

TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF
JANUARY 24, 2008

REGULAR HEARING

Chairman Dave Powelson called the Loudon Zoning Board of Adjustment meeting of January 24, 2008 to order at 7:00 P.M. at the Loudon Community Building.

ROLL CALL:

The following members were present: Howard Pearl, Chairman Dave Powelson, Vice Chairman Ned Lizotte, George Saunderson, and Alternate Jim Venne.

Jim Venne was appointed to sit as a voting member in the absence of member Roy Merrill.

I. ACCEPTANCE OF MINUTES:

Regular Hearing ***Ned Lizotte made a motion to approve the minutes of December 27, 2007; seconded by Howard Pearl. All were in favor.***

II. DISCUSSION:

Jerry Laurent & Susan Gonthier – Building Permit Extension Mr. Laurent said that they have been waiting for their final plans from their architect and now have the plans and are lining up their contractors. He said that they plan to have the foundation in this summer. George Saunderson stated that the Board has been granting one year extensions, asking the applicants if that would be sufficient. Mr. Laurent said that would work since they plan to begin this summer. ***George Saunderson made a motion to extend building permit #07-008 for one year; seconded by Ned Lizotte.*** There was no further discussion. ***All were in favor.***

Debra Rattee – Building Permit Extension Steve Jackson spoke on behalf of Ms. Rattee. Mr. Jackson gave a brief history of the permit and lot on which it is located. He explained that the permit is on Lot 1 of the recently approved subdivision. Ned Lizotte asked if this is the area that the Board saw for a wetland crossing and there were steep ditches along the road. Mr. Jackson said that was correct. He said that he had reviewed the septic design for this permit and it is on Lot 1. ***Ned Lizotte made a motion to extend building permit #07-028 for one year; seconded by Howard Pearl.*** There was no further discussion. ***All were in favor.***

Robert Labonte – Unauthorized Apartment Mr. Labonte explained that he lives on Currier Road and has a 73' x 35' barn in which he built an apartment on the upper level. He said it has a proper heating system, smoke and carbon monoxide detectors, insulation and sheetrock. Mr. Labonte said that the apartment was put in for his daughter while she was going to college so she could have her own place. He said that she has since completed school and moved out so his brother is living there while going through a difficult personal situation. Mr. Labonte said that he would like to figure out how to make the apartment legal if possible. George Saunderson asked if the apartment has its own septic system. Mr. Labonte said it goes into the main septic with a 1500 gallon tank but he is willing to try something else if need be. Ned Lizotte stated that the use is not permitted in the Zoning Ordinance, noting other situations in the past. Dave Powelson stated that the Ordinance would allow a two family dwelling. Mr. Lizotte said that the plumbing being pumped into his septic is not code. Mr. Labonte said that he would be willing to get a septic permit and do a system for the apartment if that would rectify the problem. Howard Pearl said that the Ordinance has a list of permitted uses and this is not one of them. Mr.

Labonte mentioned that two family dwellings are permitted in the RR District. Mr. Powelson said that was correct but these are two separate structures. Ned Lizotte said that this is one residence with a barn, not a two family house situation. Dave Powelson asked Board members if they would consider allowing it if it was one large structure. Ned Lizotte said that they would need to do a site walk and discuss the situation before coming to a conclusion. Mr. Powelson asked Mr. Labonte how far it is between structures. Mr. Labonte said it is 50' between the buildings. He said that he is just trying to help his brother through a hardship. Ned Lizotte said that Mr. Labonte's intentions are good but this sets a precedent. There was discussion about how long Mr. Labonte's brother would need a place to stay, the ordinance, and that this use is not allowed.

