

ZONING BOARD OF APPEALS
June 1, 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 & Certified Zoning Enforcement Officer

The meeting was called to order at 7:05 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the April 6, 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 April 6, 2015 meeting minutes, as published. Mr. Aspinwall seconded the motion. All were in favor. The vote was 3 – 0 (Mr. King and Mr. Hamilton abstained, they were not present at the 4/6/15 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 #FY14-15-06, Owner/Applicant: Richard Desrosiers for a variance for the property located at 37 Barbara Drive to reduce the required side yard from 12 feet to 4 feet in order to locate an above ground pool.**

Richard Desrosiers of 37 Barbara Drive addressed the Board and explained that their property was a corner lot with a backyard that was only about 11' 6" deep. He went on to say that their side yard was a decent size and that they had taken down about 28

trees from the property. Mr. Desrosiers stated that they wanted to install an above ground pool in the side yard of their property.

Mr. Hamilton asked what diameter pool they would be installing. Mr. Desrosiers stated that it would be a 24 foot pool.

Mr. Glazier referred to the parallel lines shown on the plan that had been submitted and asked if those lines represented a deck. Mr. Desrosiers replied that they did. He went on to say that they were hoping to put a deck up that would extend from the garage to the pool that would be 10 feet.

Mr. Hamilton asked Ms. Rodriguez how many variances the Board had approved for under 5 feet to the property line. Ms. Rodriguez stated that she had distributed a copy of a log listing all of the variances that the Board had approved and the addresses, but that the log did not specify which were for under 5 feet.

Mr. Desrosiers commented that they would probably only need a variance to 7 feet from the property line. Mr. Hamilton noted that there was a difference between 7 feet and the 4 feet that was requested on their application. A brief discussion followed and Mr. Desrosiers stated that it would definitely be greater than 5 feet.

Mr. Glazier asked if the property next door was zoned Residential. Mr. Desrosiers replied that the property next door was actually Noden Reed Park, specifically the wooded area of Noden Reed Park.

Mr. Hamilton commented that he had driven by the property in question the week prior and that it appeared as though they would have more than 4 feet to the property line should the pool be installed. He then asked the applicant if he would have any objection to amending his request to a variance for nothing less than 5 feet. Mr. Desrosiers stated that he had no objection at all.

Mr. Glazier asked if there was currently a fence in place or if they were planning on installing one. Mr. Desrosiers replied that there was currently a fence along the back that belonged to his neighbor, but that there was no fence on the side along the Noden Reed property line. He went on to say that eventually they would like to put a fence up.

Chairman O'Connor read the following letter dated April 26, 2015 signed by Robert Eaves of 30 Barbara Drive, Hiten Desai of 38 Barbara Drive and Arthur Woods of 290 Reed Avenue:

“Please accept my signature at the bottom of this statement to support my neighbors, Richard Desrosiers and Rebecca Gilhuly, in their application for a variance to construct a deck and above ground pool in their side yard. I have direct views of their property and do not see a problem with the

location they wish to put up a pool and deck. It is unfortunate that they lack the back yard space needed and we appreciate your consideration for their variance. Please feel free to contact me with any questions.”

Chairman O’Connor asked the Board members for any further questions. Mr. Glazier asked what the distance was from the applicant’s house to Barbara Drive. Mr. Desrosiers guessed that it was at least 30 feet. Ms. Rodriguez noted that it looked more like 40 feet and pointed out that 40 feet had been the requirement for quite some time.

Chairman O’Connor asked for any public comments in favor of the application.

Joe Calsetta of 121 Orchard Hill Drive addressed the Board and stated that he was in favor of the application. He went on to say that the applicant’s backyard was clearly a hardship and that this was exactly what the Board was here to do.

Chairman O’Connor asked for any public comments in opposition to the application. There were none.

