

Town of Northumberland Zoning Board of Appeals
Wednesday,
December 5, 2018 7:00 pm
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Zoning Board Members Present: Gary Applegate, John Amidon, Bruce Bemis, Paul Becker, and Mark Boyce, Chairperson

Zoning Members Absent: Carl Harrison, Vice Chairperson, Aimee Smith and Sarah Mojzer

Town Employees Present: Richard Colozza, Code Enforcement Officer & Tia Kilburn, Zoning Board Clerk

Mark Boyce, Chairperson, called the monthly meeting to order at 7:15 PM

All in attendance stood and recited the Pledge of Allegiance.

Chairman Boyce introduced application #0011-18, Use Variances for DMD Landholdings / Eric Heym (Tankards Tavern).

Mr. Heym described his application as a use variance for Tankards Tavern located at Route 32 and Brownville Roads, he explained it has been operated as a Tavern for 5 or 6 years and as a Bar for many years prior to that. He stated at this time he would like to expand to a restaurant and pub to make it more marketable.

Chairman Boyce asked if there were any questions from the Board and reiterated the intention was to expand. Mr. Heym responded the intent is to sell the property, he explained his son in law use to own it but it didn't last long, he bought it from him and wants to increase business for the next owners, adding it is not zoned for a restaurant, he stated they have already put in a new kitchen and septic, they need a variance to run the restaurant, stating it will be a nice business not just a bar.

Chairman Boyce asked if he had been to the Planning Board, Mr. Colozza responded yes, Chairman Boyce asked if they were looking for a joint public hearing, the Clerk said they did not discuss it but they probably would be opened to it.

Mr. Bemis asked how many seats were there, Mr. Heym responded seating did not change, Mr. Bemis said they didn't have a restaurant, Mr. Heym responded he hasn't changed any of that, he explained it is different for a restaurant than for a bar, it is regulated by the Board of Health so there will probably be less seating. Mr. Bemis asked how many tables were in there, Mr. Colozza responded three, however, the occupancy load will be determined at a later time after the design because the occupancy load is calculated by the footage, have to know how many seats will be at each table, occupancy most likely will be in the 60's. Mr. Heym said he thinks around 64. Mr. Colozza added they lose space when sitting at tables. Mr. Bemis stated the bar was not suppose to have tables, Mr. Colozza responded they were tall pub tables. Mr. Becker asked if there were regulations for tables in a bar, Mr. Colozza said no, just the occupancy load and means of egress. Mr. Becker reiterated it would be the same service with a larger kitchen, Mr. Colozza said yes, the building is not changing only the larger kitchen, he added the bar served finger foods and bar food. Mr. Heym stated a lot of people have been stopping by when he was working on the place and expressed the need for a food establishment, the local snowmobile club has shown interest in stopping in on a regular basis. Mr. Colozza stated the only change outside is the upgraded septic installation with an extra tank for serving food. Chairman Boyce asked if the Board had any additional questions. Mr. Becker stated that with what is being done it should bring in more income and tax base. Mr. Heym agreed and said the people that have expressed an interest want a restaurant not a bar and not like Stewart's, he added they have taken the building apart and made repairs, fixed the gables and wiring, it was more than he had expected to do but everything is done correctly. Mr. Amidon asked if the bar

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was staying, Mr. Heym responded that is up to the buyers, they will have to get licensed, he added it would be similar to Winslow's Restaurant, he wants to sell it and doesn't want to open it himself.

Discussion ensued on a Joint Public Hearing with the Planning Board and a date for the next meeting due to the holidays. January 2nd at 7 pm was determined for a joint public hearing.

Chairman Boyce introduced the next application, #0012-18 for John Weber, Area Variance to maintain horses on 5 acres in the agricultural zone that requires 10 acres.

