

Zoning Board of Appeals
Meeting
April 26, 2010
Draft Minutes

Attendees:

Board Members
Susan Davis, Chair
Karen Cleaveland
Laura Gail Tyler

Others

Susan Ezrati, Trustee Liaison
Dave Cleaveland
Phil and Tina Wright, Applicants (68 Broadway)
Ed and Susan Meade, Applicants (9 Pine Street)

Absent:

Joe Cicileo
Robin Logan
Robert Guliano

The chair opened the meeting at 7:10 pm and determined that a quorum of three out of five board members was present. Laura Gail Tyler read the minutes of the October 28, 2009 and the March 29, 2010 meeting. Some discussion followed. The March 29, 2010 minutes were amended. Karen Cleaveland moved approval of the minutes. The minutes were approved unanimously.

The chair then opened the public hearing for the Meade application. She noted that the property at 9 Pine Street was in the R1A district, which limits housing to single family homes. A discussion followed in which the Board recognized that the object of the hearing was limited to consideration of the applicant's request for an area variance. The applicant was seeking a sideyard lot variance, which would leave the East sideyard unchanged and would reduce the West sideyard from 10 feet to 8 feet.

The board requested and received evidence that neighbors had been notified of the public hearing as required by zoning law. The Meade's provided the board with evidence that all neighbors had been notified by certified letter, return receipt requested. The Board noted that none of the persons notified were at the hearing. The chair noted that none of the neighbors had protested the applicant's desire to build into the sideyard lot on the West.

The chair closed the public hearing at 7:35 p.m.

Laura Gail Tyler moved and Karen Cleaveland seconded a motion to approve the area variance in favor of the Meade application. The Board voted unanimously in favor of the motion.

The chair opened the public hearing on the Phil and Tina Wright application for a variance on the Fence ordinance at 7:45 pm. The chair asked the Wrights for evidence that the code had been followed with respect to notification of the hearing. Tina Wright noted that certified letters, return receipt were sent out to all of the individuals identified by the Zoning clerk, but that she could not at that time find the returned receipts. Discussion followed on whether or not the Post Office would have a record of the mailings. The applicant was asked to follow up on this issue

and provide the Board with evidence as soon as practicable. It was noted that none of the neighbors were present at the hearing.

The applicant then was asked to present their application and their reasons for requesting permission to build an 8' fence on the West side of their property. The applicant stated that the fence was necessary for safety and security. The location of their home adjacent to the Black Swan pub has occasioned repeated incidents in which persons either entering or leaving the pub have entered their yard either to enter the pub from the rear or to exit the pub from the rear. The individuals entering their yard are recurrently abusive and create concerns for their safety. They asked the board to make an exception to the existing restrictions on fences due to these extenuating and extraordinary circumstances.

The Board then discussed issues such as the length of the fence, the location vis-à-vis the property line and the water main servicing the Wright household.

The chair asked for and received a motion to close the public hearing on the Wright application.

Karen Cleaveland moved and Laura Gail Tyler seconded a motion to approve the fence variance application by the Wrights based on extraordinary extenuating circumstances pending receipt of evidence that all relevant neighbors had been notified of the public hearing.

The meeting was adjourned at 8:15 pm.