

APPROVED 1/17/2008
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ZONING BOARD OF APPEALS
Meeting Minutes
November 15, 2007

Pursuant to a written notice posted by the Town Clerk and delivered to all Board members the Zoning Board of Appeals held a meeting, on Thursday, November 15, 2007 at 7:30 p.m. in Room A at the Town Hall. Members attending were Chairman Robert Gambale, Roger LeBlanc, Benjamin Fierro, Timothy Perkins, Associate Members Robert Bodwell and Administrative Assistant, Marie Rodgers. Kevin Lombard, Associate Member Robert Tragert, Code Enforcement Officer, Jim Sperber were not present.

Citizen Queries: there were none.

Chairman Gambale announced the continuation of **15 & 31 Locust Road and 30 & 34 Town Farm Road** – at the request of the Petitioner, Mr. Scott Green, in a letter dated November 14, 2007 until the regularly scheduled meeting of January 17, 2008.

Chairman Gambale informally reviewed the bio submitted by Mr. Green listing previous work experience.

Public Hearings:

3 Jeffrey's Neck Road, Lawrence Roy requests a **Special Permit** under Sections II B - XI. J - VI. F Table of Dimensional & Density Regulations of the Protection Zoning Bylaws for relief from the size limit of 750 square feet to construct a 30'x 40' two-story detached garage. Chairman Gambale read the legal notice and opened the public hearing at 7:37 p.m. The Petitioner submitted a full site plan with full elevations and architectural drawings. The plans differ from the original application in dimensions and height proposed. The Petitioner explained the lot subdivision creating his lot, placing the front entry in the rear of the house. Currently there is no garage, the proposal for a work shop in the back and dry storage on the second level, no plumbing, only electric. He proposed 'detached' in order to have green space between the buildings. Additionally, the plans showed, on either side of the garage, attached accessory storage with roof.

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Continue - 3 Jeffrey's Neck Road, Lawrence Roy

Mr. Perkins initiated discussion regarding the dimensions on the plans submitted substantially larger than what was advertised in the legal notice.

The addition of the two accessory storage areas increases the footprint and is beyond the scope of the application. He felt it should be re-advertised. Mr. Bodwell agreed, indicating that he had no problem with the original plan. Mr. LeBlanc had no problems with it.

Mr. Fierro concurred in terms of procedure it speaks to the very purpose of the legal notice.

Mr. Gambale also was of the same opinion and expounded on the reasoning for the legal notices, the advertised size was not presented this evening and this may be objectionable to abutters who were other wise okay with the legal notice.

This is a two acre lot with a 3,200 square foot dwelling; the drive way will maintain the same curb cut, front and side setbacks.

Abutter Farrah Dube-Parent, 1 Jeffrey's Neck Road said the Petitioner did discuss his plans with them, but the accessory storage is new to them. Also, she was told there would be no windows in back, now she sees windows proposed. She said her house would be dwarfed by this building. Mr. Roy explained that the windows are for light in his workshop area and are eleven feet up high.

Gregory Parent, 1 Jeffery's Neck Road questioned where the easement was located between his property and the Petitioners; it was determined that it was located in the rear of the property, the common boundary lines are wetlands.

Discussion ensued regarding the ZBA jurisdiction and if the proposal should encroach wetlands it will be reviewed by the Conservation Commission.

Bror Hultgren, 6 Jeffrey's Neck Road opined that the legal notice meets the duck rule, it is a large structure, larger than most in his neighborhood, and he described four large structures in the immediate neighborhood and opined the prospective for an industrial park at some future time. He expressed his concern for the size and potential use, aesthetically the garage is bigger than his house. He added that historically it is a very wet area; large amounts of water collect in the spring.

The Petitioner requested to revise his plans; he delete the two storage areas on the outside of the building, and agreed to go ahead with the application as proposed.

Discussion ensued regarding the height of the building; with the cupolas, the height would be seven and one half higher feet than allowed. Mr. Parent at 1 Jeffrey's Neck Road indicated although they had no problem with the Petitioner having a garage, the size was a concern and as their house is approached on Jeffrey's Neck the garage will tower over their house; concerns were expressed for future uses, such as apartments.

Mr. Roy indicated that he would stay with the original application and return to 28-feet brings the roof line below 25-feet. Also, he would delete the cupolas.

Mr. LeBlanc initiated discussion regarding the height of the garage doors and standard garage door height is nine feet.

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Mr. Hultgren 6 Jeffrey's Neck Road reviewed the proposal for workshop and garage and questioned whether the Petitioner explored the idea of two smaller building connected, would have less impact, he could make a big building look small.

It was noted that he could attach the building by right without a Special Permit
A brief discussion took place regarding screening between the properties.
Discussion was held regarding conditions: reference plan with alterations, dimensions will be 28'x40'; no cupolas, height will be no greater than 25'; existing setbacks will remain as proposed on application; siding material cedar siding; roof material proposed metal or asphalt shingles; upper lever will be for dry storage purposes only; petitioner will be required to come back with any proposed changes. Sink only on first floor, no additional plumbing.

Chairman closed the public hearing.

Mr. Perkins moved to grant the application as proposed subject to conditions previously outlined in discussions, in accordance with site plan titled A1 dated 11/12/07.

Mr. Fierro seconded, the motion passed unanimously by a roll call vote.

Gambale, yes - LeBlanc, yes - Fierro, yes - Perkins, yes – Bodwell, -yes.

Approval of Minutes

- Mr. Gambale moved to approve the minutes as amended of September. Mr. Fierro seconded were unanimously approved.
- Mr. Gambale moved to approve the minutes as amended of October. Mr. Fierro seconded were unanimously approved. Mr. Perkins abstained.

New Business

- Discussion took place regarding the use of conference money budgeted for in house speakers. The suggestion to invite Jay Tallerman was not well received. After a brief discussion it was agreed to ask Lisa Mead to speak to the Board in conjunction with a 40B workshop.

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Old Business

- Discussion was held regarding Mr. LeBlanc's Comprehensive Permit issued for 49-52 Rosewood Drive; a second tri-board meeting to discuss Attorney Ankeles arguments is tentatively scheduled for Wednesday November 21, 2007 at 9:30 a.m. Mr. Gambale can attend.

It was moved, seconded and unanimously voted to adjourn 9:30 p.m.

Respectfully submitted,

Marie Rodgers
Administrative Assistant

These minutes were approved by the ZBA on January 17, 2008.