

Zoning Board of Adjustment
17 May 2000
7:30 P.M.

This month's meeting was called to order by the Chairman, Mike Iafolla, at 7:30 p.m. Those attending were: recently appointed Dick Wollmar, Mark Johnson, Sam Checovich (Alternate), and Russell McCann (Alternate).

The Chairman stated that there was business to attend to before the agenda was started: to approve the minutes, and to elect a Chairman. Mark Johnson made the motion to accept the minutes, seconded by Dick Wollmar, motion carried. Russ McCann nominated Mike Iafolla, seconded by Sam Checovich, motion passed, unanimously.

The Chairman read a letter from Ronald Houghton requesting to withdraw since his request at Little Boar's Head Zoning Board was turned down.

Case 2000:13

Irving Oil Corporation, a Permit for Article V, Section 501.2

He also stated that the first case to be heard would be 2000:13, Irving Oil. There was extensive discussion about the zoning variance 512, relating to gasoline stations. The Chairman stated that there was ambiguity in the zoning ordinances regarding gas stations, that none of the members understood, therefore, he was asking Town Counsel for their help regarding this. John Colliander, representing Irving Oil, stated that he wanted to keep in touch with someone about the status; Paul Charron, Building Inspector, would be talking to him. It was decided that this case be continued to a time and date certain, May 31, 2000 @7:30 p.m.

Case 2000:12

Arnold & Barbara Silverstone, 85 Post Road variance to Article V, Section 501.2, expansion of nonconforming use

They were coming before the Board because they had a nonconforming lot and wanted to add 6' to an existing screened porch. The homeowners spoke in favor of the variance, there was some discussion, and no one spoke against the petition. Russ McCann made the motion to grant the variance, seconded by Sam Checovich, motion passed.

Case 2000:14 Jon B. Adams, 104 South Road, variance to Article V, Section 501.2 for 12' addition

Jennifer Lemire spoke for the petitioner, and stated that the proposed building (garage) would be 28' from the property line, and the driveway would be raised and built up to correct severe drainage problems that existed on the property, and that this was a definite hardship to the land in this case. The homeowner had already replaced one leach field because of poor drainage that led to flooding of the leach field. There was discussion among Board members that since Route 95 was put in, that it changed the shape of the bridge which resulted in the change in the slope of the road, which was adding to the water runoff problem. There was no one to oppose this petition. Sam Checovich made the motion to grant the variance, seconded by Russ McCann, motion passed.

Case 2000:15 Tina Montgomery, 77 Lafayette Road, for a variance to Article V, Section 501.2 for expansion of nonconforming use and variance for expansion of building within inland/wetland buffer zone

There was extensive discussion, among Board members and the public; the abutters raised issues that had effected them when the existing Fish & Chips was located here: parking, the fish and grease smell, increased traffic on Glendale. Dick Wollmar stated that he was especially concerned about the wetlands issue and the impact this would have. Mr. Montgomery (property

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owner) stated that the new addition would not have any impact on the wetlands, since it would not go beyond the existing concrete pad that was at the back of the building for the dumpster. The new construction would be designed so that it would be built on piers, and that there would not be increase in parking. The Board was trying to arrive at a decision that would please everyone, and the question was raised could the Board restrict the business to just mercantile? (no restaurants) Mark Johnson made the motion to grant the variance with that condition, Paul Charron stated that the definition of mercantile did not exclude restaurants. The Chairman led a discussion that centered around granting the variance with the condition of limited parking.

After extensive discussion, the Chairman suggested to the petitioner that he withdraw his request and come back to the Board when they knew what they would be using the location for. Mr. Montgomery agreed to withdraw his request.

Case 2000:16 – Tina Montgomery, 14 Lafayette Road, for a variance to Article IV, Section 406.3 for “Industrial Use” paved parking in residential zone

Tina Montgomery presented a detailed site plan that showed the parking area. She was applying for a variance to pave a parking area that was in both IB/R and in Residential. Sam Checkovich made the motion to grant the variance, seconded by Russ McCann, motion passed.

Case 2000:17 – Tina Montgomery, 14 Lafayette Road, for a variance to Article IV, Section 407 to build a structure above height restrictions.

Tina presented a detailed site plan with the improvements she intended to make. The cupolas are 7' above the 35' height restriction, but all members of the Board stated that it would improve the appearance of the building by having them. A motion was made by Russ McCann to grant the variance, seconded by Sam Checkovich, motion carried.

Case 7000:18 – Ralph V. Amsden/Living Spaces, 32 Ocean Boulevard, for a variance to Article V, Section 501.2 to expand and change an existing nonconforming structure

Ralph Amsden, architect, made the presentation for the homeowner, Mr. Asadoorian. The home on this property was the old Joan Dunfey residence, which when built, was too close to the property lines, and the current owners are trying to make it more conforming. The changes would include moving part of the house to install a permanent foundation, and the removal of the old barn. The motion was made by Sam Checkovich to grant the variance, seconded by Mark Johnson, motion passed.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Tina Kinsman
Recording Secretary