

**TOWN OF BARRE
ZONING BOARD OF APPEALS
PUBLIC HEARING
JUNE 15, 2009**

CALL TO ORDER: 7:00 P.M.

BOARD MEMBERS PRESENT

Jeanne Martillotta
Dale Laubacher
Steve Karas
Charlie Swan
Richard Miller

BOARD MEMBERS ABSENT

Also present: Shellye Dale Hall, Doug and Pearce, Richard Cox,

I. INTERPRETATION OF ZONING FOR DOUG PEARCE, 4228 OAK ORCHARD RD (95-1-55.2)

Mrs. Martillotta called the public hearing to order at 7:00 p.m.

Mr. Pearce has a container business on his property, which is in the General Business District of the town. The concern is that, even though he is located in this district, should this be considered a service business. If not, he will be required to obtain a Special Use Permit.

Mr. Pearce informed the board the details of his operation - he does not take food/garbage; has no plans of expanding; containers are full no more than 24 hours. He was given a permit for the business in 2001, but this document is not the CEO's file.

Mr. Pearce also described how he tries to look at his business from a neighbor's perspective, and to respect his boundaries and noise level. He is open to any suggestions the board has to ensure his business can remain.

CEO does not see this as a service business. She has also had complaints about trash/noise.

Mr. Laubacher stated that he feels the business should indeed be considered a service business, and it should be covered under Section 502, Paragraph A in the town's zoning code book. Therefore, Mr. Pearce should not be required to obtain a Special Use Permit.

The public hearing was closed at 7:19, and regular meeting opened at 7:19.

RESOLUTION NO 3 6/2009

**Introduced by: Dale Laubacher
Seconded by: Charlie Swan**

WHEREAS, The Barre Zoning Board of appeals has reviewed the application of **Doug Pearce** for an appeal/interpretation of zoning code for the container business on property located at 4228 Oak Orchard Rd (95-1.55.2), situate in the General Business District, to determine if a Special Use Permit is required; and be it hereby

RESOLVED, that the business fits the description under the Town of Barre's Zoning Regulation 502, Sections A. Business falls under permitted uses in Section B as well.

UPON ROLL CALL VOTE:

Mrs. Martillotta Aye
Mr. Swan Aye
Mr. Laubacher Aye
Mr. Karas Aye
Mr. Miller Aye

The resolution was thereupon duly adopted.

II. BARRE SPORTSMAN'S CLUB - SPECIAL USE PERMIT

Mr. Brant, representative of the Barre Sportsman's Club, argues that the operation has not "changed" since the use variance was granted in 1973. The only change to property is a 24x32 barn was erected for storage in 2004, for which they obtained a building permit.

The Codes Enforcement Officer stated that the town board advised her that the club did in fact need a Special Use Permit. The essence of the club changed, as the original use variance indicates that the club is not allowed to shoot during church hours, and there were two complaints written by neighbors about loud parties. The complaint letters were read aloud; a third complaint was made by phone to a town board member.

All members present stated that they addressed the two loud parties, and the members who had them were reprimanded. They have rules - one of which is that parties are done at 11 pm. No high power rifles are being tested there. Members are allowed to use club for personal reasons, but they do sign a rental agreement. The club also purchases a liquor license for special events; they I.D. people, and have sufficient parking spaces. They have also installed a security system due to theft/vandalism.

Mr. Karas questioned if club had expanded; a list of members was copied and given to board.

Board agrees that they would like:

1. A copy of bylaws and the rental agreement given to members who are using establishment for a private party
2. To speak to Lance Mark, the town attorney, since this issue was discussed about another club in the town between the Planning Board and Mr. Mark. Mr. Mark stated that all three gun clubs in the town need a SUP.

Issue is tabled to the next meeting. Mrs. Martillotta plans on contacting Mr. Mark.

III. APPROVAL OF MEETING MINUTES - 12/15/08 AND 6/1/09

Mr. Karas made a motion, pending correction of one sentence in the 6/1 minutes, to approve both, seconded by Mr. Laubacher and carried.

IV. NEW BUSINESS

1. Mr. Denny wrote a letter to the town board addressing the \$100 fee he was charged for the area variance granted on June 1, 2009. He feels that this was unfair, since this was an error on the town's part. Members stated that he would have still needed a variance for the garage if the southern boundary was determined to be the front line, which would have been \$100. They ruled that he did not need this, and corrected the situation by granting the other variance. Letter will be sent to Mr. Denny explaining the reasoning behind the charge.

ADJOURNMENT

Mr. Karas made a motion to adjourn at 8:56, seconded by Mr. Swan and carried.

Lisa M. Tucker, Secretary