

Board Members Present: Curtis Ruckey, Peter Lambert, Howard Aspinwall, and  
Douglas Glazier

Town Staff Present: Jennifer Rodriguez,  
Town Planner, Assistant Zoning Enforcement Officer and Acting  
Wetlands Agent

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Curtis Ruckey called the meeting to order at 7:02 pm.

Board roll call was taken.

#### **MINUTES:**

**Chairman Ruckey referred to the August 6, 2012 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 August 6, 2012 meeting minutes, as published. Mr. Glazier seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

#### **BILLS & CORRESPONDENCE:**

There were none.

#### **OLD BUSINESS:**

There was none.

#### **NEW BUSINESS:**

Chairman Ruckey stated that normally there were five board members present for each meeting, but that that evening there were only four. He then explained to the applicant, Anthony Depass, that with only four members any vote by the Board would need to be unanimous. He then asked Mr. Depass if he wanted to proceed with the public hearing on his application that evening or if he wanted to wait until the following month's meeting. Mr. Depass stated that he wanted to proceed with the hearing that evening.

- a. Public hearing on Application #FY12-13-02, Owner/Applicant: Anthony Depass for a variance for the property located at 32 Gaylord Road to reduce the front yard setback to 16 feet, where 40 feet are required.**

Anthony Depass of 32 Gaylord Road addressed the Board and stated that he wanted to add a 24 foot by 24 foot garage onto his existing driveway in order to protect his cars. He went on



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to say that the property in question was a corner lot. He then referred to the drawing that he had submitted with his application and explained that the garage would go back 6 feet from the front of the house and extend approximately two feet beyond the back of the house. Mr. Depass pointed out that in order to get the 40 foot required setback he would have to put the garage behind the house which would take up the entire backyard.

Mr. Lambert asked Mr. Depass why he was not going to connect the garage to the house. Mr. Depass replied that the bedrooms were in that part of the house and that it would not make sense to enter the house from the garage into a bedroom.

Mr. Glazier asked Mr. Depass if he was going to keep the existing row of hedges. Mr. Depass replied that he was going to keep the hedges.

Mr. Glazier inquired about why the applicant had referred to where he was proposing the garage as the front yard, when it appeared to be the side yard. A brief discussion took place and it was explained that because the property in question was a corner lot, there were two front yards.

Chairman Ruckey asked if there was anything in a Town ordinance that stated that there should be a minimum gap between buildings. Ms. Rodriguez replied that there might be a Building Code, but that there was no Zoning Regulation. Mr. Lambert noted that the applicant could just attach the roof of the garage and roof of the house in order to create one roof, but still leave the building unattached. Mr. Ruckey questioned whether the Board would need to include some sort of stipulation in any approval granted stating that the building code must be met. The discussion continued briefly and it was agreed that that type of stipulation was not needed. Ms. Rodriguez pointed out that the applicant would have to get a building permit prior to construction of the garage at which time it would be reviewed by the Building Official.

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

Sandra Wilson of 8 Lownds Drive addressed the Board and stated that she lived right behind the property in question and that she had no problem with what was being proposed.

Chairman Ruckey asked for any public comments in opposition to the application. There were none.

Chairman Ruckey asked for comments or questions from the Board members and staff. Ms. Rodriguez then read the following from her memorandum dated August 22, 2012:

- The applicant has submitted a completed application form and fees for your review.
- The applicant has claimed a hardship for your review.



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- The Board shall consider whether or not the proposed use is in harmony with the area in respect to public health, safety, property values and neighbor impact.
- The Board shall state for the record any reasons for granting or denying a request.
- This approval pertains solely to the addition as proposed. Additional site modifications may require a return to this Board.
- This approval is not a permit to build. Please see staff in the Building Department to apply for a permit to construct the addition.

**Chairman Ruckey asked for a motion regarding Application #FY12-13-02. Mr. Glazier moved to approve Application #FY12-13-02, Owner/Applicant: Anthony Depass for a variance for the property located at 32 Gaylord Road to reduce the front yard setback to 16 feet, where 40 feet are required in order to build a garage to protect his cars. Mr. Glazier commented that it looked like a good location for the garage and that the applicant's neighbor had stated that she had no problems with the proposal. He went on to say that there was an existing row of hedges along Lownds Drive that would remain and that the proposed garage would not impact or degrade the surrounding homes. Mr. Lambert seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved. Chairman Ruckey noted that the variance was not a permit to build; the applicant would need to see staff in the Building Department to apply for a permit to construct the addition. The approval pertains solely to the addition as proposed. Additional site modifications may require a return to the Board.**

Ms. Rodriguez gave Chairman Ruckey a copy of the file regarding 478 Spring Street, as per Statute, and then verified that all of the Board members had received the information that she had sent out regarding the recent appeal that had been received. A brief discussion followed.

**Mr. Lambert moved to receive the appeal of Mr. Hussein regarding the property located at 478 Spring Street and schedule it for a public hearing at the October 1, 2012 Board meeting. Mr. Aspinwall seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**Mr. Glazier moved to adjourn the meeting. Mr. Lambert seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:27 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.**