

MINUTES OF BOARD OF APPEALS MEETING OF January 7, 2014: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairman Peter DeTerra – Opened the meeting at 6:00 p.m.

Quorum/Attendance

Members Present – Chairman Peter DeTerra, Peg Cook, Daryl Manchester, Ken Kendall (Assoc.), Al Silva (Assoc.), and Rene Fleurent, Jr. (Assoc.)

Minutes: Chairman DeTerra asked for a motion to accept the minutes of December 3, 2013. Mr. Kendall motioned to accept the minutes. Mr. Silva seconded. The vote was unanimous.

II. PUBLIC HEARING:

1. Petitioner: Nicholas Costa, 16 Holcomb Street, Plat 25, Lot 134, Certificate #21320; 198-23-4B: A Special Permit is required for Building Trades as a Home Occupation.

The petition was read and there were 43 abutters notified. The petitioner would like to have a home office as an electrician. He has been an electrician since 2005 and now needs a Business Certificate thus the need for the Special Permit. He will comply with the requirements of the by-law. There will be no signage and he currently parks his truck in his yard. There is a shed in his yard to store tools and lawn mower.

Cheryl Costa, the petitioner's wife, is in favor of the petition.

Mr. & Mrs. Robert Costa and Christine Costa, 20 Holcomb Street are opposed. They are immediate abutters and state this is a residential area and there should be no businesses allowed. Additionally, the petitioner's yard is already a mess with extra materials, a "non-legal" shed, and there have been issues with disposal of animal waste on the property in the past. The by-laws should not be violated. Mr. Costa questioned who will enforce the by-law if there are complaints. The response was the Building Commissioner.

Mr. Fleurent, Jr. read the by-law requirements to those present. The petitioner stated he will have no additional trucks, no deliveries, no signage. There may be one worker who will check on job assignments in the morning only. Mr. Manchester explained the intent and purpose of the by-law and stated if granted and there are violations of the by-law, the Costas can bring a complaint to the Building Commissioner for enforcement. The petitioner probably should have applied for this Special Permit years ago but was probably unaware of the need for it. Nothing should change in the neighborhood.

The petitioner stated he does have a shed on blocks in his yard and will follow-up with the Building Department to ensure what he has is legal.

Mr. Kendall motioned to grant the Special Permit; Mr. Fleurent, Jr. seconded.

Members voting to grant the Special Permit: Mr. Kendall, Mr. Fleurent, Jr., Ms. Cook, Mr. Manchester and Mr. Silva

Members voting not to grant the Special Permit: None

The Special Permit is GRANTED with a vote of five (5) in favor and none (0) opposed.

2. Petitioner: Route 6 Properties LLC, 4 Shirley Street, Plat 26, Lot 13M; Book 6196 and Page 344; 198-18: Short 15' of the required 20' front and rear setbacks in a Business District.

The petition was read. There were 25 abutters notified. A letter from the petitioner was read asking to allow the petition to be withdrawn without prejudice. The letter is part of this record.

Motion to allow the petition to be withdrawn without prejudice was made by Mr. Silva; seconded by Mr. Fleurent, Jr.

Members voting to allow the petition to be withdrawn without prejudice: Mr. Silva, Mr. Fleurent, Jr. Ms. Cook, Mr. Manchester and Mr. Kendall.

The petition is WITHDRAWN WITHOUT PREJUDICE with a vote of five (5) in favor and none (0) opposed.

III. OTHER BUSINESS:

ADJOURNMENT

Mr. Silva moved to adjourn the meeting. Mr. Kendall seconded. The vote was unanimous. The meeting was adjourned at 6:30 PM.

Respectfully Submitted,
Patricia Fowle, Secretary