

**Ashland Planning Board
Ashland Zoning Board
DRAFT Joint Meeting Minutes
Thursday, July 11, 2024**

CALL TO ORDER: Mardean Badger, Chair of the Planning Board called the Planning Board meeting to order at 6:30 PM

PLANNING BOARD MEMBERS PRESENT: Mardean Badger, Chair, Chris Janosa, Kendall Hughes, Paula Hancock, Linda Barnes, (alternate), Frank Stevens (alternate)

ZONING BOARD MEMBERS PRESENT: Mardean Badger, Charlie Bozzello, Tim Peters, Asa Ammarin, Mike Myshrall (alternate)

Mardean Badger called the Planning Board meeting to order at 6:30 PM. Mardean did a roll call. Mardean Badger appointed Linda Barnes as a voting member for this meeting. The Planning Board meeting was recessed.

Charlie Bozzello, Chair, of the Zoning Board of Adjustment called the ZBA meeting to order at 6:32 PM. Meghan Semiao was excused. Charlie Bozzello appointed Mike Myshrall as a voting member for this meeting. Charlie took a roll call.

OTHERS PRESENT: Michelle Tracy, Russell Allard, Marcia Litchfield, Devon Thibeault, Building Inspector

DISPOSITION OF MINUTES

The Zoning Board of Adjustment reviewed the minutes of Thursday, June 13, 2024 meeting. Charlie Bozzello made a motion to approve as amended. Asa Ammarin seconded the motion. The motion passed on a 5 yes votes (Bozzello, Badger, Ammarin, Peters, Myshrall).

REQUEST FOR A SPECIAL EXCEPTION FROM THE ZBA AND A SITE PLAN REVIEW FROM THE PLANNING BOARD FOR PROPERTY OWNED BY LISA CROSS AT 3 CROSS ROAD TML 108-014

Lisa Cross and James Guyotte came before the Zoning Board of Adjustment to request a Special Exception to conduct a primarily take-out food truck business in the Rural Residential Zone.

PUBLIC HEARING

Tim Peters made a motion to open a Public Hearing on the Cross Special Exception request. Asa Ammarin seconded the motion. The motion passed with 5 yes votes (Badger, Bozzello, Peters, Ammarin, Myshrall) 0 no votes, 0 abstentions. The Public Hearing opened at 6:35 PM.

James Guyotte presented his proposal to the Zoning Board. Mr. Guyotte made the following points:

- The primary owner of the property is Lisa Cross. James Guyotte gave the presentation by proxy.
- A request for a Special Exception to allow a food truck, a commercial food take-out business to be located in a Rural Residential Zone
- The business has proper parking with no intrusion to neighbors
- The property and business have access to Route 3
- The food truck business named Dew Drop In, has been in operation since October of 2023
- The State has granted a vendor license for the business
- The Town has granted a vendor's permit for the business for 2023-2024 which needs to be renewed annually
- The applicant met with the Planning Board; at that time the owner was told that she needed to go to the ZBA for a Special Exception to allow a commercial business in a Rural Residential Zone; the Zoning Ordinance does not allow for a commercial business to be located in a Rural Residential Zone
- A diagram of the property was submitted to the ZBA for review; it shows the layout of the property as well as the layout of the business
- The State vendor license indicates that the food truck is an operational mobile truck
- In the warmer months the owner of the business would have several opportunities to move to other venues in the area
- The truck is located on a concrete slab 14' x 70'
- The food truck is 8' x 22' in size
- Devon Thibeault, Building Inspector, advised that no permits for electricity, propane, plumbing, driveway, and sign permit have been obtained for this business
- There are 2 enclosed dumpsters on the property
- The parking area measures 85' x 92'

The Public Hearing was then open to abutters in favor of or opposed to the Special Exception request. There were no abutters speaking in favor of the request. There were several abutters who spoke in opposition to the request.

Michelle Tracy spoke in opposition to the request for a Special Exception. She made the following points:

- The Dew Drop In is a direct competitor to her ice cream business on an abutting property
- When she bought her property she had to follow all current requirements and permitting
- When she opened her business Dew Drop In did not exist
- The Dew Drop In commercial business devalues my business
- The Dew Drop In has a commercial advantage at this time

Russell Allard, 121 Riverside Drive spoke in opposition to the request for a Special Exception. He made the following points:

- When I bought my property I was next door to Dairy Joy and it was quiet and peaceful
- There is now a constant aroma of fried food
- There is a definite noise problem from noisy children and numerous beeping horns
- This business was denied opening in the past but continues to run business
- Residential abutters find this commercial business an annoyance

