

Members Present: S. Woodworth Chittick, Chairman  
Benjamin Lacy, Vice Chairman  
Charles Higginson  
Peter Goedecke  
Kathleen Hunter  
Barbara Power

Others Present: Jennifer Oram – Recording Secretary  
Michael and Susan Sardini – 271 South Main St.  
Gary Barrow – 51 Smith Place  
Susan Kecskemety – 2 Cushing Road  
Barbara Hiltz – 9 Cushing Road  
Bob and Joyce Sturdy – 270 Jerusalem Road  
Richard Henderson – Attorney  
Richard Brown

Chairman S. Woodworth Chittick called the meeting to order at 7:30PM.

## HEARINGS

### **271 South Main Street (Sardina) - §8.7.2 (construct an addition) - #06-02-13 –SP**

The applicants, Michael and Susan Sardina, are seeking a Special Permit to construct an addition. The need for relief is due to the side setback on the southern property line which is 8.94 feet from the front side of the house, and is 10.6 and 18.16 feet in the rear. The reason the applicants feel they need to have the addition so close to the lot line is that otherwise they would lose the kitchen window, and any smaller-sized addition would not give them a wide enough family room. They also want to enclose and rebuild their back stairway, which is currently outside and very steep. The applicants submitted letters of support from their neighbors, and stated that their direct abutters support the project. Mr. Sardina stated that relief granted by the Board would allow them (the applicants) to take advantage of the little space they have while working with their existing nonconformity. **Vice Chairman Benjamin Lacy moved to close the hearing, Mr. Peter Goedecke seconded it, and the vote was unanimous. Mr. Chittick will draft the decision.**

### **498 Beechwood Street (Ambroult) - §8.7.2 (construct a second floor addition) - #06-02-04 – SP**

Mr. Ambroult, the applicant, is hoping to construct a second floor addition, as well as square off a portion of the first floor. The existing house is set back 6 feet from the property line. The applicant will be doing the construction, and his mother is the potential buyer of the property. Upon looking at the survey and plans, the applicant pointed out many errors that were drawn up by the engineer. Upon further review, Mr. Chittick pointed out that the proposed height of the finished home would dwarf the neighbor's home, who was also very close to the side yard setback. The Board suggested that the applicant withdraw his application and draw up a new set of plans, with an

addition going off the back rather than up to a second story, since there seems to be plenty of room in the rear yard. The applicant agreed and withdrew his application without prejudice. Mr. Ambroult will drop a letter of withdrawal off to the Zoning Board office.

**6 Joy Place (Crews) - §8.7.b – (add a second floor to existing garage) - #06-02-14b – SP**

The applicant, Mr. Crews, was before the Board two years ago to renovate and add on a second story to his home. At that time, a neighbor appealed his proposed addition, but has since withdrawn the appeal in October, 2005. Mr. Crews is now before the Board to increase the width of his garage by three feet and the height of the breezeway. To avoid increasing any nonconformities, the applicant plans to shorten the rear of his garage by one foot, and widen it by 3.3 feet. The garage will then be less deep, but wider. The height of the proposed addition would be an additional 5.5 feet above the garage, and an additional 2.5 feet above the breezeway. Mr. Crews' direct neighbor, Mr. Richard Pierce of 1 Jerusalem Road, stated that he was in complete support of the addition. **Mr. Lacy moved to close the hearing, Mr. Higginson seconded it, and the vote was unanimous. Mr. Goedecke will draft the decision.**

**DELIBERATIONS**

**2 Smith Place (Brown) - §9.7 – (construct a commercial building) - #05-08-24 – SP**

Chairman Chittick recused himself from the deliberation, Mr. Higginson chaired this continued deliberation from the February meeting. The Board then reviewed drafts of partial decisions written by Ms. Kathleen Hunter, Mr. Peter Goedecke and Mr. Higginson dealing with different aspects of the application. For the record, Mr. Higginson stated that he had received a letter on February 8, 2006 from a Mrs. Susan Kecskemety in regard to the flooding issues at 2 Smith Place.

