

# **Zoning Board of Appeals**

## **Minutes of the Meeting**

**Kathy Piscione – Special Permit**

**John and Danielle Pitro – Variance**

**Jeffrey Normand Hewson – Special Permit**

**November 18, 2010**

**Present:** Philippe W. Chevalier, Chairman, Matthew Colangelo, Vice-Chairman, Barbara Deschenes, Clerk, Charles Witkus, and Linda Isgro

**Absent:** Paul Trippi and Paul Hennessey

**Kathy Piscione**

Mr. Chevalier called the meeting to order @ 7:14 pm and read the Public Hearing Notice into the minutes. He introduced the members of the board to the petitioner and explained the process of the hearing. He then turned the meeting over to Mr. Mark Piscione who is representing his mother, Kathy Piscione.

Mr. Piscione explained they were requesting a special permit for approval of frontage, showing diagrams, and explaining that they do not plan on sub-dividing the property. He added that Mrs. Piscione's husband had passed away and that it is creating a hardship for her. Mrs. Piscione explained the history of the lot. Mr. Chevalier asked the Board for questions.

Mr. Colangelo and Ms. Isgro discussed the lot sizes and existing lines asking where the lot is. Ms. Isgro stated that she couldn't approve the plan. Mr. Chevalier explained the lot and the history when Elliot Freeman, the former developer, was involved. A copy of the declaration, with restrictions on the deed, was presented and read into the minutes. Mr. Piscione stated that they had a letter from Mr. Freeman granting permission. Mr. Chevalier recommended that they continue the hearing for further documentation and town counsel advice, giving different options and asked for other members' input. Mr. Witkus had questions of restrictions to sub-dividing and Mr. Chevalier replied that he would check with town counsel. Ms. Isgro had questions pertaining to the frontage, after reviewing the original plot and explained the shortage and confusion and suggested having the engineer draw lines. There was discussion of lineage and confirmation from the Board. Mr. Chevalier explained the frontage of each property and easement; Ms. Isgro explained the figures since the original roadway disputing the boundaries. Mrs. Piscione stated that land was taken away from 18 Lost Oak explaining the 120' frontage. Mr. Chevalier opened the meeting to the public.

Mr. Todd Brodeur, of Fletcher, Tilton & Whipple, on behalf of Drs. Diran and Seta Apelian, passed out a memo explaining the history of the Apelian purchase, adjourning lot owners, permission to sub-divide and subject to restrictions. He also referred to a 2004 application by the Piscione's which was denied by the ZBA. He believes that the frontage was designed so-as not to sub-divide and explained frontage and percentages. He expressed dismay that applicant should not be denied.

Ms. Betsey DeMallie has concerns with Lot #4 and Mr. John O'Brien, although has high recommendations to the Piscione family, expressed concerns about future owners and if 2 ½ feet is or is not buildable and would like more detail. Mr. Kopolis stated that he has 5 acres and referred to the original plans and stated that he is neither yay nor nay. Ms. DeMallie asked who in town oversees the restrictions. Mr. Chevalier stated that there are other sub-divisions in town and provisions in by-law; and suggested that the petitioner resolve issues before proceeding. He stated that he cannot accept a motion at this time and recommended a postponement. Mr. Witkus motioned to continue the hearing to January 6, 2011 at 7:15 p.m. Ms. Isgro 2<sup>nd</sup> the motion. All in favor. The hearing was closed at 8:10 p.m.

#### **John and Danielle Pitro**

Mr. Chevalier read the Public Hearing Notice into the minutes at 8:15 p.m. and explained the hearing process. Mr. Pitro submitted an updated abutter's list and plot plan, and expressed the desire to construct a garden shed in his yard without removing trees due to wildlife, and swing set. He explained the obstacles and intentions for expanding his house in the future, therefore, requesting a variance.

Mr. Chevalier asked for questions from the board. Mr. Witkus asked if he had obtained a building permit as the shed was already built. Mr. Pitro replied that he had not, as he misunderstood the dimensions. Mr. Witkus explained obtaining a building permit and regulations. Mr. Colangelo questioned the existing house in the zoning area. Mr. Chevalier stated that for the record, 120 square feet without a permit and this was bigger. He then opened the hearing to the public at 8:25 p.m.

Mr. Dan Walsh said that he was at a disadvantage due to his house burning down and just received his mail the day before; he had requested information from the town hall but to no avail. He disputes Mr. Pitro, as whereas he's a police officer following rules, but disregarded compliance. He stated that there is no hardship to Mr. Pitro as he has plenty of space to build elsewhere, but not over his property. Mr. Walsh plans to rebuild his home and does not approve of where Mr. Pitro put his shed. Mr. Chevalier viewed photos and passed them out to the Board. Mr. Walsh stated that the neighborhood was designed for terraces, that the lots were intended for usable area where the drop off

started and that it was not designed to have structures on stilts overlooking other properties. He added that Mr. Pitro shows concern for the trees, yet he cut down trees for the play area. Mr. Colangelo referred to updated drawing and had questions pertaining to the drywell. Mr. Chevalier closed the public hearing at 8:35 p.m. for deliberations.

Ms. Isgro had questions about the sloping ground and Mr. Witkus suggested adding 2 posts and moving the shed 10 feet over. Mr. Chevalier explained the variance requirements and showing hardship. Mr. Colangelo doesn't feel that there is a hardship and stated that this shed was built before the request. Mr. Colangelo motioned to grant variance according to plans. Ms. Deschenes 2<sup>nd</sup> the motion. Mr. Witkus, no, Ms. Deschenes, no, Mr. Colangelo, no, Ms. Isgro, no, Mr. Chevalier, no. Variance denied at 8:45 p.m.

#### Hewson

Mr. Chevalier read the Notice of Public Hearing into the minutes at 8:50 p.m. and turned the hearing over to Mr. Hewson. Mr. Hewson explained the purpose for an accessory apartment, that there was to be no outside renovations and that his in-laws would be using the apartment for approximately 3 months of the year as they live in Greece. Mr. Witkus asked what would come of the apartment after the in-laws passed and Mr. Hewson replied that it would be used for the children as they got older and a guest room. Mr. Colangelo inquired about the distance to the neighbor and Ms. Isgro had questions as to whether or not the lot was within the footprint. Mr. Witkus asked how much the addition would cost and Mr. Hewson replied approximately 30K. Mr. Chevalier explained that the special permit is temporary and is only good for the life of the petitioner; if the house is sold, the new owners would need to re-apply. The hearing was closed to the public for deliberations. Ms. Deschenes motioned to grant a special permit to construct and accessory apartment. Ms. Isgro 2<sup>nd</sup> the motion. Mr. Witkus, yes, Ms. Deschenes, yes, Ms. Isgro, yes, Mr. Chevalier, yes, Mr. Colangelo, yes. The hearing was closed at 8:55 p.m.

Respectfully submitted:

Donna Jean Ramonas, Secretary

Minutes approved and accepted on

*March 10, 2011*

*Barbara M Deschenes*

Barbara Deschenes, Clerk

