

<b>ZBA Members</b>	
<input checked="" type="checkbox"/>	Charles Merriman, Chair
<input checked="" type="checkbox"/>	Charlene Bohl, Vice Chair
<input checked="" type="checkbox"/>	Doug Lombard
<input checked="" type="checkbox"/>	Roger Hirt
<input type="checkbox"/>	Dennis Nealon

**MIDDLESEX ZONING BOARD OF ADJUSTMENT**  
**Wednesday, January 7, 2015**  
**5:00 PM**  
**Middlesex Town Clerk's Office**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

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**MINUTES**

**Present:** ZBA members Charlie Merriman, Charlene Bohl, Doug Lombard, and Roger Hirt, Dustin Mable, Maria Touchette, Victor Dwire, Dennis Nolan and Zoning Administrator Cindy Carlson.

**Call to Order**

Meeting called to order at 6:30 p.m.

Charlie explains the rules of procedure and swears in Dustin Mable & Victor Dwire.

**Hearing on Dustin Mable Middlesex Zoning Application #14-29**

The applicant is requesting a variance for setback requirements to construct a garage on his property and permit a foot bridge that has already been constructed. Dustin is provided the criteria that has to be met to meet the standard for a variance. Dustin is asked to put forward his arguments as to why the criteria applies to his circumstances.

Dustin states: He would like to construct a garage to clean up his yard and have a place to work.

Maria Touchette is sworn in to testify. Maria gives the setbacks from the center of the road of 55'. The setback requirement is 75' from the center of the road, to meet this requirement he would have to build across the brook and build a bridge.

The Zoning by-laws are reviewed with consideration of what is a reasonable use of the property, there is discussion that a house without the garage is a reasonable. Maria states that they need the space as part of their living requirements.

**Motion:** Charlie moves to deny the variance. Roger seconds, motion passes.

There is discussion of the foot bridge that has been constructed. Vic states the Agency of Natural resources has to issue a permit for any bridge crossing a stream. Dustin states he talked to the Agency of Natural Resources and was advised that if the bridge was used for agriculture purposes he would not need a permit. The bridge is used to access his pigs that are housed on the other side of the brook. Dustin is asked if the bridge obstructs the brook in any way. Dustin states that it does not and it is not secured to the land in any way. There is discussion of securing the bridge and Dustin agrees to cable it down if the permit is approved. There is discussion if the property is in a flood plain as the regulations does state any structure built in the special flood plain require a permit from the Agency of Natural Resources. The Board reviewed the flood maps and the property is not in a special flood hazard area. The Board feels he has to go through a conditional use permit process for a permit.

The Board asks the abutting property owners what they would want to see as conditions to alleviate their concerns. Vic states that the Agency of Natural Resources has to issue all permits that cross streams and they would investigate the construction and then the Town is relieved of the burden. The Board discusses that perhaps an engineer should be consulted on how the bridge should be constructed. Vic has spoken to ANR and they have stated they will come out and inspect the bridge.

The Board decides to table the discussion of the bridge, until ANR can inspect the bridge and ask for an inspection to obtain a written document on the bridge.

The board will write an interim decision that can be provided asking doesn't pose an unreasonable risk to the property owners below.

**Motion:** Charlie moves to continue this hearing to March 11, 2014 at 5:00 pm to allow Dustin ample time to work with the Agency of Natural Resources. Doug Lombard seconds, **motion carries**.

Charlie discusses the original permit application process and states that the original permit was issued improperly and there was no appeal within the allotted time frame.

Meeting adjourns at 7:25 pm.

Respectfully submitted,

Cindy Carlson, Zoning Administrator