

**SPRAGUE ZONING BOARD OF APPEALS
PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 14, 2015**

Members present: Chairman Amy Lounsbury, Secretary Mark Lounsbury, Raymond Arpin, and Raymond Bernier. Absent: Keith Duprey. Also present: ZEO Joseph Smith, Atty. Richard Cody, and Atty. Robert Avena.

Public hearing called to order at 7:14 pm on the following application:

ZBA15-4 Keith Laliberte, 43 Bushnell Hollow Road, Baltic – seeking an appeal of a decision of the Zoning Enforcement Officer

Acting Town Atty. Robert Avena is present to assist the Zoning Board of Appeals.

Chair A. Lounsbury read the public hearing notice that was published in The Bulletin on August 31 and September 8, 2015.

Atty. Rich Cody representing ZEO J. Smith. Exhibits presented:

1. Certified letter to Mr. Laliberte from J. Smith dated June 23, 2015 re: 43 Bushnell Hollow Road
2. Zoning Regulations Section 4 Zoning Districts; effected Section 4.1.11
- 2a. Google map of 43 Bushnell Hollow Road
3. Prohibited uses in particular Section 15.4.8 and 15.4.9
4. Definition of junkyard Section 2.1.28
5. Applications for Zoning Permit and Building Permit by K. Laliberte for 43 Bushnell Hollow Road in 1991
6. Memorandum of understanding between parties dated July 26, 1991 as an attachment to Application #313/91
- 6a. Planning & Zoning meeting minutes for 11/14/1990, specifically item 4
7. Photograph of property at 43 Bushnell Hollow Road taken in 1991
8. Letter to ZEO J. Smith from Atty. Stearns representing K. Laliberte dated July 15, 2015
9. Google image of 43 Bushnell Hollow Road printed September 14, 2015
10. Sprague Planning & Zoning Commission Cease & Desist Order dated June 17, 1999 to Emil Laliberte to remedy junkyard conditions of 43 Bushnell Hollow Road following a Cease and Desist Order dated September 10, 1998 to Emil Laliberte from ZEO Ben Hull
11. Seven photographs of property at 43 Bushnell Hollow Road taken between September 2, 2015 and September 13, 2015 taken by J. Smith
12. Seven photographs of property at 43 Bushnell Hollow Road taken in June of 2015 by J. Smith
13. Letter of decision from the Planning & Zoning Commission to Keith Laliberte dated January 18, 1996 denying request for a special exception for a portable soil screen plant at 40 Bushnell Hollow Road

Hearing break at 7:48 pm. Hearing resumed at 8:01 pm.

Atty. Douglas Stearns representing Keith Laliberte and Keith Laliberte.
Examination of Mr. Laliberte by Atty. Stearns concerning use of property asserting the property to be an industrial zone, thereby making all alleged zoning violations inapplicable.

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Questions and answers.

Rebuttal by J. Smith stating the Zoning Regulations Section 15.4.9 referring to (items 15.3.1 through 15.3.8)...is a typo. Also stated he never disputed that it was industrially zoned at the time, rather questioning was it established as a business use there. Regarding reference to upper parcel, lower parcel, this is one parcel, one lot. J. Smith stated he would like to see K. Laliberte's demolition license.

Atty. Rich Cody, representing J. Smith, commented on testimonies heard regarding K. Laliberte's property. R. Cody stated would like to see documentation showing this property is used for a business, not a junk yard.

Atty. Stearns representing K. Laliberte stated property taxes are being paid by K. Laliberte and those records are readably available at the town hall. Supposition that previous cease and desist order of 1991 was not enforced because it was determined that property was industrial and was not a junk yard.

J. Smith rebuts presumption that the cease and desist order was dismissed summarily due to the previous Zoning Officer had quit position and J. Smith was not aware.

Motion made by R. Bernier to continue this public hearing on October 5, 2015. Seconded by R. Arpin. Unanimously approved.

These public hearing minutes subject to approval at the next monthly meeting.