The Board began the deliberation by agreeing that they did not find compelling evidence to deny the application based on Section 9.7 (flood plain) considerations. Instead, the Board considered the SP under Section 7 and Section 12.4 of the bylaws. The Board reviewed each draft, and decided to have each member agree or disagree with the findings. Ms. Hunter had drafted a decision which addressed safety issues under Section 12.4. Mr. Lacy stated that for the purposes of safety, it must be considered if satisfactory provision and arrangements have been made for pedestrian safety and convenience, and if there is safe access in case of fire. Another fact the Board considered, is that, with the eminent closure of 2 Smith place due to the rail, the only access to the building will be through the residential neighborhoods. Mr. Goedecke noted that currently the only traffic the area residents experience is caused by them, and is very low. He also stated, that if this project were to go forward, all of the traffic related to businesses located therein would have to pass through those streets. There was then a lengthy conversation amongst the Board trying to estimate the amount of increased traffic. It was estimated that a minimum of 36 trips by tradesmen tenants/proprietors would be taken per day, and if you

added employees, this number would increase. Mr. Goedecke stated that if you estimated 60 trips per day, this would be a great deal for a residential neighborhood that today, has barely any. It was then agreed upon by the Board that this project would cause enough traffic that would in fact be materially adverse to the neighborhoods.

The Board then moved onto the issue of parking. Ms. Hunter stated that it was very important that there be a clear analysis of the parking in regard to what kind of use applies to this project. There was then a lengthy conversation among the Board about what type of use the building would be; taking into consideration the original application to the Planning Board, as well as the testimony that had been taken at the previous hearings. After much consideration, the Board felt that the building would most likely fall under Section 4.2, as “Miscellaneous trade and repair service and shops”, as the only conceivable use actually permitted in the Downtown Business zone. The same ‘use’ then would have to be used to determine the parking requirements for the project. Under section 7.1, Mr. Lacy stated that if you measure it against ‘G’, under this section, then the Board clearly couldn’t allow the project to move forward. He also stated that if you measured it against ‘I’, under 7.1, he felt the Board would also come to the same conclusion that they would need to deny it. There was then further discussion on this, and at the end, the Board all agreed that this applicant would fall under section ‘G’ under Section 7.1 of the zoning bylaws. Using these criteria, the Board determined that the applicant did not reach the parking requirements. The Board also concluded that if it were to consider the application under 7.1 ‘I’, the proposed parking would also be inadequate.

The Board agreed that with the increase in traffic and the lack of sufficient parking, the application would be denied. **Mr. Peter Goedecke moved to deny the application, Mr. Benjamin Lacy seconded it. Mr. Lacy will write and file the decision.**

### **2 Sheldon Rd. (Calhoun) - §5.3 (construct garage/mudroom) - #06-01-24 – SP**

The Board had gone and looked at the site, and further reviewed the applicant’s request. Members of the Board stated that if the Board granted the relief and allowed Mr. Calhoun to build where he had requested, he would be making his home 54% more nonconforming. Mr. Calhoun had stated during the February hearing that he would be conforming under Section 5.4.3, however the Board disagreed with this since there is no house to its southerly side (the nearest house south is across the street) and the bylaw states “building nearest thereto on either side of the building in question..”. The Board discussed options and decided that if the applicant moved the addition to the back of the home, it could be located out of the required setback. It was decided that the Board should deny without prejudice, and advise the applicant that any further plans will have to conform to the setbacks. **Mr. Chittick moved to deny without prejudice, Mr. Peter Goedecke seconded it and the vote was unanimous. Mr. Chittick will write the denial.**

**DISCUSSION**

The Board then discussed what the members of the Board should do if they see a zoning violation while out in the Town. It was decided that if need be, members of the Board could write a letter of complaint to the Zoning Enforcement Officer as a concerned citizen. If the issue should then come before the ZBA, the author of that letter would then recuse himself or herself from the hearing.

**The next meeting of the ZBA will take place on Monday, April 10, 2006 at 7:30PM.**

**Mr. Woody Chittick moved to close the meeting, Mr. Higginson seconded it, and the vote was unanimous.**

Meeting adjourned at 10:45PM.

Respectfully submitted,

Barbara M. Power  
Clerk