

MARSHFIELD DEVELOPMENT REVIEW BOARD

Meeting Minutes • Thursday, March 5, 2009 • 7:00 p.m., Old School House Common

Barbara and Jerry Kennett, Conditional Use review of accessory structure

DRB members present: Paul Brierre, Dina Bookmyer-Baker, Bruce Hayden, Vince Feeney, and Chuck Bohn. Bob Light, the Zoning Administrator, was present. Barbara and Jerry Kennett, the applicants, were also present. No other parties attended.

At 7:15 p.m., Paul opened the hearing on the Conditional Use review for Barbara and Jerry Kennett. The DRB members introduced themselves. Barbara and Jerry Kennett and Mr. Light were sworn in.

The members of the DRB reviewed the application and site plan. The application included the following documents:

- a Conditional Use permit application, received January 13, 2009
- a site map showing the structures currently on the property
- answers addressing the impact of the structure under the Conditional Use criteria
- a copy of the zoning permit application for the structure, dated December 19, 2008, that the Zoning Administrator referred to the DRB for Conditional Use review.

Bob summarized the application history:

- In April 2008 the Listers visited the Kennetts and discovered that there was no permit for their sawmill structure. The Listers told the Zoning Administrator of this, some time in May.
- Bob followed up with the Kennetts over the summer and left many voice-mail messages on their answering machine. When they finally connected, he told them that they needed to apply for a zoning permit for the structure.
- The Kennetts applied in the fall. Bob received their application on October 18, 2008. However, the setback distances were not shown on the site plan drawing, and some information was not provided on the application.
- On October 28 Bob returned the application as incomplete, identified the information required, and attached a warning letter stating that a violation exists and that the Kennetts have until November 10 to submit a complete application. Bob did not receive a complete application by November 10.
- On December 3, 2008 Bob issued a Notice of Violation letter to the Kennetts. The letter stated that a violation exists and gave the Kennetts seven days to correct the violation.
- The Kennetts submitted a complete application dated December 2, 2008.
- Bob issued a letter lifting the Notice of Violation as of December 5, 2008, and copied the Town Attorney, the Selectboard, and the Listers.

Bob submitted copies of his documentation: the incomplete zoning permit application and site plan, his cover letter that accompanied the return of the incomplete application, the warning letter, the Notice of Violation letter, and the retraction letter.

The Kennetts apologized for the delay in connecting. They explained that the structure covers their portable saw mill. The structure is open on one end. It is not close to any of their neighbors. The Kowalskis are probably the closest. Their lot is wooded and you cannot see the sawmill from the road. The structure is well-screened. They notified all of their abutters of the hearing and submitted the list. The building has been there for two years. It is not used for a commercial enterprise, but for Jerry's hobby.

Bob explains that our zoning ordinance requires a Conditional Use review of an accessory structure in the Forestry and Conservation District. He feels it is suitable for the district.

A DRB member asked if the shop would need a permit. Bob explained that it has been there a long time, since before the zoning ordinance changed the requirements for a Conditional Use review.

Mr. Kennett explained that a neighbor told him that a pole barn did not need a permit. Bob reminded him that he is available to answer zoning questions. Because this structure is more than 600-feet from the road, putting it in the Forestry and Conservation District, is why it must have a Conditional Use review.

There being no further testimony, at 7:41, Paul made a motion to close testimony, which was seconded, and all were in favor. Paul thanked the Kennetts for their time. The DRB will issue a written decision within 45 days.

Appearance by Parker Nichols, walk-in, to discuss the development potential of a parcel.

Parker is looking at a parcel across from Beaver Meadow Road. The sellers had an elevation survey done for the floodplain and found that there is developable land outside of the Floodplain. They have applied to FEMA to issue a letter of map-amendment. Parker is considering sites for a lumber storage and planing mill. We discussed the application process.

Deliberative Session

At 8:30 p.m. the Board then went into closed session to discuss the pending decision, the Kennett's Conditional Use review.

At 8:40 p.m. the Board came out of deliberative session.

At 8:48 p.m. Paul moved to adjourn the DRB meeting, which was seconded by Bruce, and all were in favor. The meeting was adjourned.

Respectfully submitted,
Dina Bookmyer-Baker