

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
JUNE 16, 1994

MEMBERS PRESENT: Dean Trefethen, Bill Colbath, Bob Callan,
John Murphy Jr., and Rick Callaghan

ALSO PRESENT: Thomas Clark

Dean Trefethen, Chairman, called meeting to order.

ITEM #1: New Business

Rick Callaghan made the motion to accept the minutes of the
May 19, 1994 meeting.

John Murphy seconded the motion.

U/A

ITEM #2: Old Business

ITEM #3: Z 94-12, First Savings Bank, (applicant: Margaret
Jalbert) 2-10 Pierce St. a/k/a Assessor's Map 4, Lot
22, zoned B-2 requests a variance from the terms of
Article V, Section 170-16 to construct a rear deck
and stairs addition within less than one foot from
the rear property line where nine (9) feet is
required.

Margaret Jalbert - In process of purchasing 2-10 Pierce St.
to move her florist business and occupy as her place of
residence. Part of the renovations is to supply a means of
egress in the rear in the form of a deck. The third floor
apartment fire egress consists of a small deck that goes to
the roof of a garage and down side of the garage. It is in
poor condition. Proposal is to change the fire egress from
the third floor to go to the back of the building, connect
with a deck on the second floor and stairs in the middle of
the deck coming down the back of the building.

Bob Callan made the motion to accept the case.

John Murphy seconded the motion.

U/A

Dean Trefethen - Would the proposed deck provide a means of
egress to everyone on the second floor?

ZBA 6/16/94

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Margaret Jalbert - Yes. There are two apartments on the second floor and both would have access to the means of egress and also the third floor apartment. Also the third apartment, which is a two story apartment, would have a ladder that would come down to the deck. There are now two small terraces but no way down from them.

Rick Callaghan - Is the twelve foot width of the deck a requirement to meet the means of egress or is there a smaller dimension that can be used?

Margaret Jalbert - Smaller dimensions would make it difficult going down on the stairs that are internal to the deck.

Tom Clark - Does not think that twelve feet is required to meet the means of egress regs. It could be less.

Discussion was held on the size and location of the deck and stairs.

Dean Trefethen - Read a letter from the Planning Dept. who is in favor of the variance with the possibility of conditions pertaining to the size of the deck. A letter was also submitted to the Board from the Fire Dept. who, after a walk-through, is also in favor of improving the means of egress.

Dean Trefethen - Asked Tom Clark if the Franklin Court is a City Street.

Tom Clark - Not anymore. A portion of it was deeded to the Bank. Not used for parking but is used as a drive through.

The request tonight is only for the deck. The second item pertaining to a sprinkler system and a fire separation, needs further interpretation from the City Attorney.

PUBLIC HEARING CLOSED

Rick Callaghan - Concerned with the twelve foot width of the deck and the lot line. Concerned with vehicles hitting the posts and knocking the deck down.

Margaret Jalbert - Will have a railing on the deck so that it will be more noticeable to motorists.

Bob Callan - The property behind this building will always be commercial. Concerned with the vehicles going by Ms. Jalbert's building getting to the bank.

Bill Colbath - A fence could be put up on the property line.

Dean Trefethen - Is also concerned with the posts being to near the property line and being knocked down.

The members discussed the size and construction of the deck, and placing a barrier to alert the vehicles and protecting the deck.

5 CRITERIA

1. The applicant does face an unnecessary hardship due to the small lot in an urban setting which leaves little space for required safety egress and recreational/leisure use.
2. The variance will deliver substantial justice. It will allow reasonable residential use with proper safety egress.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance. The spirit and intent is to allow reasonable access to the property and the former R.O.W. provides that.
4. The variance will not result in a diminution in value of surrounding properties. No evidence to the contrary and proposed renovations will probably increase surrounding property values.
5. The variance will be of benefit to the public interest. It would allow proper safety egress and also combine with residential use. Plus the proposal would put the long dormant structure to use.

Rick Callaghan made the motion to grant the variance with the following conditions:

- (1) The vertical support posts of the deck are to be a maximum of ten (10) feet from the building.
- (2) A minimum of five (5) posts at a minimum of four (4) feet high be placed along the back property line (along the former Franklin Court) to provide a safety barrier.

Bob Callan seconded the motion.
U/A

The attendance record was discussed by the Board members. Of concern were the the five consecutive meetings that Brenda Whitmore was not present. The Zoning Board of Adjustment By-Laws state "Members who fail to attend four consecutive meetings without due cause may be recommended for replacement by the Board." A letter will be formulated by Tom Clark for Dean Trefethen's signature.

MEETING ADJOURNED

List of members with expiration dates

	<u>Term Starts</u>	<u>Term Exp.</u>
William Colbath	10/23/91	10/23/94
David Paolini	10/23/91	10/23/94
Dean Trefethen	12/31/91	12/31/94
Brenda Whitmore	12/31/91	12/31/94
John Murphy Jr.	12/31/92	12/31/95
Robert Callan	4/13/94	4/13/97
Richard Callaghan	4/13/94	4/13/97