Dave Powelson stated that Mr. Labonte has the right to apply for a variance, noting that he would have to make a very strong case that there is something special about the lot that would make it alright to have an apartment on the lot. Mr. Labonte said that he may be putting the house on the market this summer but in the meantime he wanted to come in to try to make it legal. Ned Lizotte said that he would propose that this be tabled until next month. Dave Powelson said that there is no application before the Board and that there is nothing in particular that the Board can do at this time. He said it is up to Code Enforcement to enforce but it is not within the realm of the ZBA. Howard Pearl told Mr. Labonte that he has the right to come in with an application for a variance and take that to Code Enforcement to show that he is trying to correct the situation. He said he understands Mr. Labonte's situation and intentions but the Board's actions are dictated by the Zoning Ordinance. Ned Lizotte said that filing an application would give Mr. Labonte some time to consider his options. Mr. Labonte said that he does not understand how the apartment is hurting anything or anyone. There was discussion of his options and the application process.

George Tombarello – Accessory Building Mr. Tombarello explained that he owns 123 acres on Bear Hill Road where he plans to put in some food plots and hunt. He said he would like to have a barn there for his tractors because he wants to maintain the cleared land and manage the trees. Mr. Tombarello said that he talked with Donna about this and she felt that it was an accessory use of the land and advised him to see the building department. He saw Mr. Fiske and was advised that he cannot do an accessory building without being on the residential building permit list. He said he has no intentions of building a house on the property. There was discussion of the proposed use of the land and the possibilities of which section of the Ordinance may apply. Mr. Tombarello said that he is in the process of trying to buy the 220 acres behind his parcel which is already a tree farm. Tony Merullo asked what would happen if someone applied for a building permit with septic design and all other relative information, put up an accessory building, and then when the time came to build the house they were unable due to finances or some other reason. It was stated that that was a loophole that was not considered when the ordinance was last revised and that it may need to again be revisited to allow structures in this type of situation. Howard Pearl said that he would think that Section 204.2 K and L would be appropriate for this situation and would require no action from the Board. Ned Lizotte asked Mr. Pearl to clarify his reasoning. Mr. Pearl said that Mr. Tombarello needs a building to store his tractor and other equipment necessary to pursue forestry and wildlife preservation activities which is a permitted use. George Saunderson said that Mr. Tombarello would have to have a specific plan drawn out and the uses of the property and building. Ned Lizotte suggested that Mr. Tombarello tell the building department of his plan to acquire the tree farm behind this piece. He said this would be a shed for forestry, an accessory building for accessory use. Mr. Tombarello said he would like to put up a 24' x 36' barn for his two tractors and half dozen implements. He would keep his trimmers, chainsaws, etc on the second level. Mr. Tombarello explained that he wants the building so that his equipment is under cover and safe from vandalism and so that he does not have to truck his tractors back and forth from the eastern part of the state where he lives.

Howard Pearl said that he would caution Mr. Tombarello that if the use changed there could then be a legitimate complaint. Mr. Tombarello showed the members pictures of the proposed barn and said that there would be no electricity. Dave Powelson said that it was looking like a building that could be converted. Howard Pearl said that it comes down to the use, not what the building is. Mr. Powelson said that the structure seems a bit much for the use. Mr. Tombarello explained why he wants that size building. Mr. Pearl cautioned Mr. Tombarello again about keeping it customary with that use. Mr. Powelson stated that the building is something bigger than a tractor barn. Jim Venne said that he does not think that 24' x 36' is out of the ordinary for the intentions. He said that he would suggest that Mr. Tombarello could go back to Code Enforcement with Section 204.2 K and L. Mr. Tombarello said he would get a copy of the minutes and go to Code Enforcement.

III. PUBLIC HEARINGS:

Case # 07-18, Jason & Amanda Masse – Special Exception for wetland crossing, Map 59, Lot 5. It was noted that the Board received a letter from the Conservation Commission with their review and comments on the proposed crossing. Ned Lizotte said that the biggest hurdle has been overcome with that letter. The chairman asked if there was anyone from the public who wished to speak in favor of the application. Hearing none, he asked if there was anyone who wished to speak against the application. Hearing none, he closed the hearing to the public, to be brought up under Unfinished Business.

