

**ZONING BOARD OF APPEALS**  
**July 6, 2009 Meeting Minutes**

Board Members Present: Shane O'Connor, Howard Aspinwall, Robert Rosenberg, and Alternate Joseph Lawsing

Town Staff Present:

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Chairman O'Connor called the meeting to order at 7:08 pm.

Board roll call was taken.

Chairman O'Connor noted that there were only four Board members present that evening and that they typically had five members. He then explained that they did have enough Board members for a quorum, but that any approval would have to be unanimous. Mr. O'Connor asked the applicants if they wanted to proceed that evening or postpone the hearing on their application until the August meeting. The applicants replied that they wanted to move forward with the hearing that evening.

**MINUTES:**

**Chairman O'Connor referred to the April 6, 2009 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 April 6, 2009 meeting minutes, as published. Mr. Rosenberg seconded the motion. All were in favor. The vote was 3 – 0 (Mr. Lawsing abstained, he was not present for that meeting), the motion was approved.**

**BILLS & CORRESPONDENCE:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- a. **Public hearing on Application #FY09-10-01, Owner/Applicant: Kenneth and Cheryl Barnes for a variance for the property located at 417 Woodland Street to reduce the side yard to 2 feet, where 12 feet are required; reduce the rear yard to 12 feet, where 25 feet are required; increase the coverage to 23%, where a maximum of 20% is permitted; and locate a driveway 3 feet from the property line, where 10 feet are required.**

Cheryl and Kenneth Barnes were both present.

Ms. Barnes stated that they were looking to put up a duplicate structure to what their neighbor had, which was a cover for a motor home. She explained that the motor home was parked behind the fence and that the structure would go over the motor home. She then noted that she had taken pictures of the property line stakes.

Chairman O'Connor stated that he had taken a look at the property earlier that day and verified that there were survey stakes. He went on to say that the property sloped and they would have needed a retaining wall in order to put any driveway in or to move the RV structure closer to the garage.

Ms. Barnes stated that the motor home was on the flat piece of the property. She explained that there was a slope between where the motor home was located and the garage. She then noted that the other side of the property had some rather large trees on it.

Chairman O'Connor noted that where the motor home was currently located was a dirt area from their previous motor homes. He then pointed out that the RV port could actually be taken down.

Mr. Barnes stated that the RV port was reinforced with 3 to 4 feet of rebar anchoring it to the ground. He then noted that that was why it was not considered a temporary structure, although they could disassemble it and take it down. Ms. Barnes commented that if they were to move they would take the structure with them. Mr. Barnes reiterated that the structure weighed about 3,500 pounds and was anchored to the ground with 3 or 4 foot long rebar.

Chairman O'Connor asked the Board members for any comments or questions. Mr. Rosenberg asked how wide the structure was at its widest part; was the edge of the cover going to be at the two foot side yard. Mr. Barnes replied that it was; it would not overhang the two foot side yard in any way. He then noted that the structure was 14 feet wide.

Chairman O'Connor asked the Board members for any further questions. Mr. Rosenberg referred to the driveway and clarified that they were not going to be cutting another curb cut. Mr. Barnes stated that that was correct.

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

Chairman O'Connor asked for any public comments either in favor of or in opposition to the application.

Anthony D'Onofrio of 420 Elm Street addressed the Board and stated that his property abutted the property in question to the rear. He went on to say that he had no problem with the proposal.

**Chairman O'Connor asked for a motion regarding Application #FY09-10-01. Mr. Rosenberg moved to approve Application #FY09-10-01, Owner/Applicant: Kenneth and Cheryl Barnes for a variance for the property located at 417 Woodland Street to reduce the side yard to 2 feet, where 12 feet are required; reduce the rear yard to 12 feet, where 25 feet are required; increase the coverage to 23%, where a maximum of 20% is permitted; and locate a driveway 3 feet from the property line, where 10 feet are required. The variance is solely for the changes indicated in the application. Any additional changes shall require a return to the Board. It is not a permit to build. Please see the Building Office for any necessary permits. Mr. Rosenberg noted that the hardship was that the property sloped down; it was not level. Mr. Aspinwall seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**Chairman O'Connor moved to adjourn the meeting. Mr. Rosenberg seconded the motion. All were in favor. The vote was 4 – 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.**