Marcia Litchfield 113 Riverside Avenue. She made the following points:

- I reside on the Tracy Girl property. This property has been used as a food stand since 1960
- The proposed Special Exception will adversely affect the value of the Tracy Girl property
- The Dew Drop In has been in operation for 11 months
- Questions the town approval of this operation without notification
- Questions if a commercial business such as this is allowed in a Rural Residential Zone
- Lisa Cross sold her property to the previous owner. Lisa Cross is now the official owner of the property again. Ms. Cross has decided to open her business in competition with Tracy Girl
- The Special Exception if granted will be part of this property in the future and can be used by future property buyers

Devon Thibeault, Building Inspector, pointed out that when James Guyotte and Lisa Cross came before the Board of Selectmen both were told that they needed to go to the ZBA for a Special Exception. Mr. Thibeault pointed out that the approval of a vendor license by the Town does not allow a commercial business to be located on private property.

Mardean Badger made a motion to close the Public Hearing. Asa Ammarin seconded the motion. The motion passed on a 5 yes votes (Badger, Bozzello, Ammarin, Peters, Myrshall) 0 no votes, no abstentions on a roll call vote. The Public Hearing closed at 6:50 PM.

Asa Ammarin: There is a lot of information to take in about this Special Exception. There seems to be some misinformation. People appear to be annoyed by this miscommunication and Special Exception. I think we need to gather more information.

Charlie Bozzello: This business is claiming hardship if they go by the rules. The Tracy Girl business will be harmed by the advantage of Dew Drop In. The two businesses are clear competitors. There should be a fair playing field for everyone.

Mardean Badger: There is no exclusivity involved in the granting of the Special Exception.

Charlie Bozzello: Competition has to be administered fairly.

Asa Ammarin: There appear to be disruptive advantages.

Mardean Badger: This business went to the Planning Board for an Informal Consultation. The applicant was told at that time that the applicant would need a Special Exception in a Rural Residential Zone.

Asa Ammarin: The applicant went to the Board of Selectmen to obtain a vendor permit.

Charlie Bozzello; The ZBA needs to look at the process and to follow the present paper trail

Mike Myrshall: Is the Town at fault?

Mardean Badger: Dew Drop In applicants were told when they came to meet with the Planning Board that they needed to go to the ZBA. The minutes from the two meetings between the Planning Board and the applicants can be reviewed.

Tim Peters: I would like to see the Planning Board minutes and speak with Susan MacLeod, Land Use Assistant, and see the timeline of this business.

Asa Ammarin: Devon Thibeault's permitting history is important.

Mardean Badger: A Criteria narrative was requested from the applicant.

Asa Ammarin: The business is making money.

Mardean Badger: Other information is needed before the ZBA can make a decision. I would suggest that this meeting be continued to the next scheduled ZBA meeting. Collect all information needed by all board members until their questions have been satisfied.

This joint meeting will be continued to the next scheduled ZBA meeting on Thursday, August 8, 2024 at 6:30 PM at 6 Collins Street.

There will be no decision on this Special Exception tonight. There is no change to the business environment at this time.

Linda Barnes made a motion to continue the Planning Board meeting to Thursday, August 8, 2024 at 6:30 PM. Chris Janosa seconded the motion. The motion passed on a 5 yes vote (Badger, Hughes, Janosa, Barnes, Hancock) 0 no, 0 abstentions on a roll call vote.

The ZBA meeting adjourned at 8:00 PM.

BUDGET REVIEW

The Planning Board and Zoning Board of Adjustment reviewed the budget for 2025. The boards made the following recommendations:

- The General Expenses line item be increased to \$1,000
- The legal line item will remain at \$3,000 for legal counsel.
- The ZBA hires its own attorney for any issues between the Town and the ZBA
- Unused legal funds are put back in the General Fund on November 1 each year; the returned funds are from the previous calendar year

The boards discussed the necessity to record all board meetings. The following points were discussed:

- The cost of a proper recording equipment would be \$300
- It was suggested that the land boards invest in Otter.AI subscription that can reduce the time for transcription of any meeting. This will produce an MP4 file. Cost for subscription would be \$125/yr. The General Expenses line item was increased to \$1,000 for the purposes of establishing a proper recording set up in the future.

ADJOURNMENT 8:15 PM: Charlie made a motion to adjourn the ZBA meeting. Mardean Badger made a motion to adjourn the Planning Board meeting. The next meeting of the ZBA will be a continuation of the Thursday, July 11, 2024 joint meeting on Thursday, August 8, 2024 at 6:30 PM at 6 Collins Street.

Minutes submitted by Paula Hancock