

**MINUTES OF BUSINESS MEETING  
HELD BY THE ZONING BOARD OF APPEALS  
LINCOLN CENTER HEARING ROOM  
JUNE 27 2007**

**MEMBERS PRESENT:** James Stevenson, Chair  
Kathleen Maffe, Vice Chair  
Robert Haley

**ALTERNATES PRESENT:** Paul Harnois (sitting)  
Susan Shanbaum (sitting)

**MEMBERS ABSENT:** Robert Schneider, Secretary  
Albert Gionet

**ALTERNATE ABSENT:** Edward Slegeski

**ALSO PRESENT:** James Davis, Zoning Enforcement Officer  
Mark Pellegrini, Director of Neighborhood  
Services and Economic Development  
Ginger MacHattie, Recording Secretary

The Chair opened the Business meeting at 9:10 p.m.

**CONSIDERATION OF PUBLIC HEARINGS:**

**PETER KEGLER** – application #2326 – request a variance to Article II Section 18.02.12(f)(2) to permit a sign 96 sq ft. (50 sq ft. permitted) at 96 Elm Street, Historic zone.

**MOTION:** Ms. Maffe moved to grant the variance as requested. Mr. Haley seconded the motion and all members voted in favor.

The reason for the approval was that the size of the sign was architecturally appropriate for the building, and it was best suited for this location in the Historic zone.

**JOHN A. CLOUGH** – application #2328 – request of variance to Article II Section 4.01.01 to reduce the front yard setback to 18' (25' required) to build an addition at 76 Goodwin Street, Residence A zone.

This application was continued until July 25, 2007 because the applicant did not appear at the meeting.

**CHERYL DUNCAN** – application #2329 – request a variance of Article II Section 4.01.01 to reduce the western front yard setback to 18'+/- (25' required) to build an addition at 15 Robin Road, Residence A zone.

**MOTION:** Ms. Maffe moved to approve the application. Mr. Haley seconded the motion and all members voted in favor.

The reason for the approval was that there are other properties in the neighborhood with porches; portions of the house already intruded into the 25' minimum setback and the proposed porch would not have a negative impact on surrounding properties.

**HIGHLAND OAKS CORPORATION** – application #2330 – Request a variance to Article III Section 6 to allow three rear lots and to Article II Section 3 to reduce the minimum lot frontage to 27' for proposed lot 54, 27' for proposed lot 83 and 41' for proposed lot 84 at Abigail Circle, Residence AA zone.

**MOTION:** Mr. Haley moved to deny the applications for variances as requested. Mr. Harnois seconded the motion and all members voted in favor of the motion to deny, with the exception of Ms. Shanbaum, who was opposed.

The reason for denial was that the hardship was economic and that there is an approved six-lot subdivision that meets all Town regulations. Ms. Shanbaum, in her dissent, stated she felt in this particular circumstance reducing the number of lots from six to three and using a private driveway would be better for the neighborhood, as witnessed by the neighbors' support, and would be less disruptive of the land.

**DYNAMIC AUTO, LLC** – application #2331 – request a variance to Article IV Section 5.03.02 to reduce the eastern side yard setback to 5' (25' required) and the rear yard to 4' (30' required) at 308 Middle Turnpike West, General Business zone.

**MOTION:** Ms. Maffe moved to approve the variance as requested to the side yard and rear yard dimensions and Mr. Haley seconded the motion. All members voted in favor with the exception of Ms. Shanbaum, who voted against the motion to approve.

The reason for the approval of the variance request was the limited size of the site and the existing structure and its location on the site.

**DYNAMIC AUTO, LLC** – application #2331 – request a special exception approval under Article II Section 9.14.02(e) for outside storage and Article IV Section 20 and Article IV Section 5.01.02 to expand a service station to permit a 8 ½' x 43' storage trailer at 308 Middle Turnpike West, General Business zone.

**MOTION:** Ms. Shanbaum moved to deny the special exception request for outside storage and Mr. Haley seconded the motion. Ms. Shanbaum, Mr. Haley, and Ms. Maffe voted in favor of the motion. Mr. Stevenson and Mr. Harnois opposed the motion to deny.

The reason for the denial was the proposed metal storage container was not compatible with the neighborhood in terms of design characteristics and so did not meet the criteria of the special exception applications. Those opposed to the motion found that there was a need for storage on the site.

**SANDRA J. MORRIS** – application #2332 – requests a special exception under Article II Section 9.14.02 (e) to permit outdoor sales (a food vending cart) at 385 Broad Street to October 30, and thereafter annually from April 1 to October 30, General Business zone.

**MOTION:** Ms. Shanbaum moved to approve the special exception for outdoor sales to permit a food vending cart at the location shown on the plans submitted with the application with the conditions that the cart operate until October 30, 2007, and from April 1 through October 30 in 2008; that a trash container be kept at the location; that the cart be taken away at the end of each day of business; signs be limited to the cart; only customers in the parking lot be served; hours of operation are limited to 10:00 a.m. to 3:00 p.m. daily. Ms. Maffe seconded the motion and all members voted in favor.

The reason for the approval was that the proposed outdoor sales met the requirements of the special exception regulations and that all permits had been obtained.

**422 NORTH MAIN STREET LLC** – application #2333 – request a variance to Article II Section 16.15.02(g) and (j) to allow a health and recreation club and facility within 200' of a residential zone boundary at 422 North Main Street, Industrial zone.

**MOTION:** Mr. Haley moved to grant the variance as requested with the conditions that the hours of operation shall be from 3:00 p.m. to 9:00 p.m. weekdays, 10:00 a.m. to 4:00 p.m. weekends, and summer hours from 8:00 a.m. and 6:00 p.m. weekdays and no weekend hours, and that the total square foot area dedicated to the health and recreation club facility shall be 14,400 sq. ft. Ms. Shanbaum seconded the motion and all members voted in favor.

The reasons for granting the motion were the use appeared to be appropriate for the site, that it was less intense than other uses permitted in the industrial zone, and the existing location of the building and the configuration of the industrial lot relative to the residential neighborhood.

**TERRENCE MOORE** – application #2334 – request a variance to Article II Section 2.01.01 to reduce the southerly side yard to 12’ (15’ required) to build an addition at 163 Oakland Street, Rural Residence zone.

**MOTION:** Ms. Maffe moved to approve the variance as requested as shown on the site plan submitted with the application. Mr. Harnois seconded the motion and all members voted in favor.

The reason for the approval was the location of the existing structure relative to the side yard, and the minimal nature of the variance.

**APPROVAL OF PUBLIC HEARING AND BUSINESS MEETING MINUTES OF FEBRUARY 28, 2007.**

**MOTION:** Ms. Maffe moved to approve as written. Mr. Harnois seconded the motion and all members voted in favor.

**ACCEPTANCE OF NEW APPLICATIONS**

No new applications were received.

Meeting adjourned at 9:48 p.m.

I certify these minutes were adopted on the following date:

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Date

\_\_\_\_\_  
James Stevenson, Chair

**NOTICE: THE CASSETTE TAPE RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.**

**OFFICIAL TAPE NO. 486, 487**

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