

Town of Stafford
Zoning Board of Appeals
Regular Meeting
February 4, 2010
7:00 p.m. – Veterans Meeting Room

Members Present: Dennis Kaba, Chairman
Scott Gallison
Ronald Houle
Tom Heffron
Henry DaDalt

ZEO Present: Richard Shuck

PUBLIC HEARINGS

Application of All-Phase Enterprises requesting a variance of Section 5.01 (c)(12), Earth removal minimum setback requirements, to locate a crusher less than 1,000 feet from a residential home.
Location: 121 West Stafford Road, Assessor's Map #35, Lot #046, HB Zone.

Agenda:

1. Review minutes of January 7, 2010 regular meeting.
2. Discussion – All-Phase Enterprises application.
3. Adjournment.

A public hearing was held prior to the regular meeting, re All-Phase Enterprises requesting a variance of Section 5.01 (c)(12), tape recorded and filed in the office of the Town Clerk.

Upon completion of the public hearing, Chairman Kaba called the regular meeting to order at 8:11 p.m.

2. Discussion – All-Phase Enterprises application.

Scott Gallison stated that the drainage situation and this application are two separate issues. Scott also noted that he was present in 2008 when drainage was discussed for the property and a solution was presented and after 13 months drainage is still an issue, however, that this is not for us to base our decision on tonight. Scott added that he understands about the trucks going in and out of the site and the disturbance to the neighbors, however, this added expense (a financial gain or loss) is not relevant to a hardship.

Tom Heffron made a motion to deny the application for All-Phase Enterprises requesting a variance of Section 5.01 (c)(12), seconded by Henry DaDalt. Motion passed. Voting Yea; Scott Gallison, Dennis Kaba, Tom Heffron, and Henry DaDalt. Voting Nay; Ronald Houle.

Tom Heffron prefaced on his decision to deny stating that the drainage issue is completely separate and it should not have been brought before the Board. The application is for crushing the rock and there is no hardship. Henry DaDalt noted that he was an eyewitness to the drain in action and that it was not working properly. Henry highlighted the point that addition heavy machinery will cause another problem and the reason for his vote to deny is; everything that is stated by an applicant

before ZBA should be seen (in writing) by the Board before there is a grant for crushing. Henry also stated that although the drainage issue has nothing to do with tonight's decision, it still needs to be looking at/addressed. Tom elaborated on his decision (a lack of a hardship) to note; financial gain, long term planning, and developing of the property.

Scott Gallison made a motion to add to the agenda; **Update- George Schober** situation, seconded by Henry DaDalt. Motion passed. All in favor.

Richard Shuck stated that it is his understanding that Mr. Schober did receive the additional acreage from Somers. Richard said he received an email asking what the process is to move forward with his lots. Richard stated he will speak with Attorney Muska to verify what is need in this situation to obtain approved building lots and said Mr. Schober still needs site plan approval and Health Department approval. Henry DaDalt asked about a deed from Somers, but also stated that he doesn't see anything that needs to be acted on by the Board. Richard said he is researching what he needs to do to have the lawsuit withdrawn.

Ronald Houle made a motion to add to the agenda; **Discussion – Land Use Application fees by the Zoning Office**, seconded by Scott Gallison. Motion passed. All in favor.

Richard stated that ZBA actually sets the fees and that with an ordinance additional fees can be charged when warranted, most notably, inspections and re-inspections for non-compliance. Richard also noted that the building inspector is currently modifying his area of the fee structure. Tom Heffron asked in the area of bonds, for higher bonds such as subdivision or commercial, couldn't an additional fee be attached to certain item, for example square footage, Richard said that with an ordinance you could approach a fee this way. Richard added that for Zoning compliance certificates, there should be a fee for the additional time involved in research and that Statutes have certain limitations/caps on fees and what types of fees can be charged.

1. Review minutes of January 7, 2010 regular meeting.

Scott Gallison made a motion to approve the minutes as printed, seconded by Henry DaDalt. Motion passed. Voting Yea; Scott Gallison, Ronald Houle, Dennis Kaba, Tom Heffron, and Henry DaDalt.

2. Adjournment.

Henry DaDalt made a motion to adjourn, seconded by Scott Gallison. All in favor. The regular meeting of the Zoning Board of Appeals adjourned at 8:33 p.m.

Respectfully submitted,

Ann Ciscon Monahan
Recording Secretary