

RANDOLPH BOARD OF ADJUSTMENT

Minutes of Meeting
Randolph Town Hall
December 8, 2025

Members Present: Paul Cormier, Annie Colella, Guy Stever, Gary Newfield, Tami Hartley, and Phil Guiser

Members Absent: Nathaniel Adams

Public: Timothy Mather, Cecile Mather, June Hammond Rowan, and Shelli Fortin, Minutes

The meeting was called to order at 6:01 pm by Paul Cormier.

Public Hearing

The public hearing on the application from Timothy and Cecile Mather of 79 Boothman Lane, U4 Lot 1, for the installation of a back-up generator was opened at 6:02 pm.

Paul Cormier advised that the generator was not in compliance with Article 5, Section 5.04, setbacks. A copy of the application was made available to Board members.

Timothy and Cecile Mather explained that they would like to place their backup generator in an area that does not meet the 25-foot setback requirement. They have consulted with an electrician for the best place to install the generator, and there are requirements for it to be at least 5 feet from the house and it needs to be close to the meter and the propane line. The generator will be 11 feet from the property line in the proposed location. Timothy Mather advised that there is a wooded area between his house and the abutter, which will provide a buffer. This area is wet, and is not likely to be built on. Mr. Mather also advised that they have a metal roof, so the generator needs to be out of the way of any snow sliding off of the roof.

June Hammond Rowan spoke in favor of granting the variance. Ms. Hammond Rowan noted that the required criteria have been met for the variance: it is not contrary to the public interest, it is in the spirit and intent of the Ordinance as it protects health and safety, it provides substantial justice as there is no real public gain with strict enforcement, and it does not diminish the value of surrounding properties. Ms. Hammond Rowan noted that the generator has to be installed in that location, not having a generator is a safety concern, the use is a reasonable one consistent with other uses. Ms. Hammond Rowan also noted that the Planning Board plans to address the definition of a structure in the future, as there is question as to whether a generator should be included.

Guy Stever asked if the generator was already installed. Timothy Mather advised that it has been delivered and set on a concrete pad, but it is not hooked up. If the variance is approved, Mr. Mather advised they will apply for the building permit.

Guy Stever asked about the process, and whether the building permit should have been applied for before the variance. Paul Cormier advised that a variance can be applied for without a denial of a building permit by the Selectboard. Cormier noted that by applying for the variance first,

they were hoping to save time in the process. The Board noted that they already accepted the Mather application as complete at the last meeting, but agreed that they may want to consider the building permit denial as part of the required paperwork with applications going forward.

Guy Stever asked who enforces the Ordinance and was advised that the Selectboard has this authority.

Paul Cormier advised that letters were received from David Willcox and Charles Wells, both in favor of granting the variance.

Gary Newfield asked about another location for the generator, and Mr. Mather advised that it must be 10 feet away from the propane tank as well. Mr. Mather noted that the proposed location is the flattest spot and away from the area on the lot that fills with snow in the winter.

When asked about installing the generator in the driveway, Mr. Mather noted that this would still require a variance as it would still be in the setback area. There are also underground lines that run under the driveway. There will be a second propane tank installed next to the one already there, and other locations would also make it harder for propane service.

The public hearing was closed at 6:30 pm.

On a motion by Phil Guiser, seconded by Gary Newfield, the Board voted unanimously to consider the application for a variance from Timothy and Cecile Mather, for a back-up generator at 79 Boothman Lane, tonight.

Paul Cormier reviewed the requirements for the variance:

1. The variance will not be contrary to the public interest.
The Board agreed that the generator will not be detrimental, a nuisance, or in anyone's way. It is not a large structure. It was noted that it only runs once per month unless needed in an emergency.
2. The Spirit of the Ordinance is observed.
The Board noted that the generator will protect property value in preventing any damage to the building from frozen pipes.
3. Substantial justice is done.
The Board agreed a generator is a necessity and that the proposed area is closest to the meter.
4. The values of surrounding properties are not diminished.
The Board noted that there is plenty of woods as a buffer between the generator and the closest abutter. The abutters are not opposed to the installation of the generator.
5. Enforcement of the provisions of the Ordinance would result in unnecessary hardship.
The Board noted that it would be added work to run additional electrical and propane lines to move the generator to another location.

On a motion by Tami Hartley, seconded by Gary Newfield, the Board voted unanimously to approve the application for a variance from Timothy and Cecile Mather, for the installation of a back-up generator at 79 Boothman Lane, U4, Lot 1.

During the discussion, Phil Guiser noted that when the Planning Board discusses whether generators are structures, the noise produced should be considered. Annie Colella asked if a fence could be required, and Paul Cormier advised they could require it as a condition of granting the variance, however in this case the fence would also require a variance.

Paul Cormier will write up the Findings of Fact and the Notice of Decision on Tuesday morning.

Guy Stever noted that a bigger issue is that there is no Building Inspector. Any violations of the Ordinance are either noticed by Selectboard members or complaints are made by neighbors. The Board noted the need for a Code Enforcement Officer, however the Selectboard has been opposed due to the cost. It was noted that a Code Enforcement Officer would have the authority to issue stop orders, levy daily fines for noncompliance, and take property owners to court.

The Board noted several violations in Town, and Paul Cormier stated that just because someone does or builds something without a permit, does not mean they have the right to keep it.

On a motion by Gary Newfield, seconded by Tami Hartley, the Board voted unanimously to send a letter to the Selectboard highlighting the need for a Code Enforcement Officer in Randolph.

Paul Cormier will draft the letter and send to Board of Adjustment members for review. Cormier will also coordinate with the Planning Board in reference to the request for a Code Enforcement Officer. It was suggested that Cormier gather information on the anticipated cost before sending the letter to the Selectboard.

Adjournment

On a motion by Tami Hartley, seconded by Gary Newfield, the meeting was adjourned at 7:04 pm.

Respectfully submitted,
Shelli Fortin