Case # 07-19, Loudon Woods Estates, LLC – Special Exception for reduced setback, Map 2, Lot 23-12. Abutters have been notified. Dan Aversa said that he has spent the last couple of months with the Planning Board to get notes about removing the existing buildings from this lot off the recently approved subdivision plan. He said that he was not aware of the notes until they were discovered when the current renter of the house was trying to purchase the property. He said that Stan Prescott had pointed out that the current house is within the side setback of the lot and that a lot line adjustment had been suggested. Mr. Aversa said that the new owner of the abutting property did not want to do the adjustment but was alright with the reduced setback. Dave Powelson asked if Mr. Aversa had cleared up the issue with the notes with the Planning Board. Mr. Aversa said that the Planning Board would sign the agreement to remove the notes if the special exception is approved. He went through the points of the application.

Chairman Powelson asked if there were any questions from the Board. Ned Lizotte said he would like to hear from the public first. The chairman asked if there were any abutters who wished to speak in favor of the application. Hearing none, he asked if there were any who wished to speak against the application. Hearing none, he asked for questions from the Board.

Ned Lizotte said that he had done some research and had some findings that he would like to put forth to the Board. He said, in rebuttal to # 3, page 2 of the application, 'This is a conflicting statement and false. Joe Bohi, Dan Aversa, Gary Vermette are all partners/ owners of this project as a whole together. Who owns what particular piece is immaterial as they are partners in this project together. They knew this property line was close when they did the subdivision- which is why they had the note put into their plans to take any existing buildings down. They originally had planned on building a more valuable home elsewhere on this lot. Now the renter wants to buy the current house as is.' He went on to say, in rebuttal to # 6 and #7, pages 4 and 5 of the application, 'Does not meet criteria for #6 and #7; This is a brand new subdivision! This is not like any existing homes or housing developments that are next to or neighboring this particular project on Bee Hole Road and Chichester Road. A new subdivision can and should create conforming lots to planning and zoning ordinances. This partnership has changed their plan midstream because they have a renter who wants to buy this property from their original plan submitted to the planning board, [Note: '...the removal of existing buildings'...] Even though the abutting property to the 'A-frame' changed hands to Joe Bohi Sr. back in

November [of 2007] there is NO hardship because they have another option in doing a 'lot line adjustment' which doesn't require a special exception from the ZBA or remove the building like they agreed to with the planning board. They created the setback problem.'

Mr. Aversa said that was simply not true because when they spoke with the surveyor they were not sure if the house would stay or go. He said that he had no idea that the surveyor had come across the corner of the house and had he known, he would have stopped it and changed it. Mr. Aversa said if he could do a lot line adjustment he would have but he did explore the lot line adjustment and the new owner is not receptive to the idea. He said that they did not agree to take down that house unequivocally and they did not know that the surveyor had encroached that line until Stanley Prescott pointed it out at a recent Planning Board meeting. Mr. Aversa said that the Planning Board mentioned the options of a lot line adjustment or a special exception, noting that this special exception is not unlike other similar requests of even greater reductions.

