

**ZONING BOARD OF APPEALS**  
**February 3, 2020 Meeting Minutes**

Board Members Present: Joseph DeLisle, Sr., Leyna Erickson, Daniel Flanagan,  
Douglas Glazier, Mark Horan and Alternate Daniel Merrigan

Town Staff Present: Dan Malo, Enforcement Officer

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The meeting was called to order at 7:00 pm

Mr. Glazier stated that Chairman O'Connor had resigned from the Board as of January 31, 2020. He then assumed temporary Chairmanship of the Board for the evening's meeting. He went on to say that the Board would nominate and elect a new permanent Chairman at the end of the meeting that evening.

Board roll call was taken.

**MINUTES:**

**Mr. Glazier referred to the September 3, 2019 meeting minutes and asked for any corrections or changes. There were none. Mr. Flanagan moved to approve the September 3, 2019 meeting minutes as published. Mr. DeLisle seconded the motion. All were in favor, the vote was 6 – 0, the motion was approved.**

**BILLS & CORRESPONDENCE:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**a. DMV Applications**

None

**b. Public Hearings**

**1. Public hearing on Application #FY19-20-03, Owner/Applicant: Mary Ann Stratton for a variance for the property located at 67 Circle Drive in order to place a garage 6 feet from the property line where 10 feet are required in a Residential B Zone.**

Mary Ann Stratton addressed the Board and stated that she wanted to put a 10 x 20 foot garage on the side of the premises. She then explained that the hardship was the way in which the home was situated on the property in addition to the driveway being very close to the property line and not giving her the required 10 feet.

Mr. Malo commented that when Ms. Stratton had approached the Building Department with her plan they had found that there was a side yard issue. He went on to say that the side yard issue was common throughout the entire Circle Drive neighborhood. Mr. Malo noted that several others in that neighborhood had received variances in order to place their garages on their properties.

Mr. Glazier stated that he had visited the property and taken some measurements. He noted that there was an existing chain link fence that ran along the property, although he did not know where the fence sat in relation to the property line nor whose fence it was. Mr. Glazier stated that the measurement from the fence to the edge of driveway was 4 feet. He went on to say that according to the Building Official, whom he had spoken with, the edge of the garage should be 6 feet from the fence. Anything less than 6 feet would need to have a survey conducted at a cost of approximately \$2,000.

Mr. Glazier commented that the garage would not line up with the existing driveway; it would be shifted over 2 feet. Ms. Stratton stated that that was correct. Mr. Glazier then commented that he presumed that the garage would have to be placed on a slight angle and the driveway would then be paved with a slight curvature up to the garage. Ms. Stratton stated that that was incorrect; there was no paving required. She explained that the existing fence that went across the driveway and along the side of driveway was going to be removed which would give her an additional 34 inches to shift the garage over. She then stated that there would be no need to place the garage at an angle. Ms. Stratton reiterated that the garage would not be placed on an angle; it would be placed parallel to the house. The discussion continued further regarding the angle at which the garage would be placed and Mr. Glazier, noting that it was optional, suggested that the applicant check with the Building Official. Ms. Stratton replied that she had already spoken with the Building Official. Mr. Glazier suggested again that the applicant speak with the Building Official and then maybe provide a scale layout. Ms. Stratton stated that she had already provided a scale layout; it was included in the application that she had submitted.

Mr. Glazier asked for any public comments.

Sue Cannon of 65 Circle Drive addressed the Board and stated that she was not against the application before the Board that evening. She then asked the Board how they could make these types of decisions regarding measurements without anyone really knowing where the property lines were. She commented that it did not make any sense to her that official decisions could be made without knowing exactly where the property lines were. Mr. Glazier noted that the Building Official had stated that he was not about to start digging holes to find out where the property markers were located. Jim Cannon, Sue Cannon's son, commented that they would simply have to use a metal detector and the markers would be pretty easy to locate. The discussion continued briefly.

Mr. Malo stated that the regulations regarding fences were with about height. He then explained that fences were supposed to be placed on an individual's own property line, but that that was not a rule. He went on to say that the one hard rule regarding fences was that the good side of the fence face out. Mr. Malo reiterated that other than fence height there were no rules regarding fences. He went on to say that they recommended fences be kept in of the property line, not right on the property line, so that owners could maintain the fence from the other side as well without being on their neighbor's property.

