

**Approved
MINUTES
Zoning Board of Adjustment
June 23, 2021**

**THIS MEETING WAS CONDUCTED IN COMPLIANCE WITH
THE VERMONT OPEN MEETING LAW IN PERSON AND
WITH ELECTRONIC PARTICIPATION**

The Public Hearing convened at 6:00pm after a 4pm site visit (see below).

Physically present at the Hartford Town Offices: Steve Lagasse, Chris Lowe, Tom Franklin, Scott Snyder, Dennis Brown Selectboard Liaison, and Jo-Ann Ells, Zoning Administrator.

Absent: Alice Maleski

Applicant representatives Brian Bowen and Kristy Thompson, property owner Earl Bushor, Peter Decato (Mr. Bushor's attorney), and Christine Roy from Action Trucking Inc. were all present remotely.

Public Hearing

1. Application #04-21 by Brian Bowen, Dale Perzanowski and Meredith Liben (applicants) requesting that the Zoning Board of Adjustment determine that Earl Bushor has lost his Non-conforming Use status under section 260-54 of the Zoning Regulations for a Motor Vehicle Repair Facility at 1198 Maple Street, lot 32-0042-001, Hartford Village. (Continued from May 5, 2021)

The Hearing on this application was initially opened on June 9, 2021, and continued to a site visit at 4PM on June 23, 2021, followed by the continuance of this Public Hearing at 6PM.

Steve stated that the Board's members had reviewed the building utilities information supplied by Mr. Bushor, and the vehicle repair data supplied by Action Trucking. He stated that the Board would like to hear any new testimony.

Brian asked about the date that Earl sold Mowers and the date the lease started with Action Trucking.

Earl stated that Mowers was not sold. He stated that in 2017 the US Postal Service did not renew his contract, and that Mowers' activity ceased at that point. With regard to the lease with Action Trucking, Earl explained that it is a month-to-month rental which started in 2018, and there is no written lease.

Brian stated that there was very little activity at the property between 2017-2020.

Christine reviewed the 2018-21 dates that repairs were done by Action Trucking. In response to a

question by Steve, she confirmed that since 2018, repair and maintenance has occurred on site on a regular basis. She added that activity increased in 2020 when the company ceased using a property on Harrison Ave. in WRJ.

Steve asked how many trucks Action Trucking owns. Christine stated that they own 27.

Tom asked if the definition of Motor Vehicle Repair includes requiring work on the public's vehicles. Jo-Ann confirmed it did not.

Earl clarified that between 2017-2018, after the postal service did not renew his contract, he worked on his fleet of commercial vehicles in order to sell them, and also worked on his personal truck and skid steer.

Steve and Tom asked if vehicle maintenance and repair occurred at the 1198 Maple Street site without interruption during 2017 and 2018. Earl stated that both commercial and personal vehicle maintenance and repair occurred at the 1198 Maple Street site without interruption throughout 2017 and 2018.

Chris asked if the documentation provided from Action Trucking was an all-inclusive list of repairs. Christine confirmed that it was with the exception of small repairs.

Peter stated that just because neighbors did not see activity on site or in the building, that does not mean that vehicle repair and maintenance was not occurring. He contended that the Applicants had not supplied enough evidence to prove discontinuance.

Steve asked if repairs were done at Earl's Hazen Street location between 2015-2018. Earl stated that repairs had occurred at both the Hazen Street and Maple Street locations from 2015-2018.

Steve moved to close the Public Hearing. Tom seconded, the motion passed 4-0, and the Public Hearing was closed.

Steve made a motion for the Board to enter a deliberative session; the motion was seconded, and passed 4-0. The remote participants disconnected from the Hearing, and Dennis left the room. The Board requested that JoAnn Ells be present during the deliberative session.

The Board reconvened at 7:10pm and the remote participants reconnected. Steve moved to approve application #04-21. Scott seconded and the motion failed 0-4. Steve noted that the failure of the motion meant that the Board was ruling that the Bushor property's use for vehicle repair and maintenance could continue as a nonconforming/grandfathered use.

Steve stated that the reason he voted not to approve the application was that, based on the testimony and information provided, there was insufficient evidence to conclude that Earl Bushor had ceased operation of the non-conforming use for more than 181 days. Tom, Chris, and Scott stated that this was also the basis for their nay votes.

Brian and Peter each thanked the Board for their time.

Adjournment

At 7:20 p.m. Steve moved to adjourn. Tom seconded, and the motion passed unanimously.

Respectively Submitted,

Alice Maleski, Clerk