) asks to clarify the dates of permits and when the building was erected. Mr. Wrisley answers that a permit was applied for in 2002 from then CEO David Lansing. The building was not erected until 2009/2010, and another permit was applied for at that time. Is there an expiration on permits? James Laforest (JL) asks about the use of the building and lot being conforming or non-conforming and fencing. Mr. Wrisley answers that a fence is being erected by abutter Sandy Lewis and that there is a 20ft right of way north of the building. JL- Clarification that a 2nd permit was issued in 2009/10. CEO Lauren Murphy- Has found no permit on file. Emily Phillips asks Mr. Wrisley if he considered purchasing the corner lot from Mr. Lewis? M. Wrisley- No. KD- Feasibility of moving the building. M. Wrisley- Not sure, haven't looked into relocating.

Chairman DeLaughter thanked Mr. Wrisley for the thorough explanation and asked if the public had any more questions or comments.

Mr. Sandy Lewis, abutter to Mr. Wrisley. Discusses the original map that was submitted with original permit application and there being no indication of a jog in the northwest corner. Questions John Deming (surveyor) and that property corner markers, location and that the southeast marker of the jog was covered. Point was driven down to hide (SBL). Sometime between surveyor and most recent attempt by SBL to fence and found by farmhands. JW asks for a point of order to interject the commentary by SBL. To make the point that marker was intentionally disrupted and that the ZBA board cannot rule on legal matters. SBL- Map different than what was submitted. KD- clarification that the map submitted with ZBA application. JW- asks to move hearing forward. SCL- continues to question the ZBA's handling of the application. Threatens to sue the ZBA. John Deming (JD) discusses possibility of other locations where building could be located. Frank Walls (FW)- Question to JD about northern right of way. JD- discuss positions of right of way. JW- Clarification of right of way, reads section from property

deed and history of easement and right of way. SBL- Comments on history of town, property, etc. (Back and forth dialogue, can be found on recorded format of meeting)

JL- Asks when survey was done. Continued discussion of marker, when, how it was placed. Mr. Lewis exits the meeting.

Motion to close hearing by J.L. Seconded by F.W. All in Favor.

KD opens discussion amongst the board. Begins to work through the criteria of factors of ZBA Finding and Decision form:

1. Will undesirable change in the character of the neighborhood or a detriment to nearby properties be produced. No. JW- There appears to be no change in the character.
2. Can the benefit sought by the applicant be achieved by a feasible alternative to the requested variance? EGP- can application be placed on hold so applicant can pursue alternatives such as purchasing property?
3. Is the variance substantial? Yes. 25ft is a substantial allowance from the 30' minimum.
4. Impact to physical environment. No.
5. Self-created. Yes. Or maybe not? Due to permit being approved based on map that did not include jog. Lauren Murphy provides original map from 2002 permit.

SBL re-enters the meeting with map that was applied for with permit application. Ask to add to the evidence. KD acknowledges map.

JL- clarification on allowing continuance of application.

Motion to postpone variance application for one month to allow applicant to research options, purchasing/moving building made by Emily Phillips. Second by Frank Walls. JL- no. All else in Favor.

Schedule of meeting, May 13th @ 7pm at Essex Town Hall.

Minutes from February 11, 2015. Motion to approve by FW. Second by KD. All in Favor. JL and JW abstain.

No new business.

No public comment.

Motion to Adjourn by KD, seconded by EGP. All in favor. Meeting adjourned at 8:15 pm.