

ZONING BOARD OF APPEALS

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Minutes of the Regularly Scheduled Meeting of Tuesday, January 20, 2015.

I.

A. Attendance, Call to Order, and Elections:

Greg Szydlo called the regular meeting to order at 7:02PM. In attendance were Peter Perkins, Rob Sussdorff, Clayton Auidi, Greg Szydlo, Laurie Arel, Lisa Cianchetti .
Liz Burdick, ZEO

The meeting was opened with the first order of business being the 2015 elections.

Sussdorff opened nominations for Chairman. Motion was made by Auidi to nominate Szydlo and was seconded by Sussdorff. Sussdorff called for further nominations. Having no further nominations after three requests, the vote was: IN FAVOR, unanimous. OPPOSED, none. ABSTAINED, none. Motion carried.

Sussdorff opened nominations for Vice-Chairman. Motion was made by Szydlo to nominate Perkins and was seconded by Sussdorff. Sussdorff called for further nominations. Having no further nominations after three requests, the vote was: IN FAVOR, unanimous. OPPOSED, none. ABSTAINED, none. Motion carried.

Sussdorff opened nominations for Secretary. Motion was made by Szydlo to nominate Sussdorff and was seconded by Cianchetti. Sussdorff called for further nominations. Having no further nominations after three requests, the vote was: IN FAVOR, unanimous. OPPOSED, none. ABSTAINED, none. Motion carried.

Greg sat as Chair.

B. Act on Meeting Minutes:

A motion was made by Cianchetti seconded by Sussdorff to approve the minutes from the December 16, 2014 regular meeting as submitted;unanimously approved

C. General Communications:

A. Letter dated January 20, 2015 from Liz Burdick, ZEO, regarding App2014-530.

II. Public Hearing:

A. Application 2014-528-application for front yard variance for proposed two story garage on property known as 4 Rowe Court submitted by Cheryl Byrne. *Public hearing continued to February 17, 2015.*

B. Application 2014-530-application for front yard and side yard variance for proposed attached garage on property known as 4 Strong Court submitted by Stephen Hartford.

MOTION Perkins, seconded Sussdorff to close the regular meeting and open the public hearing at 7:06pm; unanimously approved.

Seated: Szydlo, Perkins, Aiudi, Arel, Cianchetti.

Denis Ouimette, Architect and applicant Stephen Hartford were present and addressed the Commission.

Requesting a 13.1 front yard variance to construct a two-story addition for a two car garage with living space above and a 1.5 side yard variance to construct living space under an existing porch. House pre-dates zoning built in 1938.

Szydlo read three letters of support into the record.

No public comment.

Commission referenced letter dated January 20, 2015 submitted by Liz Burdick, ZEO.

MOTION Perkins, seconded Cianchetti to close the public hearing and reopen the regular meeting at 7:15pm; unanimously approved.

MOTION Perkins, seconded Cianchetti to approve:

Application 2014-530-Application for a 13.1' variance of the required 35' front yard setback from Section IV.B.5 of the Zoning Regulations to construct a two story addition for a two car garage with living space above and a variance of 1.5' of the required 15' side yard setback to construct living space under an existing porch structure located at 4 Strong Court submitted by Stephen Hartford with the following conditions:

1. Revise plan to show proposed landing and stairs, proposed living space under existing porch structure proposed "two story garage";
2. Revise plan to show proposed driveway;
3. Revise plan to show existing & proposed grading in area of new construction, including driveway and roof/footing drain outlet locations;
4. Revise plan to show limits if inland wetlands & watercourses & upland review area and limits of flood zones.
5. Boundary line agreement be submitted and reviewed by town staff and filed on land records prior to start of work.

Hardship: Lot predates zoning and house is non-conforming.

IN FAVOR, Szydlo, Arel, Cianchetti, Aiudi. OPPOSED, Perkins.

ABSTAINED, none.

Permit Granted

C. Application 2014-531-Appeal from Order Decision of the ZEO- location of affected premises-48 Claire Hill Road-submitted by Bruce Cady.

MOTION Perkins, seconded Cianchetti to close the regular meeting and open the public hearing at 7:36pm; unanimously approved.

Seated: Szydlo, Perkins, Arel, Aiudi, Cianchetti.

Sussdorff recused himself.

Attorney Marjorie Shansky, representing applicant, was present and addressed the Commission submitting letter with exhibits, copies of

Zoning regulations from 1970 and survey map showing underlying parcels of land in question.

Shansky stated that based on review of the documents in the Burlington Land records that the land that is subject of the ZEO's letter dated November 7, 2014 requires subdivision review from Planning & Zoning Commission under the zoning regulations.

Attorney Ken Slater, Town Attorney, stated that the role of the commission is to interpret regulations.

Burdick addressed the Commission stating that she felt the lot line revision is valid.

Public:

Michele Bernetich-65 Claire Hill Road-concerned with narrowness of Claire Hill and the increase traffic would make even more dangerous.

Nicolette Kerns- 40 Claire Hill Road-does not want to see another duplex, concerned with access to Rt 179.

Brian Nardi-59 Claire Hill Road-stated that the lot was cleared already and asked if permit was needed, concerned with Rt 179 access and exiting onto it as well as house values in the area should another duplex be built. Asked what harm would be done if this went under subdivision review.

Barbara Pavlik Dahle-stated that town currently has one acre zoning and that the three new lots need to be at least an acre to build on and referred to regulations. Questioned if GM Retirement has applied to DOT for access to Rt 179.

Kim Cyr-42 Claire Hill Road-stated that there seems to be a difference of opinion on how lots were conveyed from the state and DOT said that the land was sold as one lot.

Eric Michaud-no construction has been done or blasting just clearing and test pits.

Gil Michaud-owner of property at 48 Claire Hill Road-stated that they already have DOT approval & sewer approval from WPCA. A blasting company was brought in to acquire what needs to be done.

Attorney William Tracy representing the land owner addressed the Commission. Tracy questioned the timeliness of the appeal since the decision was made in August 2014. Stated the non-conforming lot had land added to it to make conforming, subtract from one add to another to make conforming. Reviewed the history of the lots and how they came to the new lot line reconfiguration. State did not take away access rights to Rt 179.

Chairman Szydlo said all we are addressing is the way property is configured. Commission would like to get further clarification from Town Attorney.

Attorney Shansky stated that she would not be available at the February meeting and an extension to March would be submitted. MOTION Perkins, seconded Cianchetti to continue public hearing and reopen regular meeting at 9:20pm; unanimously approved.

III. Unfinished Business

A. None.

IV. New Business:

A. Application 2014-532-Appeal from Order of the ZEO-regarding regulations relating to farms, farming and livestock-206 Johnnycake Mountain Road-submitted by Johnnycake Mountain Associates.

Public hearing set for February 17, 2015

B. Application 2014-533-Appeal from Order of the ZEO-regarding regulations relating to farms, farming and livestock-Map 6-9 Lot 25-submitted by Johnnycake Mountain Associates.

Public hearing set for February 17, 2015.

V. Adjourn:

A motion was made by Cianchetti and seconded by Arel to adjourn at 9.50PM.
ALL IN FAVOR.

c.c. TC/ZBA file