Ned Lizotte said that he would have to disagree and that he had talked with Dustin Bowles of the Planning Board and has been doing some fact finding. He said that the notes on the plans state that they agreed to take the buildings down. Mr. Aversa said that was if they were to put a new house there. Mr. Lizotte said that the note states that the buildings would be removed. He said the whole issue of Mr. Aversa coming to the ZBA was because the Planning Board agreed to do something if the ZBA gave him a special exception. He said Mr. Aversa was given two options but he does not have a hardship so his other option is a lot line adjustment. Chairman Powelson pointed out that hardship has nothing to do with a special exception. He stated that a special exception is the right of a property owner provided he can meet the requirements of the special exception. Mr. Lizotte said that in this case this property is not matched by anything else on Chichester or Bee Hole Roads so there are no neighboring properties that conform to a special exception for reduced setbacks. He said that everything there has existed for some time and any new developments have been laid out with the correct setbacks all the way through. Mr. Lizotte said that the person that Mr. Aversa sold the property to happens to be working with him and his partners so it is to all of their benefit to get it addressed and a lot line adjustment is a perfectly reasonable thing to do without having to come for a special exception. Mr. Aversa stated that he has said at least four times that Mr. Bohi Sr is not receptive to doing a lot line adjustment and that is why he is here before the ZBA. He said that he takes offense that this board is being coached by the Planning Board before coming here, saying that this is supposed to be a matter before the ZBA. Mr. Lizotte said that he went to the Planning Board while researching the matter so as not to have one thing said at one board and another thing said at the other board. Mr. Aversa stated that no one has ever said that the building would definitely come down but it was said that it more than likely would be, and asked who would close a door on something like that. He said if that is the interpretation that Mr. Lizotte wants to take that is his prerogative but it is not the case. Mr. Lizotte said this is a new subdivision that has room to work with. Howard Pearl asked how many lots are in the subdivision. Mr. Aversa said that there are thirteen lots. Mr. Pearl asked if there are any others that will need setback reductions. Mr. Aversa said that there are not as this is the only one with an existing house. Jim Venne asked where this lot is in relationship to Chichester Road. Mr. Aversa explained the location, size and shape of the lot. He said that 6' is not that big of a reduction. George Saunderson asked about the size of the abutting lot. Mr. Aversa said he was not sure because he did not have a plan in hand. Donna said that lot is 2.009 acres. Mr. Saunderson stated that this is a brand new subdivision and it is Mr. Aversa's mistake. He asked Mr. Aversa if he had offered Mr. Bohi the second lot at a very much reduced price in return for a lot line adjustment. He said that the town made Mr. Davis take part of a building down because it was in the wrong spot. Mr. Saunderson said that if these were older lots then it might be alright, but this is a brand new situation and they should not have to do this. He suggested that Mr. Aversa needed to be more proactive creatively and figure out a way to make Mr. Bohi happy by offering a better piece of land or make some deal. Mr. Aversa said that he relied on his

surveyor, noting that there are many pages of plans and it is hard to catch everything. Mr. Saunderson said that he understands that but it is hard to set a precedent of offering lot line adjustments on a brand new subdivision. Mr. Aversa said that he will take the blame that the note was not caught but he is in a tight spot. Howard Pearl said that he would feel differently if this was a new foundation rather than an arbitrary line. He asked Mr. Aversa what made him change his mind about taking the house down. Mr. Aversa said that the lady living there wants to buy the house. He said that when the town needed some of his land for the bridge on Chichester Road, he gave it. He said he has since been required to make major improvements to the intersection of Chichester and Bee Hole Roads. Mr. Aversa said that he is now asking for a 6' reduction in a setback and that does not seem unreasonable for all that he has given.

Ned Lizotte said that Mr. Aversa could have an argument if this was an existing neighborhood but it is not, it is a brand new development. Howard Pearl said that mistakes do happen and he is not sure who is ultimately responsible to hold them accountable. Dave Powelson said that the question originally came up at the December Planning Board meeting about what to do about changing their mind and wanting to keep the house. He said in his perspective he does not care if it is old or new since the plan approved by the Planning Board said that the house has to come down. Steve Jackson said that there had been very minimal discussion about the lot because of the notes that were on the plans. Ned Lizotte said it was not an issue because of the notes but now someone wants to buy it. Dave Powelson said as a lot that has a house and a setback issue that is a different case and is a special exception that has been applied for which is different than a case of whether or not the Planning Board intended for the house to be torn down and a new house built. He said that he did not know if the Board has any authority over whether it is a new house or an old house or even any particular concern. Mr. Aversa said that the Planning Board never had any concern whether it is new or old but was more his concern of whether they were going to take it down or not. Dave Powelson asked if the Planning Board has so far agreed to take the notes off the plan. Mr. Aversa said they had if the special exception is granted. Steve Jackson said that Mr. Aversa had come to the Planning Board for an amendment to the subdivision plans and a motion was made to remove the notes pending ZBA approval of the special exception. Mr. Powelson said that the Planning Board apparently has no issue with an old house in a new subdivision. Mr. Aversa said that was correct. Howard Pearl asked Steve Jackson if the Planning Board would have passed the subdivision without the notes. Mr. Jackson said he was speaking only for himself and that he would have addressed the setback encroachment issue if he understood their intent to keep those buildings. Mr. Pearl said that the decision to keep the house came after the approved plan. Mr. Jackson said that the current plan as written very clearly states individually on every existing building that they would be removed and that is how the plan was approved.

