

**TOWN OF NORTHFIELD  
ZONING BOARD OF ADJUSTMENT  
FEBRUARY 28, 2005 MINUTES**

Members present: Chris Dunne, Roland Seymour, Kent Finemore and Ken Gorrell. Also present: Eliza Conde, Secretary.

Roland Seymour moved, seconded by Chris Dunne, to accept the minutes of January 24, 2005 as read. Motion passed.

**Mike & Shelly Janis: Application for a variance to the terms of Article 6.2 of the Northfield Zoning Ordinance to allow the operation of a Budget Truck Rental Franchise in the Groundwater Protection District at property belonging to James Borda at 359 Tilton Road (Map R15, Lot 76) in the Commercial/Industrial zone.**

Kent Finemore noted that this variance is relative to the Groundwater Protection Ordinance only, but does not address the issue of whether this use is allowed in the C/I zone. Kent questioned whether the application can be considered to be complete if the needed variances are not included. The board reviewed the zoning ordinance for allowable uses. The definition of a “service business” specifically excludes automotive related uses. The proposed use of truck rentals is not listed as a permitted use and would therefore require a variance to Article 7, Table 1.

Mr. Janis stated that this use creates less of an impact on the groundwater than a retail business would as there is not as much traffic. No fueling, cleaning or repairing of the trucks would be allowed on the property.

Kent Finemore explained that the issue as it pertains to completeness of the application is whether the “use” is allowed in the C/I zone and whether it needs a variance or special exception. If the correct variance or special exception has not been applied for and abutters properly noticed, then the application cannot be considered complete.

Ken Gorrell suggested the board could act upon this application and advise the applicant that another variance would be required. Mr. Gorrell noted that the letter from Cathy Thibeault, Chairman of the Conservation Commission refers to three separate uses by the applicant. Mr. Janis explained that he plans to use the commercial kitchen for his catering business, store boats and campers in the building along with the truck rental. The board again reviewed the zoning ordinance for allowed uses and determined that each of the three proposed uses would require a special exception. Kent Finemore asked Mr. Janis if the Planning Board had addressed the uses. The Planning Board only addressed the issue of the truck rental use in the Groundwater Protection zone.

Kent Finemore explained that each of the uses would need a special exception, but could be included in one application. Each of the uses would be addressed separately. Mr.

Northfield ZBA

Feb. 28, 2005 minutes Page 2

Janis told the board that the commercial kitchen has been in use since the building was built, although the state license expired 2 years ago.

Kent Finemore apologized to Mr. Janis and explained that the Board is not in a position to guide an applicant through the process. In this case, the abutters were only notified relative to the groundwater protection ordinance and not about the three separate uses. Roland Seymour stated that usually the board can stretch definitions a bit, but in this case, all three uses are clearly not allowed in the C/I zone without a special exception.

Christopher Hunt, Chairman of the Planning Board commented that the PB had only considered the use of the truck rental business in the Groundwater protection zone and had not considered that the uses were not allowed.

Kent Finemore asked members if they wish to address the application as applied and then advise Mr. Janis to make a new application for the special exceptions. Roland Seymour commented that the proposed uses are not even close to any of the allowed uses. Ken Gorrell moved to declare this application as incomplete. Chris Dunne seconded the motion. Motion passed.

Kent Finemore explained to the applicant that the uses need to be defined and then applications for variances or special exceptions filed. The application will still need to address the groundwater protection issue.

**Meeting schedule:** Dave Lorch and Ken Gorrell cannot meet on Mondays. It was decided to return to the 4<sup>th</sup> Wednesday of the month and meet at 6:30pm.

Meeting adjourned at 8:40 pm.

Respectfully,

Eliza Conde, Secretary