Chairman O’Connor asked for a motion regarding Application #FY14-15-06. Mr. Hamilton moved to approve Application #FY14-15-05, Owner/Applicant: Richard Desrosiers for a variance for the property located at 37 Barbara Drive to reduce the required side yard from 12 feet to 5 feet in order to locate an above ground pool. The granting of this variance is for the structure(s) proposed in this application only. Changes to this site plan may require a return to this Board. This is not a permit to build. See the Building, Planning and Zoning Department for further requirements. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

2. Public hearing on Application #FY14-15-07, Owner: G & M Enterprises, Applicant: Ronald R. Clark for a location approval for a Light Repair Motor Vehicle License for the property located at 70 King Spring Road.

Joe Calsetta explained to the Board that he had completed the application on behalf of the applicant and that he could answer any questions that the Board may have regarding the paperwork

Ronald Clark addressed the Board and stated that he operated a warehouse and that he had been in that location for 20 years. He explained that they currently did tires and wheels, but that they were expanded and wanted to do alignments as well. Mr. Clark stated that in order to do so he would need to get a license from the Department of Motor Vehicles (DMV).

Mr. Hamilton clarified that he was applying for light repair only. Mr. Clark replied that that was correct.

Mr. Hamilton asked the applicant how many employees he currently had. Mr. Clark stated that he had four employees. Mr. Hamilton then asked if he saw that expanding in the future. Mr. Clark replied that he hoped that it would. Mr. Hamilton asked how many vehicles the applicant had parking for. Mr. Clark stated that he had parking for at least 15 to 20 vehicles. Mr. Hamilton then clarified that the applicant did not see himself exceeding that parking. Mr. Clark stated that he did not see himself exceeding that parking. He then reiterated that they would only be doing light repairs and that all of the repairs that they did were handled by appointment only.

Mr. Hamilton commented that he had driven by the property recently and noted that what was being proposed by the applicant would fit in with the surrounding area. He went on to say that he saw no problem with it at all.

Mr. Glazier asked the applicant if he had applied for his DMV license yet. Mr. Desrosier replied that he had not. He explained that he had to get the Board's approval prior to actually applying for the license with the DMV. Mr. Glazier clarified that the license would be for general auto repairs. Mr. Clark stated that that was correct; there would be no auto sales.

Mr. Hamilton noted that there were two types of DMV repair licenses; one for small repairs and the other encompassed much more. Ms. Rodriguez commented that that was correct.

Chairman O'Connor noted that there were other businesses right next door doing basically the same thing as was being proposed by the applicant.

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

Chairman O'Connor asked Ms. Rodriguez if she had any comments for the Board. Ms. Rodriguez asked the applicant, for the record, what the unit number was for the property in question. Mr. Clark stated that it was 70B.

Chairman O'Connor asked for any public comments in favor of the application.

Joe Calsetta of 121 Orchard Hill Drive addressed the Board and stated that he was in favor of the application.

Chairman O'Connor asked for any public comments in opposition to the application. There was none.

Chairman O'Connor asked for a motion regarding Application #FY14-15-07. Mr. Hamilton moved to approve Application #FY14-15-07, Owner: G & M Enterprises, Applicant: Ronald R. Clark for a location approval for a Light Repair Motor Vehicle License for the property located at 70B King Spring Road. This application is not claimed as a hardship nor is it requesting a variance. It is for the sole purpose for the final submittal plan to the DMV. It is conducive to all the other industrial buildings in the immediate area and it will be used strictly for small repairs. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman O'Connor stated that someone had gone out to the property located at 590 Spring Street recently regarding violations and that the owner of the business in question had come into the Building Office wanting to know why the Town had gone to the property and spoken to their employees. He went on to say that it had not been anyone from the Building Office who had visited the property and they do not know who it was that had done so. Mr. O'Connor reminded the Board members they could not go out to inspect properties. In doing so they could open the Board up to lawsuits. He then asked that if it were someone on the Board or if they knew who had done so that they should refrain from visiting properties in the future. The discussion then continued briefly.

Ms. Rodriguez stated that Maura Robie, Wetland/Blight Officer, had recently resigned. She then asked that any concerns be brought forward in writing to her office to assist in tracking all complaints/concerns.

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 7:37 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.