

**ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING: AUGUST 29, 2011
Town Hall, 41 South Main Street – 7:00 PM**

Board Members Present: Gert Assmus, Arthur Gardiner, H. Bernard Waugh

Staff: Judith Brotman, Zoning Administrator

Others: See the Attendance Sheet

Arthur Gardiner, Zoning Board Chair, called the meeting to order at 7:02 p.m. The deliberation meeting will be held September 6, 2011 in the Town Hall Conference Room (lower level) at 7:00 PM. Gardiner stated that a three-member board was seated and advised of the three-member board concurrence requirement. He explained that the applicant could request to continue the 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.

For convenience of the Board and Applicant, these cases were heard together:

- 1. CONTINUATION OF CASE #34104-Z2011-25: JOLIN KISH, AGENT FOR NGS RENTAL INC., 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.**
- 2. CASE #34104-Z2011-36: JOLIN KISH, AGENT FOR NGS RENTAL INC., 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” RESIDENCE AND OFFICE ZONING DISTRICT.**
- 3. CASE #34104-Z2011-37: JOLIN KISH, AGENT FOR NGS RENTAL INC., PROPERTY OWNER OF RECORD, IS REQUESTING A VARIANCE UNDER ARTICLE 1006.1, PURSUANT TO SECTION 803, TO PERMIT THE RAZING AND REBUILDING OF A NON-REPLICA STRUCTURE ON THE CURRENT NON-CONFORMING FOOTPRINT. THE PROPERTY IS LOCATED AT 31-1/2 SOUTH PARK STREET, TAX MAP 34, LOT 104, IN THE “RO” RESIDENCE AND OFFICE ZONING DISTRICT.**

Arthur Gardiner, Acting Clerk, read the Notices of Public Hearing for all 3 cases.

Natalia Streltsov, property owner, and Jolin Kish, Agent presented the applications. No one else spoke in favor of the applications in Phase I.

Phillip Stocken asked a question about drainage for the project in Phase II. No one else spoke in opposition to the applications in Phase II.

Jolin Kish responded to the drainage question in Phase III.

No one spoke in Phase IV.

Case Numbers Z2011-25, Z2011-36 and Z2011-37 were closed.

The Hearings were closed at 8:30 pm; with the record left open for the Zoning Administrator to provide information on the status of Summer Court as a town street, and provide information on the original building permit for the existing house.

4. ADJOURNMENT: The meeting adjourned at 8:35 PM.

Respectfully submitted,
/s/ jlsb
Judith Lee Shelnuttt Brotman
Zoning Administrator