

ZONING BOARD OF APPEALS
May 2, 2016 Meeting Minutes

Board Members Present: Shane O'Connor, Howard Aspinwall, Daniel Flanagan,
Douglas Hamilton, Ronald King and Alternate Christopher Halpin

Town Staff Present:

The meeting was called to order at 7:04 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the April 4, 2016 meeting minutes and asked for any corrections or changes. There were none. Mr. King moved to approve the April 4, 2016 meeting minutes as published. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

Chairman O'Connor asked Mr. Halpin if he had been sworn in by the Town Clerk. Mr. Halpin replied that he had.

Mr. King moved to accept Christopher Halpin as an Alternate to the Zoning Board of Appeals. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

NEW BUSINESS:

a. DMV Applications

There were none.

b. Public Hearings

- 1. Public hearing on Application #FY15-16-09, Owner/Applicant: John and Judy Norris for a variance for the property located at 151 South Center Street to replace an existing 6 foot stockade fence with a 6 foot solid white vinyl fence, where a 4 foot picket or chain link fence is required.**

John and Judy Norris were both present at the meeting. Mr. Norris stated that the existing pool on their property was there when they purchased their home. He went on to say that the existing fence was also on the property when they bought it. Mr. Norris noted that the existing stockade fence was currently in disrepair.

Mr. Norris stated that their hardship was that they were looking for some privacy when they were in the pool area of their yard. He went on to say that there were a lot of vinyl fences currently in their neighborhood on various corner lots like theirs. He then reiterated that they had purchased their home with the pool and fence already in place. Mr. Norris then stated that they wanted to put in a newer fence for privacy purposes.

Mr. Flanagan clarified that the applicant's proposal was to replace the existing fence. Mr. Norris stated that that was correct. Mr. Flanagan then verified that the proposed new fence would be installed where the old was located. Mr. Norris stated that that was also correct.

Mr. Hamilton commented that he understood the applicants' problem, but that he was having difficulty with the fact that the previous property owner had never taken out the appropriate permits to build the pool. Mr. Norris stated that he had been told by the Building Office that the pool did have the appropriate permit. Mr. Hamilton stated that it was his understanding that it did not have the appropriate permit and that it did not meet the setback regulations. Mr. Norris once again stated that a permit had been pulled when the pool had been installed. Mr. Hamilton verified that there was no permit for the shed that existed on the property. Mr. Norris stated that that was correct.

Mr. Hamilton commented that the Board was being asked to grant a variance based upon the inability of the previous owner...Mr. Norris interrupted to reiterate that a permit had been pulled for the pool. Mr. Hamilton noted that the existing fence had never met any of the requirements. He then commented that he was having difficulty trying to come to a conclusion of what was and what was not a hardship. Mr. Hamilton then asked if it was a hardship because the previous owner violated zoning regulations. He went on to say that he was always concerned about setting a precedent, even though he had been told that any decision that the Board made did not set precedence.

Mrs. Norris stated that a lot of the corner lots in the neighborhood had fences that were probably 6 feet from the road and were at least 6 feet high stockade or vinyl.

Mr. Hamilton commented that he was in favor of granting the variance, but was having difficulty coming up with the terminology of what the hardship was.

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

Mr. Hamilton commented that if they were to put aside the fact that the previous owner had put up a stockade fence and the current applicants had come to the Board asking to install a 6 foot high fence, the question would still be what is the hardship.

Chairman O'Connor verified that the hardship that was stated on the application was that their property was a corner lot. Mr. Norris stated that that was correct.

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

Chairman O'Connor noted that there were no members of the public present at the meeting to provide any public comments either in favor or in opposition to the application.

Chairman O'Connor asked the Board members for a motion regarding Application #FY15-16-09. Mr. Hamilton asked if letters had been sent to the neighbors. The Recording Secretary stated that notification was sent to the abutting property owners.

Mr. Flanagan moved to approve Application #FY15-16-09, Owner/Applicant: John and Judy Norris for a variance for the property located at 151 South Center Street to replace an existing 6 foot stockade fence with a 6 foot solid white vinyl fence, where a 4 foot picket or chain link fence is required. He then noted that the hardship was that it was a corner lot and that the fence was required for privacy. The granting of this variance is for the improvements proposed in this application only, permitting an exception to the requirements of the zoning regulations. Changes to this site plan may require a return to this Board. Chairman O'Connor clarified that the hardship was that it was a corner lot. Mr. Flanagan stated that that was correct. Mr. King seconded the motion. Mr. O'Connor asked for any further discussion. There was none. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Hamilton moved to adjourn the meeting. Mr. King seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:25 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.