

Zoning Board of Adjustment meeting minutes for November 8, 2011

Present: Chair John Smith, Lewis Major, Bernie Rideout, Todd Page, Dorianne Almann, Alternate Mike McGrath and CDC Kathryn Lynch. Applicants and seven members of the public were present.

7:00 pm Chair John Smith called the meeting to order and read the public notice for the Application for Appeal of tax map 20 lot 62, 112 Fox Run Rd, in the Rural Agricultural District, case # 1011. Dorianne Almann recused herself as an abutter, Alternate Mike McGrath took her place. Chair John Smith noted that since we reissued all certified and reposted the Public Notice in the paper, Community Center, T-Bird and two places at the Town Hall that new evidence could be presented in the case.

Chair John Smith asked for comments from the public against the cease and desist, hearing none he asked for comments in favor of the cease and desist. Chair John Smith then read the Cease and Desist letter written by Building Inspector, Rodney Lawrence dated 9-15-11 and a statement dated 10-26-11 (all documents will be attached to the minutes within the Community Development Office for review from the public). Rodney Lawrence's letter dated 10-26-11 stated that when an inspection of 112 Fox Run Rd was done Mr. Clement stated that the wood was over flow wood splitting from other sites, as well as his own winter wood supply, that the wood is trucked in split and trucked out, and that Rodney Lawrence had advised Mr. Clement that it looked like a business and would send him a business form. Lisa Cameron, abutter, 113 Fox Run Rd. approached the Board and presented pictures of wood, splitting, other people operating the wood splitting machine at 113 Fox Run Rd, trailers of wood being filled with by a bucket loader, trucks after dark bringing and trucks with trailers full of wood being taken off the property. The pictures range in dates from 4/30/11 – 9/17/11 (pictures are in the Community Development Office and are not attached to the minutes). Board reviewed the pictures. Mr. Clement asked if he could view the pictures and was granted that. Lisa Yeaw representing State of NH Conservation Committee, brought information to the Board pertaining to Hemlock Woolly Adelgid Exterior Quarantine and Firewood Exterior Quarantine. Ms. Yeaw explained that the State of NH, Division of Forest and Land has a quarantine on wood coming in and going out of the State of NH, and that this is to protect the forest resource from threat of dangerous invasive forest insects and diseases while minimizing any interruption of firewood product deliveries to mills, storage sites and commercial home deliveries in NH. Ms. Yeaw then stated that Mr. Clement has been formally served with notice of this. Hearing nothing further Chair John Smith closed the public portion of the meeting and asked for questions and comments from the Board. Bernie Rideout asked Mr. Clement, at the previous meeting you stated that the wood you cut was brought from other lots, (I don't cut trees down in Hinsdale, I use wood from my lots in Fitzwilliam, and Swanzey. I also have two sites in MA.) Mike McGrath asked Mr. Clement why he would need to load trailers with wood for his own use, (I give the wood to people in need and actually take a loss doing this. I store wood for my use on my other lots. At the last meeting Ms. Cameron stated I cut 20 years of wood, well maybe I use it or maybe I don't want to cut wood all my life, I store my wood on my sites in Fitzwilliam, Swanzey and MA. I have logs behind my house, no one asked me what I do with the wood, and it is for me. I store the wood for my use. The trailer in the pictures only holds about two cords. If my neighbor had a problem why didn't she talk to me instead of airing the dirty laundry to the town, I would have stopped if the noise was bothering anyone. I have been delivering wood since I moved here three years ago and it is not a business). Bernie Rideout made a motion to uphold the cease and desist

order dated 9-15-11, seconded by Todd Page. Chair John Smith called for an individual vote with explanation from each Board member.

Bernie Rideout voted “aye” and explained that he burns wood, buys 8.5-9 cord of wood and splits it with his son, it is split in a couple days, they do not split wood all day, in the middle of the night, or for 12 months. If Mr. Clement is giving away the wood than he commends him but cannot believe that it is true, to much wood for own use, proven by the pictures and statements from Ms. Cameron.

Mike McGrath voted “aye” and explained that he also commends Mr. Clement if he is giving away the wood, but the evidence is overwhelming that the wood is not for his own use.

Todd Page voted “aye” and explained that it is a lot of wood for personal use. The pictures are proof that it looks and appears to be a business that is not aloud in Mr. Clement’s District.

Lewis Major voted “aye” and explained that it doesn’t make sense to bring wood from an open lot in Fitzwilliam to a one acre lot in Fox Run to split and then truck back to Fitzwilliam to store for his own use.

Chair John Smith voted “aye” and explained that the photographic and written evidence indicates that the wood is used for business purposes.

Unanimous and individual “aye” votes to uphold the cease and desist dated 9-15-11, motion passes.

Chair John Smith read the public notice for an Area Variance, VFW, tax map 46 lot 127 of 66 Main St, in the Business District, applicant seeks to replace sign that exceeds the zoning ordinance, case #1101.

Dorianne Almann returned to the Board. Chair John Smith read the Application for Area Variance. Chair John Smith asked for comments from the public in favor of the application. Douglas Stephens, Quarter Master VFW, explained that the VFW’s original sign was in 1946. It was easily breakable by youth in town. Through the years they wanted to replace and had no money to do so. John McCarthy offered to replace it. The sign has been down for over a year and now our prior variance has run out. Hearing non members of the public in opposition of the variance Chair John Smith closed the public portion of the meeting and asked for questions or comments from the Board. Chair John Smith commented that all abutters were notified in 2001, no abutter dispute then or now, he recommended extending the variance. Dorianne Almann asked where the sign would be, (off porch roof, double faced sign, on the same brackets as last sign, same size as last sign). Lewis Major made a motion to extend the variance dated 8-7-01, seconded by Todd Page. Unanimous and individual “aye” votes to extend variance, motion passes.

Bernie Rideout made a motion to approve the minutes as written dated 10-11-11, seconded by Lewis Major. Unanimous and individual “aye” votes to approve, motion passed with Dorianne Almann abstaining.

Lewis Major made a motion to adjourn, seconded by Bernie Rideout, motion to adjourn unanimous.

Respectfully submitted by,

CDC Kathryn Lynch

Draft of minutes until approved and signed