

Applicant: Richard Gurecki
6 Merles Lane

Members Present: John Dold, Neil Rowe, Arol Charbonneau and Bruce Barker

The Board of Adjustment held a Public Hearing on Tuesday, October 13, 2009 at 7:30PM in the Municipal Center to consider the request of a Special Exception under the terms of Section 2.1.27 of the Zoning Ordinance to permit a home occupation.

Chairman Dold stated there is not a full Board tonight and the applicant will need a majority approval, which means at least three members need to vote in favor of this Special Exception for it to be granted.

Secretary Arol Charbonneau read the notice and the application. Chairman Dold stated, for the record, that he knows Mr. Gurecki but does not consider him a close friend; therefore, he doesn't think it necessary for him to disqualify himself from sitting on this case.

Chairman Dold asked the applicant to present his case. Mr. Gurecki stated this is an unattached 12øby 16øutility garage with a concrete foundation that has been used for years to store lawn equipment and for extra storage. Mr. Gurecki stated he would like to close the garage door and use it as an office space. Currently he works from home, so this would free up some space in his home. He added he thinks it would improve the property and not take away anything from the neighborhood.

Neil Rowe asked what type of business it is. Mr. Gurecki responded he is a sales manager and he travels a lot. He also has a secondary business in which he does data recovery. Neil Rowe asked Mr. Gurecki if he has people working with him. Mr. Gurecki responded he has had independent contractors working with him in the past. He stated it is basically just large enough for himself and one other person, adding that that would be the extent of it. Neil Rowe asked the applicant what the total finished floor space of his dwelling is. Mr. Gurecki responded it is approximately 2700 square feet. Arol Charbonneau stated the tax card reflects the finished square footage to be closer to 2800. Chairman Dold explained to the applicant that his business space can't be greater than 25% of the total finished floor space of his home. Neil Rowe asked Mr. Gurecki what he has for deliveries and pickups. Mr. Gurecki responded he usually brings whatever is going out to the Post Office. He has a FedEx or UPS delivery approximately once every other day. He added a lot of his orders for recovery come through the mail and go out the same way. Neil Rowe asked if clients come and go from the office. Mr. Gurecki responded occasionally local people may drop off a hard drive or something for recovery and pick it up later. Neil Rowe then asked for an estimate of the number of people that would come and go during the course of a week. Mr. Gurecki responded maybe two or three. He added it might grow in size but he doesn't anticipate a traffic problem. He has an answering service that handles the phone calls when he is not there. Arol Charbonneau asked if he was changing the exterior of the building at all. Mr. Gurecki responded the exterior of the building will be the same other than the wall he is adding where the current garage door is. He added the roof was currently re-shingled and the colors match the house. Neil Rowe asked what his five-year plan is

as far as employees are concerned. Mr. Gurecki responded if his secondary business grows, he may rent an outside office space. Neil Rowe asked Mr. Gurecki if he would expand into his basement using up more of the 25% allowed before he moves out of the 12øx 16ø office space. Mr. Gurecki responded he doesn't think so because the work isn't the type that lends itself to having two physical locations. He added he would probably continue to use the 12øx 16ø area for personal office space.

Chairman Dold asked Terry Barnes, Code Enforcement Officer, if Mr. Gurecki has applied for a building permit. Mr. Barnes responded yes and he is just waiting for the Board's approval. Chairman Dold asked him if he has any issues with this, to which Mr. Barnes responded no, as long as he doesn't put up a large sign or have lots of traffic.

Chairman Dold asked if anyone would like to speak in favor of or in opposition to the applicant. Neil Rowe stated he is concerned with applicants for home occupations who initially say they are going to be a certain size and, over time, are larger. He wondered whether the Board needs to start instituting conditions or change the ordinance so that home occupations are reviewed periodically. Terry Barnes stated there may come a time when the applicant needs to move the business to a retail or commercial space.

Chairman Dold stated in order to grant a Special Exception for a home occupation the following standards must be met: 1) The standards provided by this ordinance for the particular use permitted by Special Exception. All Board members agreed the standards have been met. 2) No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials. All Board members agreed there is no evidence of a hazard to the public or adjacent property. 3) No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials. All Board members agreed there would be no detriment to property values or change in the essential characteristics of the neighborhood. 4) No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. All Board members agreed there would be no traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. 5) No excessive demand on municipal services including, but not limited to, water, sewer, waste disposal, police and fire protection and schools. All Board members agreed there would be no excessive demand. 6) No significant increase in storm water runoff onto adjacent property or streets. All Board members agreed there would be no significant increase.

Neil Rowe motioned to grant a Special Exception for a home office to be no more than 192 square feet in accordance with the terms of Section 2.1.27 to be located in the existing unheated garage which shall be modified in accordance with the diagram provided by Richard Gurecki dated September 28, 2009. Bruce Barker seconded the motion with all Board members voting in favor. Chairman Dold advised the applicant of the thirty-day appeal period and called Case # 542 closed.

Respectfully,

Norma Corrow, ZBA Clerk

The tape of the meeting is available at the Town Office Building for review during regular business hours.