

**MINUTES OF BUSINESS MEETING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
NOVEMBER 28, 2012**

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

ALTERNATES PRESENT: Armando Darna (sitting)
Sandra Stough

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

The Chair opened the Business Meeting at 7:59 p.m.

CONSIDERATION OF PUBLIC HEARINGS:

ROBIN DELLASELVA – application #2012-107, 108 – appeal the ZEO’s order that the home conducted operation is not permitted under the following article and sections: Art. II Section 1.03.01(r) (1) that the occupation shall be confined to the inside of the house and shall not be carried on in any attached garage, unattached garage or on the grounds of the premises; (3) the occupation shall not be visible from the street by display of products or equipment; (7) the occupation shall not tend to excessively draw people and vehicles to the premises; (8) the occupation shall be conducted and operated only by the resident or family members; (10) no classes shall be held for purposes of giving lessons or instruction for more than two students or pupils at a time; and request a variance to Art. II Section 1.03.01(r) (1), (3), (7), (8) & (10) to permit a personal fitness training home conducted occupation with limited outdoor activity at 86 Ash Street, Residence AA zone.

Mr. Haley said the applicant could have up to 68 clients per week in addition to casual visitors. The applicant is also advertising and trying to increase her business. A variance would go with the property and anything could end up there in the future.

Mr. Slegeski said he supports the denial. He took the letters into consideration, but in the end, items 1, 3, and 10 are insurmountable.

Mr. Stevenson said he sympathizes with the applicant but there are similar operations in Town and they were given variances in Industrial zones. He said he did not think a residential neighborhood is the appropriate place for outdoor traffic. He agrees that the additional traffic is not fair to the neighborhood.

MOTION: Mr. Haley moved to deny the appeal of the ZEO's order with the modification to exclude the appeal under Article II Section 1.03.01(r) (8) because the application demonstrated to the ZEO's satisfaction that the home conducted occupation is conducted and operated only by the resident or family members. Mr. Slegeski seconded the motion and all members voted in favor of the denial.

The reason for the denial was the ZEO is found to have acted with due cause.

MOTION: Mr. Haley moved to deny the application for a variance with the modifications to exclude the variance request under Article II Section 1.03.01(r) (8) because it is no longer necessary. Mr. Gionet seconded the motion and all members voted in favor of denial.

The reason for the denial was the lack of hardship, the proposed home conducted occupation will impact the neighborhood and create excessive traffic generation and the nature of the outdoor classes is not appropriate for the residential neighborhood.

JUDY KECHEJIAN – application #2012-110 – request a variance to Art. II Sec. 1.03.05(a) to allow the installation of an 8' high fence (6' permitted) along a 136' long section of the northeastern property line at 64 Shepard Drive, Residence AA zone.

Mr. Gionet said the applicant is looking for privacy but the neighbor has a two story house and can go up to their second floor and look out the window.

Mr. Haley said there is another fence in the neighborhood that is 6' in height with the same sloping yard situation. He said he did not think privacy for an upper deck is a reason to violate the zoning regulations.

MOTION: Mr. Gionet moved to deny the application for a variance. Mr. Haley seconded the motion and all members voted in favor of the denial.

The reason for the denial was the lack of hardship and there are properties in the neighborhood with similar topography as this property which have 6' tall fences.

APPROVAL OF MINUTES:

Public Hearing and Business Meeting of October 24, 2012

MOTION: Mr. Slegeski moved to approve minutes of the public hearing and business meeting of October 24, 2012 as written. Mr. Gionet seconded the motion and all members voted in favor.

ADOPTION OF 2013 MEETING SCHEDULE:

MOTION: Mr. Gionet moved to approve the 2013 Meeting Schedule. Mr. Slegeski seconded the motion and all members voted in favor.

The meeting was adjourned at 8:17 p.m.

I certify these minutes were adopted on the following date:

January 16, 2013
Date

James Stevenson, Chair

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

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