Mr. Aversa said he should have caught the notes and setback encroachment. Howard Pearl said that Mr. Aversa created the situation by changing his mind. Discussion continued about the change of plans, options, and the need to make a decision. Dave Powelson asked the Board if they felt a site walk was needed or the plans seen to make a decision. Howard Pearl said that he feels that he has a pretty good understanding of the situation. Jim Venne stated that he does not have a problem with granting the special exception. There was no further discussion. The chairman closed the hearing to the public, to be brought up under Unfinished Business.

Case # 08-01, AAM Builders, Inc – Special Exception for major home occupation, Map 38, Lot 8-? (newly subdivided, no # yet assigned) Tony Merullo spoke on behalf of the prospective property owner who is out on the road driving. He explained that they had come before the Board to discuss a home occupation for tractor trailer parking a few months ago. Mr. Merullo said that there is a proposed 40' x 60' garage for light maintenance. He explained that the

owner's plan is to grow to four tractors and should the business grow beyond four they would move to a commercial lot at that time. He said the owner currently has three trucks.

Mr. Merullo went through the points of the application. He said that they plan to do a lot line adjustment to 3+ acres and would follow all setbacks plus provide a natural buffer. He stated that there would be a 100' x 100' area for the garage and parking area for the tractor trailers. Mr. Merullo said that he has plans to purchase the remainder of the large parcel for residential development so it is in his best interest to do this project right. He explained that the trucks haul long distance, leaving on Monday morning and returning Friday afternoon. Mr. Merullo said that he initially built a house for the owners and has worked with them for five years. Ned Lizotte asked if these are the trucks that are currently located on Creekwater Lane. Mr. Merullo said that was correct, noting that the owners have two trucks and have just bought a third. He explained that the intended route of travel is out Hoit Road to exit 17 on Route 93. Mr. Merullo said that it is important to note that this is a stepping stone, saying that if it grows they intend to go to a commercial lot but that is too costly for a business of the owners' size at this time. He said that the trucks could be left offsite overnight if they were coming in late at night and then brought in the next day. Mr. Merullo noted that the trucks would always be empty when traveling to and from the property.

Chairman Powelson asked if there were any questions from the Board. George Saunderson noted that the owner would be agreeable to an annual inspection. He asked how it would be remedied should there be a problem. Mr. Merullo said it is the owners' intention to have very well kept equipment and property and be good neighbors. He pointed out that the inspection is a requirement of the Ordinance and it could be stipulated that if there is a violation the owners would quickly remedy the situation.

Howard Pearl asked how the trucks would turn around on this lot. Mr. Merullo said he was not sure, only that the owner had said that is what he would need for area. Ned Lizotte said that he originally thought this was two to four trucks, not realizing that the trailers were part of the package. He said the trailers could be a touchy matter with traffic. Mr. Pearl said there is not a real issue there because they would always be empty but parking could be tricky. Mr. Merullo said that the owner may have to ask for it to be a bigger area based on Mr. Pearl's question. He again pointed out that the trucks would leave on Monday and return on Friday. Ned Lizotte said that the traffic could be less than others in town such as D S Cole and Pleasant View Gardens. Mr. Merullo said that he looked at the neighborhood and there is another general contractor with daily use of the road and a company that does foundations. He explained that the trucks are soft-sided canvas, not the big box trailers. The chairman pointed out that the special exception stays with the property even if the ownership changes. There was discussion about adding a clause specific to this business only and the approval becoming void if the use was abandoned for a certain period of time.

