

ZONING BOARD OF APPEALS
September 3, 2019 Meeting Minutes

Board Members Present: Shane O'Connor, Daniel Flanagan, Douglas Glazier,
Ronald King and Alternate Daniel Merrigan

Town Staff Present: Dan Malo, Enforcement Officer

The meeting was called to order at 7:10 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the July 1, 2019 meeting minutes and asked for any corrections or changes. There were none. Mr. Glazier moved to approve the July 1, 2019 meeting minutes as published. Mr. King seconded the motion. All were in favor, Mr. Flanagan abstained. The vote was 4 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

a. DMV Applications

b. Public Hearings

- 1. Public hearing on Application #FY19-20-02, Owner/Applicant: Ricardo and Colleen Rachele for a variance for the property located at 206 Sutton Drive in order to place a shed 45 feet to the front building line where 50 feet are required in the Residential AA zone.**

Ricardo Rachele of 206 Sutton Drive addressed the Board and stated that there was an issue with the topography of his property. He went on to explain that the property sloped from the roadway from the south to the north. He also pointed out that the property sloped quite bit on either side of the house. He then noted that in the back of the house there was a 20 foot drop-off in the yard and another almost 60 foot drop

down to a brook. Mr. Rachele stated that, because of the slopes on the property, the only place that they could locate the shed would be on the east side of the driveway where there was an apron.

Mr. Rachele commented that he was looking for a variance in the front setback in addition to the requirements under Section 405 dealing with the placement sheds. He then reiterated that they were proposing to place the shed in the front of their home as opposed to the rear.

Mr. Rachele noted that a prior variance had been issued to the previous property owner back in 1988 for a side yard setback variance for the pool.

Chairman O'Connor asked the Board members for any questions.

Mr. King asked the applicant if the abutting property owners had been notified and if they had any concerns. Mr. Rachele replied that he had not notified the abutters. The Recording Secretary stated that the applicant had supplied a list of abutting property owners along with his application and that she had sent each of them an abutter's notification about two weeks prior to the evening's meeting.

Mr. Glazier stated that he had visited the property in question as he does for all of the applications submitted to the Board. He went on to confirm that the proposed location of the shed was the only place that the applicant could put a shed on his property. He then noted that the proposed location of the shed was right by the driveway which would make it easy for the applicant to access his equipment. Mr. Glazier then reiterated that the property in question did slope a lot.

Chairman O'Connor asked the Board for any further questions. They had none.

Chairman O'Connor asked Mr. Malo for any comments. Mr. Malo agreed with Mr. Glazier's assessment of the topography of the property and that the proposed shed location was the most ideal location for it. He then suggested that, when making a motion, the Board elaborate more on the hardship. Mr. Malo noted that the pool variance had been given because it could not have been placed anywhere else on the property which was similar to the situation with the proposed shed. Mr. O'Connor agreed that it was a very unusual property.

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

Joseph Calsetta of 121 Orchard Hill Road addressed the Board and stated that he was a kitty-corner neighbor of the applicant and that he was in favor of the application. He then noted that it was a classic textbook hardship.

Chairman O'Connor asked for a motion regarding Application #FY19-20-02. Mr. Glazier moved to approve Application #FY19-20-02, Owner/Applicant: Ricardo and Colleen Rachele for a variance for the property located at 206 Sutton Drive in order to place a shed 45 feet to the front building line where 50 feet are required in the Residential AA zone. The granting of this variance is for the improvements proposed in this application only, permitting a certain exception to the requirements of Section 403, Lot 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. The hardship is based upon the legal definition of which strict application would result in exceptional difficulty and unusual hardship that would deprive the owner of the reasonable use of his land and property. Changes to the 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. Mr. Flanagan seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. King moved to adjourn the meeting. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:24 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.