

**ZONING BOARD OF APPEALS
October 6, 2008 Meeting Minutes**

Board Members Present: Shane O'Connor, Howard Aspinwall, Ray Williams, Curtis Ruckey and Joseph Lawsing

Town Staff Present: Jennifer Rodriguez, Planning Coordinator and
Assistant Zoning and Wetlands Officer

Chairman O'Connor called the meeting to order at 7:07 pm.

Board roll call was taken.

Chairman O'Connor referred to the September 2, 2008 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion regarding the minutes. Mr. Aspinwall moved to accept the September 2, 2008 meeting minutes, as published. Mr. Ruckey seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- a. Public hearing on Application #FY08-09-04, Owner/Applicant: Svetluse Lerner for a variance for the property located at 298 Elm Street to install a 6 foot high fence, where 4 ½ feet are allowed.**

There was no one present for this application, therefore Chairman O'Connor moved on in the agenda to allow more time for the applicant to arrive.

- b. Public hearing on Application #FY08-09-05, Owner/Applicant: John Donovan for a variance for the property located at 406 North Street to reduce the front yard setback to 19 feet, where 40 feet are required.**

John Donovan addressed the Board and stated that his property was on a corner lot and that he had originally wanted to place a shed 19 feet from the road. He then pointed out that he had since decided on a smaller shed. Mr. Donovan explained that

he was originally going to install a 20 x 24 foot shed, but that he was going to install a 14 x 24 foot shed instead which would change the requested variance to 27 feet rather than the original 19 feet.

Mr. Donovan stated that he had spoken to all of his neighbors and that none of them had had any complaints about what he was proposing. He reiterated that he was on the corner lot of Northgate and North Street and that Northgate was an industrial road. Mr. Donovan commented that he got along well with all of the businesses on that road. He then stated that the shed would be vinyl sided to match the house and would make the area look a lot better.

Mr. Donovan noted that he had had it posted on the property for the required ten days. He then stated that he had the receipt for the 14 x 24 foot shed if the Board wanted to see it.

Chairman O'Connor clarified that Mr. Donovan was requesting less that was originally stated on the application. Mr. Donovan replied that that was correct.

Chairman O'Connor stated that he had driven by the property and that Mr. Donovan's driveway came in off of North Street and that there was all industrial behind his property and on the other side.

Mr. Donovan stated that the main reason for installing the shed was so that he could put his boat in it for the winter. He went on to say that he also did firewood. He then explained that he had a vinyl fence with a 10 foot gate on that side, therefore he had to put the shed on the outside of the fence. Mr. Donovan stated that it was too hard to try to get the boat and trailer through the 10 foot gate and into the shed, if it were inside the fence.

Mr. Ruckey asked if Mr. Donovan was replacing the existing shed. Mr. Donovan replied that he would be removing the existing shed. Mr. Ruckey asked what the size of the existing shed was. Mr. Donovan replied that it was 12 x 24 feet and that it was located inside the fence. He went on to say that he wanted to remove that existing shed and put the new shed on the outside of the fence. Mr. Williams asked Mr. Donovan to show him where the fence was located on the map that had been submitted with the application. Mr. Donovan then did so.

Mr. Ruckey asked Mr. Donovan which way he would be accessing the shed. Mr. Donovan replied that the door would be facing North Street.

Ms. Rodriguez pointed out that Mr. Donovan was requesting to reduce the 40 foot required setback to 27 feet. Mr. Ruckey asked if it was zoned Business. Ms. Rodriguez replied that it was zoned Residential A. Mr. Williams asked if all the abutting properties were Residential. Mr. Donovan replied that just the two corner lots were Residential.

Mr. Ruckey clarified that because it was a corner lot it needed to have a setback of 40 feet. Ms. Rodriguez stated that that was correct, because there were two front yards.

Mr. Williams asked Mr. Donovan if he was going to pave at all. Mr. Donovan replied that he was not going to pave.

Mr. Donovan reiterated that he could not get his trailer in the gate and around the corner to get into a shed, if it were inside the fence; it was a very tight fit.

Ms. Rodriguez commented that her office dealt with a lot of violations regarding boats and vehicles on corner lots, because they could not be parked in a front yard. She went on to say that having Mr. Donovan's boat inside a shed would help alleviate that type of violation.

Mr. Williams asked Mr. Donovan why he had not put his fence closer to the street. Mr. Donovan replied that the high cost of the fence had prevented him from going farther out on his property. Ms. Rodriguez asked if the fence went right from the house. Mr. Donovan replied that it did and that it went back to the property line on both sides. He went on to say that the gate on the other side was only an 8 foot gate. Ms. Rodriguez noted that front yards could only have a 4 foot, non-stockade fence; therefore he could not move the fence any farther forward.

Mr. Donovan reiterated that the shed would be vinyl sided to match the house, the roof would be the same as that on the house and that there would be two windows. He went on to say that all of his neighbors were happy with how he took care of his property and that he got along with all of the businesses as well.

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

Chairman O'Connor asked Mr. Donovan if the 27 foot variance would be enough. Mr. Donovan replied that it would.

Chairman O'Connor then asked for a motion regarding Application #FY08-09-05. Mr. Ruckey moved to accept Application #FY08-09-05, Owner/Applicant: John Donovan for a variance for the property located 406 North Street to reduce the front yard setback to 27 feet, where 40 feet are required. He went on to say that it was not a permit to build; a permit should be obtained from the Building Department. Ms. Rodriguez commented that the variance was just for the structure proposed in the application. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

- a. Public hearing on Application #FY08-09-04, Owner/Applicant: Svetluse Lerner for a variance for the property located at 298 Elm Street to install a 6 foot high fence, where 4 ½ feet are allowed.**

There was still no one present for this hearing.

Chairman O'Connor read the following Description of Request from the application:
"Replace existing 6 foot fence due to disrepair, would like to be allowed to have same height of current fence 6 feet where 4 ½ solid is required."

Chairman O'Connor clarified that there was an existing 6 foot high fence on the property. Ms. Rodriguez stated that that was correct.

Mr. Williams asked why the Board needed to permit something that was already there. Ms. Rodriguez replied that the Building Office did not take permits for fences; therefore there was no clear way for her office to handle it.

Mr. Williams pointed out that the fence would be 4 or 5 feet from the sidewalk.

Chairman O'Connor asked how old the existing fence was. Ms. Rodriguez replied that she did not know exactly, but that it was definitely old and that it was wooden and falling over.

Mr. Ruckey commented that it appeared that they had followed the line of the metal guard rail and had gone right down the line with the existing fence.

Chairman O'Connor asked the Board members for any further discussion. Mr. Williams asked why it was approved in 2005 and never completed. Chairman O'Connor replied that it was a shed that had been approved in 2005.

Chairman O'Connor asked for a motion regarding Application #FY08-09-04. Mr. Williams moved to accept Application #FY08-09-04, Owner/Applicant: Svetluse Lerner for a variance for the property located at 298 Elm Street to install a 6 foot high fence, where 4 ½ feet are allowed with the stipulation that the fence be installed properly with the good side facing the road and the rails facing the property. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman O'Connor asked for a motion to adjourn. Mr. Aspinwall moved to adjourn the meeting. Mr. Ruckey seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:37 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

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.