



**Town of Whitingham
Zoning Board of Adjustment**

MINUTES OF AUGUST 24, 2021 PUBLIC HEARING

Attendees:

ZBA members: Marshall Dix, Chair; Craig Aekus, Lyman Tefft, Troy Felisko, and Dana Dix

Planning Commission members: Brad Lackey, Chair; Keith Thompson, and Peter Barus

Zoning Administrator/ZBA Clerk: Gig Zboray

Applicant: Kent Boyd attended with his son Bradley

Others: Edward & Lorraine Dubowsky, Joan & David Briggs, Leon Corse, Stanley Janovsky, Jr., Diane Cummings, John Liddy, Sharon Tobey,

Call to Order. Additions or Changes to Agenda:

Marshall Dix called the meeting to order at 6:33pm.

Open hearing by reading the warning.

Marshall Dix opened the hearing by reading the Hearing Warning.

Introductions were made of everyone in attendance.

Discuss issues related to zoning application

Kent Boyd would like to officially create a salvage yard at 265 Fuller Hill Road. His father had traditionally run such an operation. Mr. Boyd is going through the local process in order to continue the state process for approval. Mr. Dix questioned if he would like a full-blown salvage yard or did he not want to clean it up. It is cleaner now than it has been, but Mr. Boyd would like to operate a salvage yard.

Hear from all concerned

A neighbor questioned how many cars were on the property now, Mr. Boyd answered 20.

Mr. Briggs mentioned junk in the road, there was a battery in the middle of the road, cars were left for long periods of time on the edge of the road, concerned about people dumping stuff on the side of the road.

Mr. Dubowsky mentioned that there was oil in the surface water when they first moved in, and they are concerned it will happen again. Diane Cummings mentioned that there is a long history of the property being a mess. Mr. Liddy questioned if there was any documentation to verify the history Ms. Cummings mentioned? He also asked if there was any water test results that show oil in the water that Mr. Dubowsky mentioned.

Leon Corse noted that as an abutting landowner he has no objections. Ms. Tobey is not an abutter, but she has no objections. Mrs. Dubowsky noted it's a problem if they can see the junk from their house.

Mr. Dubowsky asked if it would be the same type of operation as he runs on Route 9 in Marlboro, Mr. Boyd responded no.

Planning Commission Site Plan Review

Safety of traffic on the street, pulling out of the yard shouldn't be an issue, Mr. Janovsky noted the town right of way only goes to the stone wall. The fence would go along inside the stone wall and will not include the house his son lives in on the adjacent lot.

Parking and loading facilities as long as he meets the state requirements, parking and loading shouldn't be an issue and will mostly be done by Mr. Boyd

Landscaping, screening and setback Mrs. Dubowsky noted she can see a truck in the winter, Mr. Boyd responded that he would put a fence up near her property. The fence along the road will take care of the visual aspect of the property.

Noise some machines running, would only be during daylight hours

Vibration none expected

Smoke, dust, odors, noxious gases, etc. nothing more than normal exhaust expected

Heat, cold, moisture, mist, fog, etc. none expected

Electronic emissions or signals none expected

Liquid or solid wastes or refuse Mr. Boyd will follow all state recycling and waste guidelines

Fire, safety, explosive or hazards Chief Janovsky doesn't see it as an increased burden on the Fire Department.

Soil erosion and discharge of sediment the state of Vermont will have an extensive review of the project and storm water. Mr. Lackey questioned if there were plans to dig a ditch to contain storm water. Mr. Boyd responded not at this time.

Stormwater flow levels none expected

Based on the Site Plan review the only stipulation would be that the abutting land owner would like fencing.

Hours of Operation will likely be 9-5 six days a week.

The fence will be 7 or 8 feet as required by the state. The fence is already part of this application. The state will require a locking gate when there is no one on the facility.

Further discussion as needed

The application is complicated by Kent Boyd not actually owning the property. His father has been gone approximately 10 years and the property is still in his name. Mr. Boyd's son lives on the property but Mr. Kent Boyd, the applicant, does not.

Mr. Dubowsky recommended that the ZBA deny the permit because the state will require so much it will cost Mr. Boyd an awful lot of money.

Close hearing

At 7:31pm the hearing was closed.

Enter deliberative session

The board entered deliberative session. Planning Commission members stayed.

Exit deliberative session

Craig Aekus made a motion to exit deliberative session at 7:52pm, seconded by Dana Dix, all in favor.

A motion was made by Craig Aekus to deny the application on the basis that the applicant is not the landowner, seconded by Troy Felisko, all in favor. The ZBA will entertain a new application and waive the application fee upon proof of land ownership in the applicant's name. The proceeding decision is premised upon legal council's opinion as to title to the property.

Adjourn

Meeting adjourned at 7:54pm.

Respectfully submitted,

Gig Zboray,
ZBA Clerk