

## BOARD OF APPEALS 5, 2012 Meeting Minutes

Board Members Present: Curtis Ruckey, Howard Aspinwall, Peter Lambert,  
Douglas Glazier and Robert Rosenberg

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

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Curtis Ruckey called the meeting to order at 7:00 pm.

Board roll call was taken.

### MINUTES:

**Mr. Ruckey referred to the February 6, 2012 meeting minutes and asked the Board members and staff for any comments or corrections. There were none. Mr. Ruckey asked for a motion. Mr. Glazier moved to accept the February 6, 2012 meeting minutes, as published. Mr. Lambert seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

### BILLS & CORRESPONDENCE:

There were none.

### OLD BUSINESS:

None

### NEW BUSINESS:

- a. Public hearing on Application #FY11-12-07, Owner/Applicant: Peter R. O'Connor, Revocable Trust, Patricia R. O'Connor, Trustee, for a variance to the property located at 50 King Spring Road to reconfigure the lot line of two existing lots of record where lots were nonconforming.**

Attorney Thomas Fahey of 487 Spring Street addressed the Board and stated that Patricia O'Connor and Dave Palmberg were both present. He explained that Patricia O'Connor was the trustee of her mother's estate and that her mother had recently passed away and that Mr. Palmberg was the engineer who had drawn up the plan. Attorney Fahey distributed an 8 ½ x 11 map of the property to the Board members and noted that the map showed the property as it had been acquired by Ms. O'Connor's father back in 1981. He then noted that the lots in question were Lots 5 and 15 on the map.



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Attorney Fahey pointed out the proposed Industrial Road on the map and stated that at some point a portion of that road was sold to the neighboring property owner (G & M Enterprises) and that the road had never been built. He then explained that because the road had never been built Lot 5 had no frontage which then created the hardship.

Attorney Fahey stated that the applicant was proposing to swing the lot line around to provide frontage for both Lot 5 and 15 along King Spring Road. He noted that one of the resulting lots would meet all of the requirements, but that the other would require two variances. He then explained that 150 feet of frontage and a minimum 40,000 square feet of area were required, but that one of the lots only had 140 feet of frontage and was only 32,827 square feet in size.

Mr. Palmberg referred to the original lot configuration and pointed out that both lots had met the frontage requirement, but that Lot 15 had not met the lot area requirement. Attorney Fahey commented that they would be making the resulting two lots more conforming than they were before.

Mr. Palmberg stated that they were proposing to keep the building on one lot (Parcel A) which would be conforming. He went on to say that they were proposing Parcel B as a building lot and that they were requesting a variance for the area requirement and the frontage along King Spring Road.

Attorney Fahey pointed out that, if they were proposing a subdivision consisting of three or more lots, they would be allowed a 10% adjustment to the frontage without having to obtain a variance.

A brief discussion regarding drainage took place.

Attorney Fahey stated that the proposal would be harmonious with the surrounding lots, because it would remain Industrial Zoned. In addition it would add another building and revenue base to the area.

Chairman Ruckey asked the Board members and staff for any comments or questions. They had none.

Chairman Ruckey asked for any public input in favor of the application.

Frank Magnani, G & M Enterprises, addressed the Board and stated that he owned the property all around the property in question. He then clarified that the applicant was proposing a driveway from King Spring Road. Both Attorney Fahey and Mr. Palmberg stated that that was correct; the driveway would be from King Spring Road, it would not cut across Mr. Magnani's property.

Chairman Ruckey asked for any public input in opposition to the application. There were none.

**Chairman Ruckey asked for a motion regarding Application #FY11-12-07. Mr. Glazier moved to approve Application #FY11-12-07, Owner/Applicant: Peter R. O'Connor, Revocable Trust, Patricia R. O'Connor, Trustee, for a variance to the property located at 50 King Spring Road to reconfigure the lot line of two existing lots of record where lots were nonconforming. The resulting Parcel A will have 150.1 feet of frontage and an area of 41,478 square feet. The resulting Parcel B will have a lot frontage of 140 feet and an area of 32,827 square feet. Mr. Lambert seconded the motion. Ms. Rodriguez then suggested that Mr. Glazier state his reason for recommending that the variance be granted. Mr. Glazier stated that the applicant was not changing the total area; they were simply reconfiguring the area in order to create two lots each with frontage on King Spring Road. He then noted that with the current configuration one of the lots was landlocked. Mr. Glazier went on to say that the variances were a wise choice with regard to marketability of the lot and that the proposal would not change or encroach on any of the surrounding lots. All were in favor. The vote was 5 – 0, the motion was approved.**

**Mr. Rosenberg moved to adjourn the meeting. Mr. Glazier 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.**