

ZONING BOARD OF APPEALS
April 1, 2013 Meeting Minutes

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

Town Staff Present: Patrice Carson,
Interim Planning/Zoning Consultant

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

Board roll call was taken.

MINUTES:

Chairman Ruckey referred to the March 4, 2013 meeting minutes and asked the Board members and staff for any comments or corrections. There were none. Mr. Ruckey then asked for a motion. Mr. Lambert moved to approve the March 4, 2013 meeting minutes, as published. Mr. Rosenberg seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

There were none.

OLD BUSINESS:

There was none.

NEW BUSINESS:

- a. Public hearing on Application #FY12-13-09, Owner/Applicant: Thomas W. Prestwich for a variance for the property located at 156 Spring Street to reduce the minimum lot area from 37,461.6 square feet to 19,166.4 square feet in a Residential A zone, where 21,000 square feet in required.**

Tom Prestwich of 156 Spring Street was present and addressed the Board. He stated that he had lived at the property in question for six years. He went on to say that when he had purchased the property he had thought that having of that property was very cool, but that in the years since his purchase he had had to put a lot work into maintaining that back portion of the property. Mr. Prestwich stated that he had removed a lot of trees over the years and that after the big storm earlier in the year he had had a huge brush pile that was from the back portion of his property.

Mr. Prestwich pointed out that he really did not even use the back portion of his property, but that it required a lot of work to maintain.

Mr. Prestwich stated that he had been trying to sell his home for the past five months. He went on to say that several people who had looked at it had like the house, but that he had gotten a lot of negative feedback from them regarding that back portion of the lot.

Mr. Prestwich mentioned that the previous year he had asked his next door neighbor if he wanted to purchase the back portion of his property, but that his neighbor had not been interested in doing so. He went on to say that since that time his other neighbor, James Frank, at 44 West Street had asked if he would be willing to sell the back portion of his property to him. Mr. Prestwich reiterated that the back portion of his property was actually hindering him in selling his home.

Mr. Prestwich stated that there was currently a shed on his property that was located 4 feet 11 inches from the property line. He went on to say that the shed would be 3 feet 6 inches from the proposed new property line. He then commented that it would be very expensive and difficult to move the shed since it was two stories tall with electricity running to it.

Chairman Ruckey asked the board members for any questions. Mr. Hamilton noted that if the applicant were to reduce his request by less than 831 square feet he would not require a variance. He then asked Mr. Prestwich why he had not considered reducing the amount of land to sell. Mr. Prestwich stated that the property already was not square or rectangular shaped. He went on to say he would have to have the property resurveyed; he was not sure where he could cut out 831 square feet.

Patrice Carson noted that the minimum required lot size was 21,000 square feet and that the applicant would have to reduce his request by 1,878 square feet not 831 square feet. The discussion continued briefly and Mr. Prestwich stated that he did not want to end up with an L-shaped lot; with the shed there he wouldn't even be able to the property in the back..

Chairman Ruckey stated that the Board needed to discuss the hardship and consider the proposed lot reduction in terms of its character: would it favor the community, would it detract from the area, and would it be in harmony with what the property was to be used for. Mr. Hamlilton commented that, based upon where the property in question was located, the proposed lot reduction would have no detrimental impact on the area or change any property values. He went on to say that his only concern would be making the lot smaller than the required 21,000 square feet.

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

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

Ann Frank, owner and resident of 44 West Street, addressed the Board and stated that her parents had built the house that she currently lived in back in 1976. She went on to say that no one had ever really used the piece of property in question over the years. Ms. Frank then explained that they really were not going to do any too spectacular with the property if they were to acquire it; they wanted to preserve it.

Ms. Carson pointed out that if the Board were to approve the requested variance the shed would become nonconforming and that they could not create a nonconformity. Mr. Ruckey clarified that the applicant would then have to either move the shed or come back to the Board for another variance. Ms. Carson stated that that was correct.

Mr. Prestwich asked if he could simply move the proposed new property line. Ms. Carson replied that he could. The discussion continued briefly and Ms. Carson stated that the Board would need to know exactly where the property was being moved to before they could approve any variance.

Chairman Ruckey asked for a motion regarding Application #FY12-13-09. Mr. Hamilton moved to continue the public hearing of Application #FY12-13-09, Owner/Applicant: Thomas W. Prestwich for a variance for the property located at 156 Spring Street to reduce the minimum lot area from 37,461.6 square feet to 19,166.4 square feet in a Residential A zone, where 21,000 square feet is required to the May 6th meeting. Mr. Lambert seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Lambert moved to adjourn the meeting. Mr. Rosenberg seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:28 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.