

**ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING: July 28, 2011  
Town Hall, 41 South Main Street – 7:00 PM**

**Board Members Present:** Ruth Lappin, acting clerk; Steve Marion; H. Bernard Waugh, acting chair.

**Staff:** Judith Brotman, Zoning Administrator  
**Others:** See the Attendance Sheet

H. Bernard Waugh, Zoning Board Acting Chair, called the meeting to order at 7:00 p.m. The deliberation meeting will be held Thursday, August 4, 2011 in the Town Hall Boardroom at 7:00 PM. Acting Chair Waugh stated that a three-member board was seated and advised of the three-member board concurrence requirement. He explained that each applicant could request to continue their cases to a future date when a full board could be present or proceed before the smaller board with the understanding that a split decision, by the smaller board, would be grounds for a rehearing, if requested. The following agenda items were then heard.

**1. On a motion by Waugh, seconded by Lappin, and voted unanimously, Continuation of Case #34104-Z2011-25 and Case #34104-Z2011-36 were continued to August 25, 2011.**

- a. **Case #34104-Z2011-25:** Jolin Kish, Agent for Joshua Povill, property owner of record, is requesting a Special Exception under Article VIII, Section 803, “Change of Non-Conforming Structures,” pursuant to Section 206, “Special Exceptions,” to permit the enlargement of a non-conforming structure. The additions being proposed will be no closer than the existing structure to the lot line to which the existing structure is non-conforming. The property is located at 31-1/2 South Park Street, Tax Map 34, Lot 104, in the “RO” Residence and Office zoning district.
- b. **Case #34104-Z2011-36:** Jolin Kish, Agent for Joshua Povill, property owner of record, is requesting Special Exception under Article II, Section 210.1K, “Fences”, pursuant to Section 206, “Special Exceptions”, to construct a retaining wall with fence greater than 4 ft in height within the required setbacks of 31.5 South Park Street, Tax Map 34, Lot 104, in the “RO” **Case #33007-Z2011-30:** Norah Lake & Chris Polashenski, Agents for Wilfred Baxter, Jr., property owner of record, are requesting a Special Exception under Article II, Section 210.1C, pursuant to Section 206, “Special Exceptions”, to allow the keeping of poultry as an accessory use at 18½ Sargent Street, Tax Map 33, Lot 7, in the “GR-1” and “GR-2” General Residence, and “SR-1” Single Residence zoning districts.

**2. CASE #33007-Z2011-30: NORAH LAKE & CHRIS POLASHENSKI, AGENTS FOR WILFRED BAXTER, JR., PROPERTY OWNER OF RECORD, ARE REQUESTING A SPECIAL EXCEPTION UNDER ARTICLE II, SECTION 210.1C, PURSUANT TO SECTION 206, “SPECIAL EXCEPTIONS”, TO ALLOW THE KEEPING OF POULTRY AS AN ACCESSORY USE AT 18½ SARGENT STREET, TAX MAP 33, LOT 7, IN THE “GR-1” AND “GR-2” GENERAL RESIDENCE, AND “SR-1” SINGLE RESIDENCE ZONING DISTRICTS.**

Lappin, Acting Clerk, read the Notice of Public Hearing.

Norah Lake presented the application.

Lea Goat, a neighbor, spoke in favor of the application.

No one else spoke in favor of, or in opposition to, the application.

Case #33007-Z2011-30 was closed.

3. **CASE #33010-Z2011-35: ANNE DOWNEY & GLENN KING ARE REQUESTING A SPECIAL EXCEPTION UNDER ARTICLE II, SECTION 210.1K, "FENCES", PURSUANT TO SECTION 206, "SPECIAL EXCEPTIONS", TO CONSTRUCT A FENCE GREATER THAN 4' TALL WITHIN THE REQUIRED SIDE & REAR PROPERTY LINE SETBACKS. THE PROPERTY IS LOCATED AT 9 SARGENT STREET, TAX MAP 33, LOT 10, IN THE "GR-1" GENERAL RESIDENCE ZONING DISTRICT. CAROLYN RADISCH, CLERK, READ THE NOTICE OF PUBLIC HEARING.**

Lappin, Acting Clerk, read the Notice of Public Hearing.

Glenn King presented the application.

No one else spoke in favor of, or in opposition to, the application.

Case #33010-Z2011-35 was closed, with the record left open until Tuesday for submission of additional information.

4. **CASE #34076-Z2011-33: JOAN VALENTINE, AGENT FOR CORPORATION OF THE NE DISTRICT LUTHERAN CHURCH, PROPERTY OWNER OF RECORD, IS REQUESTING A SPECIAL EXCEPTION UNDER ARTICLE II, SECTION 204.2C, PURSUANT TO SECTION 206, "SPECIAL EXCEPTIONS", TO MODIFY THEIR EXISTING CHILD DAY CARE AGENCY SPECIAL EXCEPTION TO ALLOW INFANTS. THE PROPERTY IS LOCATED AT 7 SUMMER STREET, TAX MAP 34, LOT 76, IN THE "RO" RESIDENCE AND OFFICE ZONING DISTRICT.**

Lappin, Acting Clerk, read the Notice of Public Hearing.

Joan Valentine presented the application.

No one else spoke in favor of, or in opposition to, the application.

Case #34076-Z2011-33 was closed.

The following two cases were heard together:

5. **CASE #31015-Z2011-31: BRUCE WILLIAMSON, AGENT FOR PETER, ELISABETH & DOUGLAS STORRS, PROPERTY OWNERS OF RECORD, IS REQUESTING A WETLANDS SPECIAL EXCEPTION UNDER ARTICLE VII, SECTION 702, "WETLAND, WATERBODY, AND INTERMITTENT STREAM PROTECTION," TO CONSTRUCT A SEPTIC SYSTEM LEACH FIELD WITHIN THE 125' WETLAND BUFFER @ 33 PARTRIDGE ROAD, TAX MAP 31, LOT 15, IN THE "RR" RURAL RESIDENCE ZONING DISTRICT.**

6. **CASE #31015-Z2011-32: BRUCE WILLIAMSON, AGENT FOR PETER, ELISABETH & DOUGLAS STORRS, PROPERTY OWNERS OF RECORD, IS REQUESTING A WETLANDS SPECIAL EXCEPTION UNDER ARTICLE VII, SECTION 702, "WETLAND, WATERBODY, AND INTERMITTENT STREAM PROTECTION," TO CONSTRUCT A SINGLE-FAMILY HOME AND DRIVEWAY WITHIN THE 75' WETLAND BUFFER @ 33 PARTRIDGE ROAD, TAX MAP 31, LOT 15, IN THE "RR" RURAL RESIDENCE ZONING DISTRICT.**

Lappin, Acting Clerk, read the Notice of Public Hearing.

Bruce Williamson presented the applications. Peter Storrs responded to several questions concerning details of the property.

No one else spoke in favor of the applications.

Kelly Hersey asked several questions about the driveway location in Phase II.

No one else spoke in opposition to the applications.

Case #31015-Z2011-31 and Case #31015-Z2011-32 were closed, with the record left open until Tuesday for submission of additional information.

7. **ADJOURNMENT:** The meeting adjourned at 8:55 pm.

Respectfully submitted,

Judith Lee Shelnutt Brotman, Zoning Administrator