Mr. Weber stated he still had to have the application notarized however, he did have notarized letters from the property owner. He explained the parcel is 44 or 45 acres and he proposes to subdivide it, the owner is divorced and only wants 5 acres for her house and horse, he stated he will purchase the rest from her to build a house and create a keyhole lot. He presented 2 maps to the Board, one a soil map (agricultural map) and the other a tax map. He explained the location of the 5 acres they are taking out and stated if they had to take 10 acres it would be taking away from his agricultural use, he stated he wants to represent and preserve the agricultural use. Mr. Weber added the owner has 2 horses and if she sells the property there could only be 1 or 2 horses in the future. Mr. Weber stated he has always been on a farm and he wants to continue to farm, he added he will reserve approximately 2.4 acres for his house and the rest will be for agricultural, he will have a 1500 to 2000 ft driveway. He explained he plans on raising beef, turkeys, chickens and vegetables to sell, he added if he has to give her 10 acres it would only leave him a good 2 acres to farm, it was all farm and pasture but it got all broke up. He said now there is low wet ground, the timber is classified as wet lands he said he would like to plant Christmas Trees as well. He added it use to be part of Kings Dairy Farm, 1973 it burned down and they just buried the remains of the barn on the lot.

Chairman Boyce asked Mr. Colozza if 2 variances were needed, one area variance for horses on 5 acres and one for the road frontage of the dwelling to be built. Mr. Colozza stated he didn't know there are not maps to look at, he added they need a map to show the plan and pin all the buildings but there is nothing to show it. Chairman Boyce agreed and said it is an incomplete application and it needs to be notarized and contain more detail. He added they need a map with building placement, septic and the layout of the proposed 5-acre lot to determine the variance or variances needed, he asked if anybody wanted to add anything. Chairman Boyce said this is needed because they are creating a smaller substandard lot in the agricultural zone. Mr. Weber responded it is still residential and agricultural, Mr. Colozza interjected, for agricultural pursuits for the horses and chickens they need 10 acres, Mr. Weber stated the current owner does not make \$10,000 on agricultural pursuits, Mr. Colozza said it doesn't matter it is still agricultural pursuits requiring 10 acres or a variance. Chairman Boyce stated the application should show the agricultural pursuits you are seeking and the variance(s), he said it doesn't matter if it is 2 or 10 horses the application needs to show more detail and the magnitude of the agricultural pursuits. Mr. Weber responded saying he has a letter in the file stating the owner knows it is not commercial and is for residential use.

Mr. Becker asked to confirm the variance goes with the property, the next owner would also have the variance, Mr. Colozza responded yes. Mr. Becker then stated so the variance, if granted will always stay with the property no matter what the current owner says.

Chairman Boyce asked what the two adjoining properties are used for, a 42 acre and 60 acre, Mr. Weber replied Kings Farm use to plant corn, the 60 acre is for sale he is interested in buying that as well and the 42 acre goes out to Gailor Lane and the owner is just letting it grow up. Chairman Boyce reiterated the two lots are for agricultural pursuits, Mr. Weber said there is a horse farm on the other side of the road.

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Chairman Boyce stated the applicant needs to complete the application as discussed and asked the Board if there were anything else needed, nothing was noted. Mr. Weber confirmed he needed a map, Chairman Boyce added and a notarized application Mr. Weber said he would get Mr. Colozza and his Engineer Mr. Robinson to the site for a deep hole and perk test. Chairman Boyce added the map needs to show the buildings on the property as they exist and the septic, leach field and any other unique features of the lot including the dimensions of the proposed 5-acre lot, he added the Board can also place limitations on the variance. Mr. Weber stated he is willing to add only 2 horses maximum allowed on the 5-acre lot, Chairman Boyce asked if there were only horses, Mr. Weber responded and chickens.

Chairman Boyce asked if there were anything else, he stated the next monthly meeting will be January 2nd at 7:00 pm, once the application is complete and accepted, they can schedule a public hearing.

Chairman Boyce asked if there was any other business for the Board, none was noted.

Mr. Amidon made a motion to adjourn the monthly meeting at 7:50 pm,
Mr. Applegate 2nd the motion,
Meeting adjourned.

FUTURE MEETINGS

January 2, 2018 at 7 pm.

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk