

March 11, 2013 Planning Commission

Present: Ed Shea, Susan Wright, Chuck Suss, John Dovitski

Absent: June Bishop

Attendees: Avis Bruce-Hurley, Larry Moffitt, Scott Davidson, Jim Henderson

Minutes of the February meeting were read by Chuck. On motion Susan and second by Ed, minutes were unanimously approved.

Avis asked if the Planning Commission put the responsibility of proving the status on a given piece of property on the owner. Chuck stated that the Board had reviewed documents that Ed had located which, in the opinion of the Board, indicated the the Harrington property was residential and the onus of proving commercial status was on the owner. Avis stated whatever information since the inception of zoning could be in a property's file but information prior to zoning laws would be missing. Ed suggested the Davidson property on the map be indicated as residential. Jim stated that the existing zoning map's errors are the result of previous inaccuracies passed forward from the previous map.

Discussion followed regarding what could be done with a given piece of property. Chuck read the Permitted and Conditional Uses from the Bylaws. Scott asked what would happen if he wanted to open a business on his piece of property. Jim said that he would be giving up significant rights if it was zoned residential. Chuck asked and both Avis and Ed replied the Davidson property was historically residential. Jim pointed out that the parcel currently zoned commercial is a wetland. Chuck asked that if the Davidson property was a store at one time, why should the Board not zone the Davidson property commercial. Ed stated that would not be correct; that proof (sales tax records, State permit to operate a store, etc.) of commercial status would have to be furnished. Susan took out the file of the Davidson property and did not find anything that would indicate commercial status of the property. Discussion of the size of the property followed. Jim stated that if the section currently zoned commercial was part of the Davidson property then it would be clear that the property was in fact commercial but the wrong part of the parcel was indicated to be commercial. Jim said the property could requested to be zoned rural residential. Ed stated that a determination should be made within a reasonable length of time to determine the status of the property.

Avis stated that if the Lister's records from the period predating zoning bylaws stated the existence of a house and store on the Davidson property that would serve as conclusive proof of commercial zoning.

Jim stated that before the Zoning Map is finished the following updates need to be incorporate:

1. Town Plan changes
2. Flood Regulations as mandated by FEMA
3. Updates to the map itself.

There being no further business to discuss, Chuck moved and Ed seconded to adjourn. All voted in favor and the meeting adjourned at 7:55 pm.

#### Zoning Board of Adjustment Minutes

March 11, 2013

Present: John Dovitski, Susan Wright, Ed Shea, Chuck Suss

Absent: June Bishop

Attendees: Avis Bruce-Hurley, Jim Henderson

Meeting was opened at 7:55.

Minutes were read. On motion by Susan, seconded by John, all voted in favor and minutes accepted.

Susan stated she had nothing for the ZBA.

There being no further business to discuss, on motion by Ed and seconded by John, all voted to adjourn the meeting at 8:05 pm.