



TOWN of THOMPSON ZONING BOARD OF APPEALS

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Minutes: Zoning Board of Appeals Monday December 10, 2018 7:00 PM Merrill Seney Community Room, Town Hall

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1. Chair Dan Roy called the meeting to order at 7:00 PM.
2. Roll Call: Chair Dan Roy, Vice-Chair Kevin Beno, Tom Poplawski, Kirby Cunha and Leslie Lavallee

Absent: John O'Connell, Jason St.Onge and Jared Lockwood

Alternates Seated: Leslie Lavallee for John O'Connell,

Staff Present: Cynthia Dunne, Zoning Enforcement Officer and Diane Minarik, Recording Secretary

3. Public Hearings:

- a. **ZBA Appeal #18-06:** Linda Jarmolowicz, 7 Denis Dr., disagrees with ZEO's interpretation of Family – One family and 3 unrelated individuals to the one family may occupy the residence.

Grievance – Definition says "or" it does not say "and".

Linda Jarmolowicz was sworn in; read her interpretation of the activity at 10 Denis Drive starting in January 2017; wants Board's vote to have definition say "AND" and only allow 3 unrelated individuals to live in the house; feels ZEO's interpretation doesn't promote public health, safety, morals or general welfare of the public; stated this will be a civil case;

Attorney Steven Byrne's letter advised against forbidding the use of this property by these 4 people which would be unreasonable and irrational. The ZEO's interpretation of family is more in conformance with the comprehensive plan and in line with the law regarding the limits local ordinances can place on how many people can occupy a dwelling.

ZEO stated when interpreting regulations you have to be **reasonable** to the environment you're in and the expectation of being a home owner; can't tell a family they can't have anyone live with them because it's unreasonable expectation of a person owning their home.

Al Landry, 33 Randall Rd – previously had the same problem with many loud and disruptive neighbors and understands; has his own interpretation of the definition; Towns regulations can be, and are, more stringent then the States and in court, a good lawyer will win for the Town; doesn't wants rooming/boarding houses in Thompson.

**Dan Roy moved and Kevin Beno seconded the motion to close the Public Hearing.
The motion carried unanimously.**

The Board discussed their jurisdiction, the Attorneys interpretations, unreasonable requests and the fact that there are no other neighbors present with similar concerns.

Dan Roy moved and Kevin Beno seconded the motion to agree with the ZEO's interpretation of the definition of Family in the Regulations.

A roll-call vote was taken. Reasoning for vote – When more than one construction is possible, they adopt the one that renders the enactment effective and workable and reject any that might lead to unreasonable or bizarre results.

The motion carried unanimously.

4. Approval of November 14, 2018 Minutes:
**Leslie Lavallee moved and Kirby Cunha seconded the motion to approve the 11/14/18 minutes as written.
The motion carried unanimously.**
5. Correspondence:
 - a. Minutes of PZC Meeting on 11/26/18
 - b. FY18-19 Budget Report 7/1/18 – 11/30/18
 - c. ZEO November Report w/attachments
 - d. 2019 ZBA Meeting Schedule
6. Applications and Appeals: None
7. Applications and Appeals Received after Agenda Posted: None
8. Old Business: None
9. New Business: None
10. Citizens' Comments: Al Landry, 33 Randall Rd, is on the Thompson's Ordinance Board and stated the Town Ordinance now states the police can enforce the Ordinances.
11. ZBA Members' Comments:
 - Recommend PZC to look into the wording of the definition of "Family" in the Regulations to prevent something like this from happening again.
 - Wishes for a Merry Christmas and Happy New Year all around.
12. Future Meeting: Monday 1/14/19 in the Merrill Seney Community Room, Town Hall at 7:00 PM.
13. Adjournment: Without objection, Chair Roy adjourned the meeting at 7:51 PM

Respectfully Submitted,

Diane Minarik

Diane Minarik
Recording Secretary