Mr. Malo reiterated that minimum requirements were in place for accepting an application and currently a survey was not required.

Ms. Stratton noted that the fence in question was already there when she bought the property fourteen years prior. She went on to say that when title searches had been done on the property, no encumbrances were found. Ms. Stratton stated that she was not concerned about any of the properties being co-mingled.

Mr. Flanagan clarified that Ms. Cannon did not have a problem with the placement of the proposed garage as specified in the application. Ms. Cannon stated that that was correct; she did not have a problem with the proposed garage and its proposed placement on the property in question.

Mr. Cannon asked at what point a survey would be required. Mr. Malo replied that for anything 5 feet or under from the property line, the Board had the right to request an As-Built Survey.

Mr. Merrigan asked if the garage was going to have a wood floor or if a slab was going to be poured. Ms. Stratton replied that it would be a wood floor and would be placed on rock.

Mr. Glazier asked the Board members for any further questions. They had none.

**Mr. Glazier asked for a motion regarding Application #FY19-20-03. Mr. Flanagan moved to approve Application #FY19-20-03, Owner/Applicant: Mary Ann Stratton for a variance for the property located at 67 Circle Drive in order to place a garage 6 feet from the property line where 10 feet are required in a Residential B Zone. Mr. Glazier then amended the motion to include the following conditions: On regulations on variances; to vary the strict application and requirements of these regulations in cases of exceptional and irregular, narrow, shallow or steep lots or other exceptional physical conditions as a result of which strict application would result in exceptional difficulty and unusual hardship that would deprive owners of the reasonable use of land where building is involved. The granting of this variance is for the improvements proposed in this application only. Changes to the proposed plan may require a return to this Board. This is not a permit to construct or install. Please see the Building and Land Use Office for permit requirements. The granting of the variance is in harmony with the general purpose and intent of the zoning regulations and will not be detrimental to public health, safety, convenience, welfare and property values. Mr. Merrigan asked if they needed to read in the applicant's specific hardship. Mr. Glazier responded that he had. Mr. Merrigan noted that Mr. Glazier had read the regulation, but not the applicant's hardship. A brief discussion followed and Mr. Merrigan pointed out the hardship that was noted on Ms. Sutton's application. Mr. Merrigan asked Mr. Malo if the applicant's specific hardship should be read into the motion. Mr. Malo replied that the applicant's specific hardship should be read into the motion. Mr. Glazier proceeded to amend the hardship to include that the dwelling (home) is not centered on the property which limits the property use and the applicant cannot build 10 feet behind the dwelling because there is a pre-existing shed, which was on the premises when the home was purchased. Mr. Glazier stated that the variance would be to go from 10 feet to 6 feet. There was no further discussion. All were in favor. It was pointed out that the motion was never seconded. Mr. Merrigan then seconded the motion. All were in favor. The Recording Secretary asked for clarification on who was seated for the public hearing. Mr. Glazier replied that he, Mr. DeLisle, Ms. Erickson, Mr. Flanagan and Mr. Merrigan were seated for the hearing. The vote was 5 – 0, the motion was approved.**

Ms. Stratton asked what she needed to do next. Mr. Malo explained that there was a fifteen day appeals period and that if someone were to submit an appeal of the Board's approval they would have to address it. He went on to say that if no appeal was received, the applicant would then need to apply for a building permit from the Building Office in order to proceed. Ms. Stratton clarified that she would only need to obtain a permit if the garage was going to be 200 square feet or larger. Mr. Malo replied that he thought that that was the case, but suggested that Ms. Stratton speak

with the Building Official about permitting requirements. Ms. Stratton then asked if she would be notified if an appeal was received. Mr. Malo replied that she would be notified if an appeal was received.

Mr. Glazier nominated Mr. Flanagan for Chairman of the Zoning Board of Appeals. Mr. DeLisle seconded the motion. Mr. Glazier asked for any discussion. There was none. All were in favor. The vote was 4 – 0. Mr. Flanagan was elected as the Chairman of the Zoning Board of Appeals.

Mr. Glazier noted that he, Mr. DeLisle, Ms. Erickson, and Chairman Flanagan were permanent members of the Board. He then explained that David Montemerlo was going to have to step down from the Board because they could not have an all Republican Board. They were going to have to fill former member O'Connor's vacant position with a Democratic Board member.

**Mr. DeLisle moved to adjourn the meeting. Ms. Erickson seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:38 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.**