

ZONING BOARD OF APPEALS
August 4, 2008 Meeting Minutes

Board Members Present: Shane O'Connor, Robert Rosenberg, Howard Aspinwall and Curtis Ruckey

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

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

Board roll call was taken.

Chairman O'Connor referred to the July 7, 2008 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion regarding the minutes. Mr. Rosenberg moved to accept the July 7, 2008 meeting minutes, as published. Mr. Ruckey seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- a. Public hearing on Application #FY08-09-02, Owner/Applicant: Dean Del Rosso for a variance for the property located at 27 Circle Drive to reduce the driveway side yard setback to 6 feet, where 10 feet are required.**

Dean Del Rosso addressed the Board and stated that there was an existing single, concrete driveway and that he had been utilizing the grass side yard as a driveway for years. He explained that the garage originally had a 10 foot wide door, but that it had been expanded to a 16 foot wide door. He went on to say that the driveway had never been extended to match the width of the garage door, therefore he wanted to replace the driveway and extend it to line up with the 16 foot garage door.

Mr. Del Rosso noted that in the Circle Drive neighborhood about 65% of the homes would not meet the new driveway ordinance and 45% of the homes would fall into what he was asking the Board to approve.

Chairman O'Connor stated that he had gone to the property earlier that day and had seen first hand what Mr. Del Rosso was talking about. He then commented that the existing driveway was in poor condition. Mr. Del Rosso noted that the existing driveway was from the 1950's.

Mr. Del Rosso submitted letters from two of his neighbors, Steven LaPlante and Glenn McCann. He then noted that Mr. McCann was also present that evening.

Mr. Del Rosso stated that when the Town had redone the street, they had cut the curb for his grass parking area. He went on to say that he would really like to extend the driveway even further than was requested on the application. A discussion followed and Mr. Del Rosso decided that he would go forward that evening with the variance as it had been requested on the application.

Mr. Del Rosso submitted some old photographs of the property from 1954. He then noted that the footprint of the garage was still the same, only the size of the door had changed. He explained that the new door went all the way to the edge of the garage, but the driveway was 2 feet short of the door.

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

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

Glenn McCann of 29 Circle Drive addressed the Board and stated that Mr. Del Rosso had been his neighbor for 30 years and that he had never had a problem with him. He went on to say that he had never understood the existing configuration of the driveway. Mr. McCann commented that Mr. Del Rosso just wanted to make the driveway level with the garage; he did not want to do anything out of the ordinary. He then noted that it should have been done a long time ago.

Chairman O'Connor asked the Board for a motion regarding Application #FY08-09-02. Mr. Ruckey moved to accept Application #FY08-09-02, Owner/Applicant: Dean Del Rosso for a variance for the property located at 27 Circle Drive to reduce the driveway side yard setback to 6 feet, where 10 feet are required. Mr. Aspinwall seconded the motion. Mr. Rosenberg added to the motion by stating that the variance was solely for the improvements indicated in the application. Any additional changes shall require a return to the Board. It is not a permit to build; see the Building Department and Public Works

Department for necessary permits required prior to site work. Ms. Rodriguez stated that, because there was already a curb cut, a Public Works permit was not necessary. All were in favor. The vote was 4 – 0, the motion was approved.

Ms. Rodriguez stated that she would ask the Town Attorney, for future reference, if a decision could be rendered with more impact then was requested and advertised. A brief discussion followed.

Chairman O'Connor asked for a motion to adjourn. Mr. Ruckey moved to adjourn the meeting. Mr. Rosenberg seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:35 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

ZONING BOARD OF APPEALS
Extract from the September 2, 2008 Meeting Minutes

Chairman O'Connor referred to the August 4, 2008 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 August 4, 2008 meeting minutes, as published. Mr. Williams seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.