

Present were: Anderson (Chair); Batchelder (Acting Clerk); Jeton & Brown (Members); Boness (Associate Member).

The meeting opened at 8:15 p.m. following a 7:30 p.m. site view at 29 Candlewood Drive.

Petition No.: 3840

Premises affected: 29 Candlewood Dr.

Petitioner: Schimmel

Upon arrival from the site view, the Board gave the public an opportunity to question or comment. Rick Abbott, 4 Exeter Way, voiced his concern over property devaluation due to environmental concerns. Russ Stanton, 18 Exeter Way, noted that he submitted a letter via e-mail on July 10, 2009. Batchelder then made a motion to close the public hearing. Brown seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate. Jeton pointed out that the language in the by law is specific about the 2-acre requirement for the first animal and one additional acre for each additional animal. This lot is less than one acre. The shelter is bigger than allowed and the Board hasn't heard a hardship argument. The issues & concerns of the neighbors are what the by law is to protect. The odor is evident and she believes there are health issues and the donkeys are farm animals, not domestic animals. Batchelder agreed that there is a lack of hardship and none of the bylaw criteria have been met. Brown & Boness agreed. Anderson added that there is no justification for a variance, 'the law matters' is the best lesson for the young girl, although he empathizes with her & her donkeys. Batchelder made a motion to deny the variance & to uphold the Building Inspector. Boness seconded the motion & the Board voted (5-0) to deny the variance & uphold the Building Inspector. Batchelder will write the decision.

Anderson announced that the Board will enter into Executive Session with Town Counsel to discuss a litigation matter and then into open session to schedule a hearing date for the matter. Batchelder made a motion to enter into Executive Session. Brown seconded the motion and by roll call (McDonough, Brown, Batchelder, Anderson) the Board voted unanimously to enter Executive Session.