Abutter Robert McCullen said that he just purchased three lots on School Street from Mr. Merullo and plans to live there. He said that light maintenance in residential and wet areas will be a potential environmental impact. He asked why the trailers could not be left offsite as they are now. Mr. McCullen stated that waste oil heaters require storage of the waste oil and give off smoke and odor. He talked about possible changes to the business plan based on the economy. He said a residential development is what he envisioned for this area and he has concerns of the impact on his property. Abutter Dan DeHart said that he and his wife purchased property to the west of this parcel. He said they thought it was just the tractors, not trailers as well. He asked how it could be regulated if the business changes and the owners want to do daily runs or if they want to park trucks by the road. Chairman Powelson said in fairness to what the application says, that would be the use that is permitted and 100 SF for parking would be the area permitted. Mr. DeHart asked if the Board would say that the owner could not change to daily runs after the owners had built the house and garage.

Mr. Merullo said what was applied for is somewhat specific and there may have been some misunderstanding. He said that the owners cannot continue to park the trailers offsite

indefinitely and they do not want to offend any neighbors. Mr. Merullo said that he spoke with the DeHarts prior to the purchase of the property and he feels that the Maloons would be good neighbors as are the DeHarts and others. Mr. McCullen discussed the needs of a trucking company with regard to supplies and maintenance and said that he has impact concerns. Abutter Sharon DeHart asked if this parcel has 200' of frontage like their lot. She said she had envisioned tractors, but not the trailers, and had thought that the garage would be housing the tractors. She said that she is concerned about their view being blocked by tractor trailers. Mr. Merullo said that he believes that they will be tucked out back enough so that they will not be a problem. Abutter Tim Smith said that he and his wife bought their land about 2 ½ years ago, noting that they bought country living with a significant investment in the land and housing. He said that the last thing he wants to do is call the police department with complaints of weekend noise, etc. He said that it was stated that the maintenance would be done by dealers but he is not sure how many dealers are open on the weekend so he wonders how much would be done on this parcel. Mr. Smith said that the owners may be very nice people but he does not feel that this use is the right fit for the neighborhood.

The chairman closed the hearing to the public; to be brought up under Unfinished Business.

IV. UNFINISHED BUSINESS:

Case # 07-18, Jason & Amanda Masse – Special Exception for wetland crossing, Map 59, Lot 5. ***Ned Lizotte made a motion to approve the special exception for a wetland crossing; seconded by Howard Pearl.*** Mr. Pearl said it was a well presented plan and he appreciated the Conservation Commission's feedback. Mr. Lizotte said that the Conservation Commission's comment that Mr. Masse went well above and beyond to ensure protection of the area speaks well of the proposal. The chairman stated that the applicant and Board went through the points of the application at the last meeting. ***A roll vote was taken: Jim Venne – Yes; Howard Pearl – Yes; Dave Powelson – Yes; Ned Lizotte – Yes; George Saunderson – Yes. Unanimous – APPROVED.***

