

ACTIONS OF THE ZONING BOARD OF APPEALS
DATE: OCTOBER 24, 2012

MEMBERS PRESENT: James Stevenson, Chair
Albert Gionet, Vice Chair
Robert Haley, Secretary
Edward Slegeski

ALTERNATES PRESENT: Sandra Stough (sitting)
Armando Darna

ABSENT: Michael Stebe

STAFF PRESENT: James Davis, Zoning Enforcement Officer; Renata Bertotti,
Senior Planner; and Ginger MacHattie, Recording Secretary

The following actions were taken by the ZBA at its meeting of October 24, 2012:

BRENDA CARRON-LANG – application #2012-093 – request a variance to Art. II Sec. 16.14 to allow retail sales for an antiques and collectibles co-op at 95 (a.k.a 95M-1) Hilliard Street, Industrial zone.

MOTION: Mr. Haley moved to deny the request for a variance. Mr. Gionet seconded the motion and Mr. Stevenson, Mr. Haley, and Mr. Gionet voted in favor of the denial. Ms. Stough and Mr. Slegeski voted against the denial. The motion to deny passed three to two.

The reasons for the denial were there is not sufficient parking and there is no lease on parking so it can be removed at any time, the proposed location of the handicapped parking space is a safety concern and the variance runs with the land so the impact of retail in this location may increase with time or with a different retailer.

CLAIRE CAMPBELL – application #2012-098 – request a variance to Art. II Sec. 4.01.01 to reduce the side yard setback to 4' +/- (10' req.) to enlarge the existing garage at 91 Baldwin Road, Residence A zone.

MOTION: Mr. Haley moved to approve the request for a variance. Ms. Stough seconded the motion. Mr. Haley and Ms. Stough voted for the motion. Mr. Stevenson, Mr. Slegeski and Mr. Gionet voted against the motion. The motion to approve failed two to three.

The reason for denial was the proposal will negatively impact the abutting neighbor's property.

OUR COMPANIONS ANIMAL RESCUE – application #2012-101 – request a variance to Art. II Sec. 16.13 to allow an animal rescue and training center at 34 Sanrico Drive, Industrial zone.

MOTION: Mr. Slegeski moved to approve the request for a variance with the conditions that overnight boarding and sales of animals is prohibited. Mr. Gionet seconded the motion and all members voted in favor.

The hardship was the proposal will have no adverse impact on neighboring businesses or the premises.

COREY SCHMIDEK – application #2012-102 – request a variance to Art. II Sec. 3.01.01 to reduce the front yard setback to 35' (40' req.) to add a front porch addition at 25 Bayberry Road, Residence AA zone.

MOTION: Mr. Slegeski moved to approve the request for a variance. Mr. Haley seconded the motion and all members voted in favor.

The hardship was the proposal was part of the original design of the house and will not negatively impact the neighborhood.

RANDY JULIANI – application #2012-103 – request a variance to Art. II Sec. 2.01.01 to reduce the side yard setback to 8' (15' req.) to construct a 24' x 32' addition to the existing garage at 593 Bush Hill Road, Rural Residence zone.

MOTION: Mr. Gionet moved to approve the request for a variance. Mr. Haley seconded the motion and all members voted in favor.

The hardship was because of the location of the home's septic system and leaching fields, there is no other place for the addition. There will be no change to the front of the garage and no negative impact to the neighborhood.

ST. JAMES SCHOOL FOUNDATION – application#2012-104 – request a variance to Art. IV Sec. 13.05.02 to allow an identification sign at 97 Park Street and 120 Chestnut Street, Residence B zone.

MOTION: Mr. Haley moved to approve the request for a variance with the condition that the brush at the intersection of Park Street and Chestnut Street be removed. Mr. Gionet seconded the motion and all members voted in favor.

The hardship was the lack of verbiage in the zoning regulations regarding identification signs for schools.

CARTA FAMILY LIMITED PARTNERSHIP – application #2012-105 – request a variance to Art. II Section 6.01.01 to reduce the side yard setback to 1' +/- (10' req.) at 192 East Center Street, Residence C zone.

MOTION: Mr. Haley moved to approve the request for a variance with the conditions that collision prevention bollards will be installed, vinyl fencing will be provided around the generator at a height that exceeds the height of the generator and the exhaust pipe, the access doors to the generator must face toward the building, and the generator's exhaust fan must be as far away as possible from the public sidewalk. Mr. Slegeski seconded the motion and all members voted in favor.

The hardship was there is sitting water in front of the building and not enough parking spaces to accommodate locating the generator within the parking lot which would result in a loss of one parking space.

APPROVAL OF MINUTES – of public hearing and business meeting of September 18, 2012

MOTION: Ms. Stough moved to approve the minutes as written. Mr. Gionet seconded the motion and all members voted in favor.