

**ZONING BOARD OF APPEALS**  
**October 5, 2015 Meeting Minutes**

Board Members Present: Shane O'Connor, Howard Aspinwall, Douglas Hamilton,  
Douglas Glazier, and Ronald King

Town Staff Present: Jennifer Rodriguez, Town Planner

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The meeting was called to order at 7:04 pm

Board roll call was taken.

**MINUTES:**

**Chairman O'Connor referred to the September 8, 2015 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. Mr. Glazier moved to approve the September 8, 2015 meeting minutes, as published. Mr. Aspinwall seconded the motion. All were in favor. The vote was 4 – 0 (Ronald King Abstained, he was not present for the meeting), the motion was approved.**

**BILLS & CORRESPONDENCE:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**a. DMV Applications**

There were none.

**b. Public Hearings**

- 1. Public hearing on Application #FY15-16-05, Owner/Applicant: John Norris for a variance for the property located at 151 South Center Street to reduce the side yard to 7 feet from the property line, where 12 feet are required, in order to build a 24 foot by 24 foot garage.**

John Norris and Judy Norris of 151 South Center Street were present at the meeting.

Chairman O'Connor asked what the actual size of the proposed garage was going to be. Mr. Hamilton pointed out that three different size garages (20x24', 22x22', and 24x24') were all referenced in the application and associated paperwork that had been submitted. Mr. Norris stated that the garage would be a maximum of 24 x 24 feet. He went on to say that that was the size that they would prefer to build, but that they could shrink the garage down, if necessary.

A brief discussion followed and Mr. Hamilton asked what the distance between the garage to the property line would be if the garage were 24 x 24 feet in size. Mr. Norris replied that he thought that there would be 7 feet. Mr. Hamilton then asked the applicant if he had considered building the garage on the Center Street side of his property. Mr. Norris stated that there was a hill and a turn-around driveway on that side of the property and that he did not know where they could fit a garage in. He went on to say that they would probably need a variance in order to build the garage on that side of the property as well. Mr. Norris noted that they had completely redone the house and had created 1,300 square feet of one-floor living space and that the entrance to that living space was on the side of the home where they were proposing to build the garage.

Mr. Glazier stated that he had visited the property and that with the hills and steep slopes there really was no other place to locate the proposed garage on the property. He went on to say that there was a retaining wall about three feet high on the side of the property where the garage was being proposed. He then stated that he had measured 7 feet from the retaining wall and that there was still some distance before he had reached the driveway. Mr. Glazier felt that there was more than 7 feet from the property line to the driveway and that the garage dimensions looked reasonable to him.

Mr. Norris commented that a 22 x 22 foot garage would even be sufficient, if they needed to reduce the size of the garage. Mrs. Norris pointed out that there would be no storage above the garage.

Mr. King asked if they were looking to install one single, wide garage door or two separate doors. Mr. Norris replied that they would prefer two garage doors.

Mr. Hamilton noted that if the Board were to approve the variance it would be based upon 7 feet from the property line, but that they would need to know exactly where that property was located. Mr. Norris stated that he had spoken with their neighbor who had lived there since the home was built and that she believed that the retaining wall was the property line. Mr. Hamilton stated that the applicant would need to establish exactly where that property line was.

Ms. Rodriguez noted that the Board could make the variance, if granted, just for the distance from the garage to the property line and would not need to include the actual dimensions of the garage in the variance.

Mr. Glazier stated that when he had visited the property he had immediately assumed that the retaining wall was the property line, but that it would need to be verified. Mrs. Norris asked who would determine the property line. Chairman O'Connor stated that the applicant would need to hire a surveyor to determine the property line. Mr. Hamilton then suggested that they may also be able to get it from the files in the Town Clerk's Office.

Chairman O'Connor asked Ms. Rodriguez for any further comments. She had none.

Chairman O'Connor asked the Board members for any further questions or comments. They had none.

Chairman O'Connor asked for any public comments in favor of the application. There were none, no members of the public were present.

Chairman O'Connor asked for any public comments in opposition to the application. There were none, no members of the public were present.

Chairman O'Connor read the following letter dated September 29, 2015 from Betty Marinone of 1 Marion Street as follows:

"I, Betty (Elizabeth) Marinone, do not object to my neighbors, John and Judy Norris, putting their garage 7 feet from my property line."

**Chairman O'Connor asked for a motion regarding Application #FY15-16-05. Mr. Hamilton moved to approve Application #FY15-16-05, Owner/Applicant: John Norris for a variance for the property located at 151 South Center Street to reduce the side yard to 7 feet from the property line, where 12 feet are required, in order to build a garage based upon the hardship that if the garage were built elsewhere on the property the cost would be exuberant and it would only allow access of backing out onto Center Street while this placement gives them the ability, with the existing driveway, to back out onto Marinone Street. The granting of this variance is for the garage proposed in this application only, permitting an exception to the requirements of Section 403 of the Zoning Regulations. Changes to this site plan will require a return to this Board. This variance is not a permit to construct the garage. See the Building Department for garage permit (and driveway permit application, if applicable). Mr. Glazier seconded the motion. Chairman O'Connor asked for any discussion. Mr. King stated that he had driven by the property and agreed with it. He went on to say**

**that he had had similar circumstances with his own property and that he felt that it was reasonable and a good idea. All were in favor. The vote was 5 – 0, the motion was approved**

**Mr. Glazier moved to adjourn the meeting. Mr. King seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:30 pm**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**THIS IS A DRAFT**

**Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.**