

HAMILTON ZONING BOARD OF APPEALS

MINUTES OF MEETING

March 15, 2016

Members Present: Bill Bowler (Chairman), Kim Dietel, Bruce Gingrich, and John Rodenhizer.

This meeting was called to order by Bill Bowler at 7:30 pm with a quorum established.

Approve Minutes

October and December minutes to be approved at a later date

Public Hearing. 2 Surrey Lane. Convert an in-law apartment to a legal apartment.

Bill Bowler said the Board had received a letter to withdraw without prejudice, from the applicants.

Motion made to allow the petitioners, Diane and William Curr to withdraw their petition at 2 Surrey Lane made by John Rodenhizer

Second by Kim Dietel.

Vote: Unanimous in favor.

Public Hearing. 105/103Linden St. Extend or Alter a non-conforming use to separate lots with individual dwellings.

Judith and Hans Knuijt were present. 103 Linden and 105 Linden had been purchased as one deeded lot in 1987 by the applicants. Mark Gaudette, the Building Inspector at the time, reportedly advised the applicant that it was a non-confirming lot subject to grandfathering. According to the applicant, the dwellings did not share anything, including septic systems or insurance policies. The applicant was requesting to have this be approved as a subdivision under grandfathering.

Bill Bowler noted that the lot was non-conforming because there were two dwellings on one lot, so the applicant would be switching non-conformities. The applicant had come to the ZBA first, upon recommendation from Patrick Reffett, as the Planning Board took the position that an applicant would need to get ZBA approval first.

The applicant planned to keep Lot 1. Lot 2 would be sold. Title V was being completed.

Bill Bowler stated that he did not have a problem with the proposal as it was trading one non-conformity for another. One contingency would include that the plan would need to meet Board of Health Regulations for Title V. An engineered system would need to be completed for both lots.

Motion to approve the plan was made by John Rodenhizer

Seconded by Kim Diedel  
Vote: Unanimous to approve.

Bill Bowler explained the next steps for the applicant. Mr. Bowler would write and file the Decision with the Town Clerk. There would be a 20 day appeal period, after which, the applicant would apply to the Planning Board for an Approval Not Required filing. Mr. Bowler reminded the applicant to speak with the Board of Health regarding Title V requirements.

Motion to adjourn made by Kim Dietel  
Seconded by John Rodenhizer  
Vote Unanimous to adjourn at 7:48 pm

Prepared by:

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Marcie Ricker

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Attest

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Date