

**ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING & DELIBERATION  
APRIL 26, 2012 at 7:00 PM  
Town Hall, 41 South Main Street**

**Board Members Present:** Gert Assmus (Acting Chair), Ethan Frechette, Phil Harrison, Ruth Lappin, Bernie Waugh

**Staff:** Judith Brotman, Zoning Administrator

Others: See the Attendance Sheet

**PUBLIC HEARING:**

The Public Hearing was called to order at 7:00 p.m. The following agenda item was then heard.

1. **Z2012-07: ALAN CUMMINGS IS 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 SETBACK. THE PROPERTY IS LOCATED AT 45 EAST WHEELOCK STREET, TAX MAP 38, LOT 58, IN THE "GR-1" GENERAL RESIDENCE ZONING DISTRICT.**

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

Alan Cummings presented the application. Sonya Campbell spoke in favor of the application in Phase I.

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

Case No. Z2012-07 was closed.

The Public Hearing was closed.

**DELIBERATION:**

(Further explanation and support for the following action is contained in the Board's approved, written decision found in the respective case file.)

2. **CASE No. Z2012-07 (CUMMINGS)**

Frechette prepared the preliminary draft.

It was moved by Frechette, seconded by Assmus, to:

- A. **DENY** Alan G. Cummings a Special Exception to construct an eight-foot-high solid wood fence, as proposed in the application, at 45 East Wheelock Street; and to
- B. **GRANT** Alan G. Cummings a Special Exception to construct:

1. An eight-foot-high (including any lattice) solid wood fence across the rear setback line at 45 East Wheelock Street; and
2. A six-foot-high (including any lattice) solid wood fence around the sides and front of the property at 45 East Wheelock Street in the location depicted in the Applicant's proposal, subject to the following conditions:
  - a. The fence shall be constructed of cedar boards, shall be finished in a natural wood tone, and shall be maintained in good condition.
  - b. The fence shall be self-supporting, relying only on its own vertical posts for support, with no horizontal bracing to nearby trees or diagonal bracing to the ground.
  - c. The posts supporting the fence along the west side of the property shall be covered on both sides by fencing material.

Voted in Favor: 5

Voted in Opposition: 0

3. **APPROVAL OF MINUTES:** 02/21/2012 & 04/23/2012

The Board did not review minutes.

4. **ADJOURNMENT:** The meeting adjourned at 8:55 PM.

Respectfully submitted,

Beth Rivard