

MINUTES OF BOARD OF APPEALS MEETING OF May 6, 2014: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

The meeting was called to order by Chairman Peter DeTerra at 6:00 p.m.

Quorum/Attendance

Members Present – Chairman Peter DeTerra, Fran Cox, Jr., Peg Cook, Joseph Borelli, Ken Kendall (Assoc.), and Rene Fleurent, Jr. (Assoc.)

The Chairman asked for a motion to approve the \$120 invoice for advertisement of the hearing. Mr. Cox, Jr. made the motion; Mr. Fleurent, Jr. seconded. The vote was unanimous. The invoice was signed.

Minutes: Chairman DeTerra asked for a motion to accept the minutes of April 1, 2014. Mr. Fleurent, Jr. motioned to accept the minutes. Mr. Cox, Jr. seconded. The vote was unanimous.

II. PUBLIC HEARING:

1. Petitioner: Old South Wharf Realty, LLC, 24 Water Street, Plat 7, Lot 1, Book 9109 and Page 268; 198-22: Short 4' of the required 5' setback for an Accessory Structure.

A letter was received from the petitioner requesting a continuance to June 3, 2014. The letter was read and is part of this record.

Motion to continue the petition request to June 3, 2014, was made by Mr. Cox, Jr.; seconded by Mr. Kendall.

Members voting to continue the petition request to June 3, 2014: Ms. Cook, Mr. Borelli, Mr. Cox, Jr., Mr. Kendall and Mr. Fleurent, Jr.

Members voting not to continue the petition request: None.

The petition request is CONTINUED to June 3, 2014, with a vote of five (5) in favor and none (0) opposed..

2. Randy Jalette, 33 Adams Street, Plat 10, Lot 108, Book 10878 and Page 133; 198-18: Short 5' of the required 10' side setback and 3% over the maximum allowed building coverage of 30% in a RA District.

The petition was read and there were 51 abutters notified. The petitioner has made improvements to the house since he bought it 5 months ago. They would like a deck to add to the enjoyment of the home. No one spoke against the petition.

Motion to grant the Variance was made by Mr. Cox, Jr.; seconded by Mr. Kendall.

Members voting to grant the Variance: Mr. Kendall, Mr. Fleurent, Jr., Ms. Cook, Mr. Borelli and Mr. Cox, Jr.

Members voting not to grant the Variance: None

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

3. Petitioner: Michael E. & Sheryl A. Copp, 24 Point Street, Plat 28B, Lot 203, Book 10228 and Page 228; 198-18: Short 9' on the north side and 10' on the south side of the required 20' side setback and 1% over the maximum allowed lot coverage of 15% in a RR District.

The petition was read and there were 37 abutters notified. The petitioners were represented by Rick Charon, P.E. of Charon Associates, Inc. of Rochester. Plans were presented and are part of this record. The original structure is a 1940's cottage that was extensively damaged in Hurricane Bob in 1991 and has remained in the damaged condition. The Coppas have purchased the property and would like to raze the existing structure and shed and construct a new 46'x28' house on elevated flood zone foundation and place a 6'x14' shed. The property is serviced by town water and sewer. They have met with the Conservation Commission and have revised the original plans to allow for wetlands and water runoff and have Conservation Commission's approval. The proposed structure will be less than 35' in height. The Variance request is due to hardships that run with the land owing to the odd shape of the lot,

ownership history of the site where the wider portion of the lot is not useable due to a coastal dune, and the existing topography of the site. The Variance request is for side setback and just 1% over the maximum allowed lot coverage of 15%.

Speaking in favor was Mr. Robert Clark of 10 Point Street stating the request is in keeping with the neighborhood and will greatly improve the area.

Speaking against the proposal was Mr. Terrenzi, 10 Bonney Street, stating the owners knew what they bought. It has been on the market for 24 years. There is no hardship. The By-Laws should be adhered to. There should be more open space in the area to allow for better air flow and area beautification. The variance request is excessive and this is a non-conforming use request and is not grandfathered. Mr. & Mrs. Bairos, 11 Bonney Street, agreed. Mr. Fostin, Zoning Enforcement, stated there is no request for grandfathering. The petition is a request for the necessary variances. Mr. Kopaczewski, 23 Bonney Street questioned lot frontage and stated the non-conforming use is not transferrable. Mr. Zolotas, 22 Point Street stated that as an immediate abutter he is concerned with the size of the structure for the small lot and its affect with water runoff because the lot will be built up by 12". A letter from Matt Shimala residing at 22 Bonney Street was read and is part of this record.

