

MINUTES
ZONING BOARD OF APPEALS
APRIL 11, 2012 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Grady, Kravits, Manning, Russotto, Stebbins
Excused: Mencer
Staff: Cullen, Gilot

Chairman Stebbins called the meeting to order at 7:03 p.m.

II. PUBLIC HEARING

1. ZBA#12-03 – 168 High Street, Charles Perini/Owner; for a variance to Section 5.2 for a side yard setback to allow 2 feet in lieu of 12 feet. PIN 261918313365, RS-12 zone

Chairman Stebbins reviewed the public hearing procedures. Secretary Manning read the legal ad and stated that the mailings were in order. This public hearing is continued from March 28, 2012.

Charles Perini presented his application for a variance. Mr. Perini detailed the location and history of the existing carriage house/garage on the property of his residence. Mr. Perini has made significant improvements to the structure. The footprint is approximately 350 s.f. He sought to put in a stove, and was advised by the Building Official to seek a variance in order to make the building an accessory apartment. The building was previously used as a garage, but by adding the kitchen, the use of the building would change, thus requiring a variance. The intent of the regulation (7.1-34) was reviewed. Staff said the variance is not the only step; an administrative site plan would also be required to follow that regulation if the variance is approved. The building pre-dates zoning therefore the hardship is a pre-existing condition.

The Chairman asked for comments from the public and there were none. Secretary Manning read into the record correspondence received in favor of the variance:

- William and Pauline Reed, 169 High Street
- Dorothy Galligan, 179 High Street
- Ken and Pat Neal, 158 High Street
- John C. Moore, 15 & 0 Bank Street
- Kimberly Charles, 17 Bank Street

Secretary Manning read into the record phone messages received by Planning staff in favor of the variance:

- Jim Sheehan, 14 Bank Street
- Geri Evarts, 19 Bank Street
- John Moore, 15 Bank Street
- John Spillane, 147 High Street
- Anna Troiano, 21 Bank Street

The Planning Commission had no comment on the referral.

The Board discussed the highest intensity of the property. Staff read 7.1-34 of the regulation, regarding the allowable size of the apartment. Staff explained that the use of the space is changing. The Board discussed whether this variance would be a use variance rather than a setback variance. Staff clarified the difference of a use variance versus a setback variance and gave examples. The definition of kitchen according to the building code was reviewed.

The public hearing was closed at 8:03 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1) Decision on Public Hearing Application

ZBA#12-03 – 168 High Street, Charles Perini/Owner

MOTION: To grant the variance as presented.

Motion made by Russotto, seconded by Kravits. VARIANCE GRANTED UNANIMOUSLY.

2) Correspondence – Staff said Mr. Stebbins was re-appointed to the Zoning Board of Appeals. His new term will expire in 2016.

3) Minutes – Meeting of March 28, 2012

MOTION: To approve the minutes of March 28, 2012 as presented.

Motion made by Russotto, seconded by Kravits. MOTION PASSED UNANIMOUSLY.

4) Old Business
a) Election of Officers

MOTION: To re-elect Stebbins as Chairman of the Zoning Board of Appeals for 2012.

Motion made by Russotto, seconded by Manning. MOTION PASSED UNANIMOUSLY.

MOTION: To re-elect Kravits as Vice Chairman of the Zoning Board of Appeals for 2012.

Motion made by Manning, seconded by Grady. MOTION PASSED UNANIMOUSLY.

MOTION: To re-elect Manning as Secretary of the Zoning Board of Appeals for 2012.

Motion made by Kravits, seconded by Russotto. MOTION PASSED UNANIMOUSLY.

- 5) New Business - None
- a) New Applications

Staff said the Applebee's public hearing would continue, and the Young Residence public hearing would open at the next meeting on April 25th.

- 6) Report of Staff - None

IV. ADJOURNMENT

Motion to adjourn at 8:27 p.m. was made by Manning, seconded by Kravits, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Debra Gilot, Office Assistant III