



**Town of Whitingham
Zoning Board of Adjustment**

MINUTES OF JUNE 1, 2023 PUBLIC HEARING

Attendees:

ZBA members: Marshall Dix, Chair; Troy Felisko, and Lyman Tefft
Zoning Administrator/ZBA Clerk: Gig Zboray
Applicant: Chris Roberts
Others: Brianna Harris, Amy McNeil; abutters

Call to Order. Additions or Changes to Agenda:

Marshall Dix called the hearing to order at 6:34pm. There were no additions or changes to the agenda. Mr. Dix read the Public Hearing Notice.

Hearing of visitors (for concerns not on the agenda)

None

Make introductions of all in attendance

Introductions were made around the room.

Disclose any potential Conflicts of Interest

None

Hearing to address whether to approve Zoning Application W-14-23:

Parcel ID 06-J012 at 2977 VT Route 100 in Jacksonville is a large building on .89 acres (GIS). It had a conditional change of use on application W-15-22, therefore the added use of an apartment to the property in a pre-existing portion of the building is considered an accessory use to a conditional use. To enter the new apartment a 6x8 foot deck is being applied for because the current entrance has a dangerous space between the driveway and the building. In the recent past there was a ramp, but it had rotted so badly it was torn down. The pre-existing building sits on the property line so the proposed deck would not meet setbacks, but it is considered a life safety matter. Ms. Zboray noted that if the property wasn't under conditional use, she could approve both the apartment and the deck but because of the prior conditional use approval this application must be approved by the ZBA also.

Hear from all concerned

Ms. McNeil asked about the life safety question, what is it? Ms. McNeil mentioned the expansion of protection of his well. She is concerned that now he wants to add one apartment, how does this new use affect his well protection area? Mr. Roberts indicated that the water engineer calculated that the state water permit allowance is enough for the apartment.

Ms. Harris asked if there were any plans for the left side of the building where the old parts counter was. Mr. Roberts indicated no plans for changes at this time.

Ms. Harris asked if the apartment would be full year residence or AirBnB. Mr. Roberts said the apartment would be for him and his nephew when they are in town working.

Mr. Felisko asked if the deck needed to be 6'x8', could it be 3'x5' for example. Mr. Roberts answered that the 8' will cover the whole exposed/dangerous section with decking.

Mr. Dix asked questions about the prior zoning permit conditions and why they weren't met yet.

Mr. Roberts answered that there is now signage for two handicap spaces and has found a company to paint the appropriate parking lines.

Mr. Dix asked about the requirement to fence the dumpsters; they are not fenced yet. Mr. Roberts plans to move them to a new area that has a stone wall behind and will fence the front access to the dumpsters. Mr. Roberts questioned if he needs a permit for a 6' fence. The board answered no, it was a condition of his permit # W-15-22.

Parking was discussed, Mr. Roberts plans to install Jersey barriers along the deck and then paint parking spaces diagonally in front of it. The board was OK with that plan but would like to see Enter and Exit signs as shown on the approved site plan from 2022, although we all agree it will be difficult to enforce.

Close hearing

After all questions were answered Mr. Dix closed the public hearing in order to enter into deliberative session.

Decision

After discussion about the concern of no fire exit in the apartment except the windows, but that is a state Fire Marshall issue, not a local issue, **a motion was made by Troy Felisko to approve the added use of an apartment at 2977 VT Route 100, Jacksonville, seconded by Lyman Tefft, Jr., all in favor.**

Adjourn

Meeting adjourned at 7:32pm.

Respectfully submitted,

Gig Zboray,
ZBA Clerk