Case # 07-19, Loudon Woods Estates, LLC – Special Exception for reduced setback, Map 2, Lot 23-12. Howard Pearl said that he would like to see this continued because he would like to see the plans as originally submitted. The chairman stated that Mr. Aversa just found plans in his truck which are different from what was approved by the Planning Board. Mr. Aversa showed the Board the plans and said that the notes were not on the plans he was given by the surveyor. He stated that the renter's attorney brought it up so Mr. Aversa had pulled out his big set of plans. He said he did not see the notes until that time. Howard Pearl said that he would like to get a little more information and history before making a decision. Mr. Aversa said this seemed to be the easiest way to correct the situation because Mr. Bohi lives out of state and changing the lines, having to re-record the deed, etc seemed to be a lot of work for a 6' adjustment. The chairman said that there has been a suggestion to continue this case to the next month. Howard Pearl asked the Board how they felt about making a decision. George Saunderson said he was ready to make a decision or would be alright with continuing to next month. Mr. Aversa said that the renter has been waiting for three months to close on this property so he would like a decision. ***Ned Lizotte made a motion to deny the special exception for reduced setback based on not meeting the requirements of section 2, # 6 and #7; seconded by George Saunderson.***

Howard Pearl asked for Mr. Lizotte's reasoning. Mr. Lizotte said that the applicant does not meet the criteria for # 6 or #7 on the second part of the application. He said that the request does not fit comparable setbacks and it establishes a new precedent in a new subdivision. He read from his notes again, stating that a lot line adjustment seems simple enough to do. Mr. Lizotte pointed out that Mr. Aversa admits his oversight and responsibility to check his plans.

The chairman said that they could clarify the matter by going through the points of the application. Mr. Pearl said that his main concern is that this is a self-created problem by changing the plan to leave the house. He said that he feels strongly that the Planning Board would not have approved the plan if the house was staying. George Saunderson said that 6' is a small issue but it would be setting a precedent. Mr. Pearl said that he would agree. Mr. Lizotte said that it is good that the renter wants to buy the house but he does not see letting this go as it would cause a lot of problems.

Chairman Powelson asked the Board to look at the second part of the application, page 4. Mr. Aversa said he could see where this was going and he would just have to go back and try to do a lot line adjustment. He said that the town was willing to take hundreds of feet of his property for the bridge and \$150,000 for the intersection improvements which was not his responsibility, yet this is only 6' that he is asking for and he is being made to do a lot line adjustment. He said he has done everything that the town has asked him to do and this is a very minor request. Dave Powelson said that the Board has to make a decision as that is their job. Mr. Aversa said that he would work on getting the lot line adjustment with Mr. Bohi Sr. but he feels strongly that this should be a ZBA decision, not a Planning Board decision. Ned Lizotte stated that there is a motion and second on the table. Mr. Aversa then left the meeting. The chairman repeated the motion and read #6 of part 2 of the application. He said that he was not sure what counts as a developed adjacent property, noting that the lot next door is vacant as is the one on the other side of this lot. He said he thinks that the closest developed lot is the Bigwoods' and that he thinks they have a reduced side setback. Howard Pearl called for the vote. **A roll vote was taken: Jim Venne – Yes; Howard Pearl – Yes; Dave Powelson – Yes; Ned Lizotte – Yes; George Saunderson – Yes. Unanimous – DENIED.**

Case # 08-01, AAM Builders, Inc. – Special Exception for major home occupation, Map 38, Lot 8-?. **Ned Lizotte made a motion to continue the hearing to February 28, 2008; seconded by Howard Pearl.** Mr. Pearl stated that he would like more information and to have the owners attend. Mr. Merullo said that the abutters seem opposed to the application and that he will speak with the truck owners to see if they wish to pursue the application any further. Ned Lizotte said that he did not realize that any other lots in the area had been sold before coming in to tonight's meeting and that the abutters have made some good points. George Saunderson said that he does not see any harm in continuing the application. **All were in favor.** The application will be continued to February 28, 2008, 7:00 p.m. at the Community Building. There will be no further notification.

V. BOARD DISCUSSION:

Chairman Powelson informed the Board that he will not be able to attend the February meeting.

VI. ADJOURNMENT:

Ned Lizotte made a motion to adjourn the meeting at 10:00 p.m., seconded by Howard Pearl. All were in favor.

Respectfully submitted,

Donna White
Administrative Assistant