Mr. Charon stated there are no houses that are very close to the proposed dwelling. The lot is small and the house is modest in keeping with the neighborhood and thus the need for the side setbacks. There will be no overcrowding. Both the house and the lot are a pre-existing non-conformance use. The design allows for water retention and runoff so that it will not impact abutters. There are stone swales along the driveway and a soil absorption system for stormwater runoff.

Mr. Fleurent, Jr. asked if the lot is buildable because the house has not been in use and not repaired since 1991. Mr. Fostin stated the owners could have reconstructed within 2 years after Hurricane Bob without the need for variances. Reconstruction now requires the variances as requested. Mr. Borelli stated the property is in use in summer and it is not abandoned. Abutters noted it is their children that are on the property. Mr. Kendall stated there is no hardship if it was bought three years ago and referred to a previous petition before the Board. Mr. DeTerra stated a hardship is not financial but one that runs with the shape and topography of the land.

Motion to grant the Variance was made by Mr. Fleurent, Jr.; seconded by Mr. Borelli.

Members voting to grant the Variance: Ms. Cook and Mr. Borelli

Members voting not to grant the Variance: Mr. Cox, Jr., Mr. Fleurent, Jr. and Mr. Kendall

The Variance is DENIED with a vote of two (2) in favor and three (3) opposed.

Mr. Coppa then addressed the Board stating he bought the property to improve it. It has all the required utilities. He has addressed all issues, including drainage. He stated he does not understand.

4. Petitioner: Raymond Lague for Magdalene Lague, Owner, 11 Babbitt Street, Plat 31B, Lot 251-253, 258-260, Book 6508 and Page 238; 192-16: A Special Permit is required for raising livestock on less than 5 acres.

The petition was read and there were 35 abutters notified. The petitioner would like to have 12 chickens for fresh eggs. There will be no roosters. They have 5 children and believe this will be a good experience for them. No one spoke against the petition. They will never have more than 12 chickens at one time.

Motion to grant the Special Permit was made by Mr. Kendall; seconded by Mr. Cox, Jr..

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

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.

5. Petitioner: Mike & Hillary Rotondo, 61 Gellette Road, Plat 31A, Lot 4, Book 8371 and Page 302
198-16: Special Permit is required for raising livestock on less than 5 acres.
198-23 B4: Special Permit is required for a Home Occupation for Building Trades.

The petition was read and there were 26 abutters notified. The petitioner would like to keep 4 chickens for fresh eggs. There will be no roosters. Also, the petitioner requires a business certificate. He does solar installations. He will use his home address for the business certificate only. No one spoke against the petition.

Mr. Fleurent, Jr. spoke on the chicken request stating he had visited the site and noted the neighborhood was denser than that of the previous petition. He would like to stipulate that no more than 6 chickens would ever be allowed at one time on the property, along with no roosters. Mr. Fleurent, Jr. read the requirements of the By-Law for Building Trades as a Home Occupation and the petitioner stated he would comply.

Motion to grant the Special Permit for the keeping of no more than 6 chickens and no rooster was made by Mr. Fleurent, Jr; seconded by Mr. Cox, Jr.

Members voting to grant the Special Permit as conditioned: Mr. Kendall, Mr. Cox, Jr., Mr. Fleurent, Jr., Ms. Cook and Mr. Borelli.

Members voting not to grant the Special Permit: None

Motion to grant the Special Permit for a Home Occupation in the Building Trades was made by Mr. Fleurent, Jr; seconded by Mr. Cox, Jr.

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

The Special Permit for the keeping of no more than 6 chickens and no rooster is GRANTED by a vote of five (5) in favor and none (0) opposed.

The Special Permit for a Home Occupation in the Building Trades is GRANTED by a vote of five (5) in favor and none (0) opposed.

III. OTHER BUSINESS:

ADJOURNMENT

Mr. Kendall moved to adjourn the meeting. Mr. Cox, Jr. seconded. The vote was unanimous. The meeting was adjourned at 6:40 PM.

Respectfully Submitted,
Patricia Fowle, Secretary