

## ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Recorded by Janice Pack

December 18, 2019

**Members Attending:** Gil Morris, George Rainier, Jarvis Adams, Sheldon Pennoyer, Craig Pettigrew, Loren White

### **Meeting opened at 7:00 PM**

Gil called the meeting to order and explained the way this process would go. Sheldon will be a non-voting member tonight.

**Public Hearing, ZBA Case 2019-08**, for the property at 84 Old Bennington Road, Lot R3-22-7, Nathan Brown and Jayma Brown. The Applicants are requesting a Variance from Section III (H)(3) of the Zoning Ordinance which states *"there shall be between the nearest side of any public highway and the extreme front of any building a yard having a minimum depth of one hundred (100') feet"* to allow a Solar Array to be placed 51' from the road.

Gil read the application for the Variance, and the facts supporting it.

Craig asked for a definition of a "building". Gil read from the Zoning Ordinance the definition. One stipulation is that a building is over 10' high; this array would not be. The definition also says that a building has a roof. Sheldon noted that we should treat this as a Variance; he felt that the Planning Board should better define this somewhere down the road.

The applicant had no further comments. Jon Eber, who lives across the street from the Brown's, spoke in favor of allowing this solar array.

There were no other comments from the applicant or the public.

Gil closed the public portion of the meeting. Jarvis said when he was thinking about this, he realized that we do have regulations for windmills, which are much taller. Craig said that in his opinion it doesn't meet his definition of a building needing a setback. If you did go through the criteria, it is likely that you could put it somewhere else on the property. Sheldon said this would be the best place to capture the solar energy; other locations would require trees to be cleared.

**Loren moved that we do not consider this for a Variance and simply indicate that it is not in our purview as it cannot be defined as a building.** (Reference: Section 2, Definitions, subsection d under Building: "Building" shall mean any independent structure having a roof with structural support & more than two hundred (200) square feet in size and/or when any point of the structure is greater than ten feet in height. All buildings, permanent or temporary (including quonset hut type buildings covered with plastic), must meet setback requirements.) **As it is not defined as a building, it could be located in the setback. Jarvis added that it would not be used to store anything inside of or underneath. Craig seconded the motion as amended. Call the question: Vote: 5-0. Motion passed.**

This concluded the public hearing.

43 The Board reviewed an invoice received from the Ledger-Transcript for noticing, and this was approved.

44 The Board reviewed the minutes from their last meeting held on October 8. **Sheldon moved to**  
45 **approve the minutes, and Jarvis seconded. All were in favor; motion passed.**

46 The budget was reviewed, and we have only spent 27% of the budget as of this date.

47 The Board discussed if there was a better way to decide if Applications needed to be heard in a Public  
48 Hearing as the last 3 cases were determined not to need to come before the Board. Our definitions  
49 don't make it easy; they need to be tightened up. Sheldon said he'd rather hear the cases just to be  
50 sure. Gil will email the Planning Board and let them know about our concern. Craig said that Jaffrey  
51 uses the question "Does it need a permit" in their definition of whether or not an application needs to  
52 come before the Zoning Board.

53  
54 Having no further business to discuss, **Jarvis motioned to adjourn the meeting, and Craig seconded. All**  
55 **were in favor, motion passed, and the meeting adjourned at 7:40 PM.**

56