

Zoning Board of Adjustment  
February 28, 2012  
DRAFT 2/28/12

Attendance: Carol Clauss, Kevin Brown, Ted Desmond, Peter Grant, Brenda Tillberg, Paul Jackman

Public: Greg Toner, Linda Hacker-Toner, Linda Marie Siberini, Chet Hinton, Marilyn Farr, Jim Foley, Bill Bryant

Kevin Brown called the meeting to order at 7:31

Application 11-29, Greg Toner and Linda Toner- Hacker regarding the notice of violation issued by the Zoning Administrator for allegedly building without a permit (Parcel #30145). The property is located in the Conservation zoning district. The notice of violation alleges that the Toner-Hackers have constructed an addition to their camp, which would require a permit under Section 320: Zoning Permit, Certificate of Occupancy, and/or Municipal Land Use Permit.

Bill Bryant discussed the mediation that had happened with the Toner's prior to the meeting. There is a proposed settlement, which must be approved by the Selectboard at the next meeting on March 12<sup>th</sup>. If the Selectboard accepts the proposal then they would submit this to the Environmental Court to be permitted. If the Selectboard does not approve the agreement made then the case would go to trial.

Kevin moved to continue the Toner application if needed on March 27<sup>th</sup> based on the Selectboard discussion, Peter Grant seconded all were in favor (5-0).

Jim Foley represented his client Christopher Bradley. He explained the location of the property as well as looking at a larger scale map discussing the current right of way. They examined the property lines created from the subdivision; there was jog in the line allowing the new parcel created to be a conforming lot. Jim explained the process that his client went through to receive a subdivision when he did that and they did not complete a 502 Roadway Advocacy for this parcel. Measurement for right of way for this parcel is 50 feet, Section 502 requires a minimum 35 feet for residential use. This approval under 502, does not authorize the building of any building on the lot, any building would have to receive a building permit under the zoning by-laws.

Kevin Swore in Linda Siberini and Chet Hinton, neighbors of the parcel and owners of Green Mountain Family Campground.

Linda then explained the right of way for Chris' property goes through the Green Mountain Family Campground. By allowing this to continue to as the right of way for Chris' property, the damage that affects the campground will not only continue but also get worse.

Kevin explained that the measurement for the right of way was 50', 35' for residential purposes as a minimum requirement based on what lots are making use of this right of way.

Kevin emphasized that this does not validate any building on the lot, just of the subdivision and the right of way for the enclosed lot.

Kevin moved to approve the application under 502, under the condition based on submitted deed is used for conveyance for lot 1B reserving a 50' right of way for the use of lot 1A.

Minutes needed to add the final vote as the result from the Terasem, "with conditions as set forth by decision dated..." Peter moved to approve the amended minutes from October 25, 2011....Kevin seconded the motion all were in favor (5-0) Carol abstained as she was not at the meeting.

Kevin moved to adjourn the meeting at 8:20.