

ZBA Minutes July 9, 2008 – Poklemba, Green

Members Present: Robert Cadle, Cynthia Maxwell, Harris McWade, Chase Duffy, Alison Manugian

Chairman Cadle convened the Pokembla hearing by reading the Legal Notice.

Mr. Poklemba said that he wants to build a shed very similar to the existing house and that it will look good in the neighborhood. He said that the shed will be 12 x 18, noting that he wants it in the location shown on the plan because he does not have a total acre to work with and there is a stone wall from the north side running all the way to the east side. He said that there is a fence in front and a retaining wall with an eight to ten foot drop. He said that even though the plan shows no wetlands, he can't locate the shed to the rear because of the drop. He said that the shed would look out of place in front of the house.

Chairman Cadle asked what the shed will be used for.

Mr. Poklemba said that it will house a ride on tractor, a rototiller, etc., items which are now stored in the basement now and accessed with a ramp. He said that he has had a heart attack and a stroke and thus it is difficult to maneuver from the basement. He stressed that the shed will look nice, noting that his property abuts 190 acres of wooded conservation land that is relatively unused.

Chairman Cadle asked whether the drawing is to scale and whether the walkway on the plan would be encroached upon.

Mr. Poklemba said that he would have to remove the walkway if the shed is moved forward, which would make getting around the house problematic because there is only about three feet of space.

Chairman Cadle asked how much space is between the shed and the screened in porch.

Mr. Poklemba said about six feet, noting that he is getting matching pavers and the roof pitch and the windows are the same as the house. He said that

there will be a ramp on the left hand side, with a garage type door on the side where the ramp attaches.

Mrs. Duffy noted that this is a fancy shed and asked about easement "A" and where it is in relation to the driveway.

Mr. Poklemba said that it is a wide area that accesses a nearby trail. He said that he and his neighbor have done a lot of work, planting grass, etc. to improve the looks of the area, noting that it has started to look like a meadow. He said that he asked the Con. Comm. for help and was told that there was no money, so they just did it themselves.

Chairman Cadle said that he feels this is the logical place and fits into the topography requirements.

Mrs. Duffy said that the shape of the lot dictates the location, and that there is also an abutting conservation area that is unlikely to ever be built up so no one will complain about the location of shed.

The Board moved to grant a variance allowing a rear setback of four feet from the boundary. The Board found that this is the only topographical space and it would be a hardship for a person with physical limitations to have to continue to store lawn equipment in an inaccessible basement location. The motion was seconded and passed unanimously.

Chairman Cadle convened the Green hearing by reading the legal notice.

Chairman Cadle noted that there is a good letter in the packet and thus he understands what the applicant is doing.

Mr. Green noted that the market is getting better and because he has a good reputation, he can earn a living making guitars.

Mrs. Maxwell asked how many in world do this type of guitar making.

Mr. Green said that the internet makes it an international market, noting that quite a few build guitars, but most do it as a hobby rather than as a trade.

Mrs. Duffy noted that if he gets successful what happens if five employees were needed.

Mr. Green said that he is very hands on and doesn't operate that way, noting that if he got that successful, he would need a bigger location. He said that an 800 square foot barn makes a perfect workshop for one.

Chairman Cadle asked about getting an apprentice.

Mr. Green said that he has done so in the past but now he really doesn't have the time to teach.

Chairman Cadle said that the only thing that jumped out to him was how to ship the finished product.

Mr. Green said that the guitars are already ordered and that he often goes to NYC to ship them or to show them to other professionals so he can get ideas for the next batch. He said that sometimes ships through Fedex because it is a big box and they are the cheapest.

Chairman Cadle said that this seems to be a by right operation under b.1 if it is happening in an attached structure, noting that this type of operation is exactly what this special permit by-law wants to encourage.

Mr. Green said that he only uses materials that he purchases at Home Depot, a shellac and water finish that he likes because it is user friendly.

Erik Semple, abutter, said that he has a few questions, primarily whether this would set a precedent for any business in the future.

Chairman Cadle said not at all, primarily because permits are non-transferable.

Mr. Semple noted that they are not living on a road, but more of a shared driveway.

The Board moved to grant a special permit for a home occupation to Aaron Green, as described in the letter submitted with the application and dated June 16, 2008, to construct classical and flamenco guitars, with the following conditions attached:

- 1) The permit is non-transferable.

2) The permit is valid for ten years.

The motion was seconded and passed four yeas and one abstention.

Oak Ridge- Agent for MattBob Realty Trust submitted a letter to the Board requesting that the condition on Permit #3-03 requiring residents to be 55 years of age or older be removed and after discussion, the Board moved that the request to remove the condition that the residents of the project be 55 years or older is a major modification and requires a fully advertised public hearing. The motion was seconded and passed unanimously.

The meeting adjourned at 9 pm.