

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
DECEMBER 15, 1994

MEMBERS PRESENT: Dean Trefethen, Bill Colbath, Rick Callaghan, John Murphy Jr. and David Paolini

ALSO PRESENT: Thomas Clark

Dean Trefethen, Chairman, called meeting to order.

ITEM #1: New Business

John Murphy made the motion to accept the minutes of the October 20, 1994 meeting.

Rick Callaghan seconded the motion.

U/A

ITEM #2: Dean Trefethen asked if the Board members had received a copy of the letter from the School Board in regards to the signs at the High School. Everyone had received the copy of the letter.

ITEM #3. Z 94-24; James & Carol Veinote, 7 Page Ave., a/k/a Assessor's Map 37, Lot 54, zoned R-12, requests an Appeal From an Administrative Decision concerning issues in connection with a parking lot on an adjacent parcel.

Dean Trefethen asked if the Veinote's received the letters from Tom Clark, Dan Gabriel and Steve Stancel.

The Veinotes answered yes.

James Veinote - Feels that when Dan Gabriel expanded his parking lot he should have put up a 7' barrier to provide privacy for the Veinotes. The parking lot was expanded for more than 10 spaces. The Gastroenterology Building has a smaller parking lot and they have a barrier and the abutting house also has a long fence for privacy. The Veinotes do understand the need for more parking spaces and do not object to it. But the snow plowing causes gravel pile up on the Veinote property and the car lights shine into their house. Cars are using the parking lot for a turn around and the tenants park their car in any order they want to. Do not know who owns the fence. Mr. Veinote presented pictures of the parking lot with cars to the Board.

Dave Paolini - Asked if the Veinotes have an as-built plot plan designating the lot lines and whether or not the fence is on their property.

Mr. Veinote - Stated that there are only a couple of pins. Cannot determine for certain who the fence belongs to.

Tom Clark - Stated that it is a pre-existing lot.

Tom Clark - We are not unsympathetic to Mr. Veinote's concerns. However, as outlined in his memo, there is no regulation that applies. Also, the Zoning Board only has authority over the Zoning Ordinance not the parking lot expansion, nor the five (5) foot setback or the fence issue. As far as residential and non residential, it clearly says in the Ordinance that where parking spaces are provided for non-residential structures this parking area adjoining a residential use, a suitable screening etc. An apartment building, in our opinion, is a residential structure. It is unfair to make a comparison with Gastroenterology which is professional office, and it was a requirement for them to put up the fence.

Mr. Veinote - Feels that a fence should have been a requirement also for the parking lot next to his property.

Tom Clark - In the Site Review Regs. you are only required to go to Site Review if it is a paved parking area and this is clearly not a paved area.

Mr. Veinote - A part was paved before and the way the ordinance is written it could be interpreted to mean the expansion be paved. It does not say the expansion be paved to require a seven (7) foot barrier.

Tom Clark - Referring to two different things. The Zoning Ordinance deals with the barrier, and expansion of the parking lot is a Site Review regulation. Neither the Site Review nor the Zoning Ordinance applies in this case.

The Board and Mr. Veinote discussed the number of additional parking spaces and the number of cars in that parking lot. Also whether or not the expansion was required to be paved. The Site Review regulations and Technical Review Committee process was also discussed, however, Site Review and Technical Review was not required in this case.

Rick Callaghan - Asked if the house at 804 Central Ave is a conforming structure and conforming lot. Would any changes to this property have required a Zoning variance.

Tom Clark - No. An addition of a non-conforming structure that meets the required setback is not considered an expansion of a non-conforming structure.

Rick Callaghan - So the parking lot was conforming so the change did not require a variance.

Tom Clark - Correct.

A discussion was held on the wording of "paved" in the ordinance.

Dean Trefethen and James Veinote discussed the 5 foot barrier and who owns the portion that the fence is on. It is not determined who owns the fence so it is difficult to determine whether or not Dan Gabriel has provided a 5 foot barrier.

Dave Paolini - Even if Gabriel had paved he would not have had to put up the 7 foot barrier.

PUBLIC HEARING CLOSED

Dean Trefethen - The issue is the Administrative Decision as to whether or not Dan Gabriel has to put up a fence. Dean feels that it is a civil matter rather than a City matter.

Dave Paolini made the motion to uphold the Administrative decision.

John Murphy seconded the motion.

U/A

Dean Trefethen - Feels that the City could make a courtesy call to Dan Gabriel with the Board's concern as to whether or not the 5 foot set back barrier on the side is being adhered to.

Tom Clark - This will be done.

ITEM #4: Tom Clark asked the Board members how they would feel if the City Council appointed them to the Building Code

Board of Appeals. An Attorney has submitted an appeal for a client to the Building Code Board of Appeals. The Attorney pointed out that in the applicable State law, in order for the Zoning Board of Adjustment to act as a Building code Board of Appeals, it has to be an elected Zoning Board of Adjustment not appointed.

The process has begun with a memo to the City Clerk's Office to request the appointment's Committee to start the process to obtain applications for the Building Code Board of Appeals and then make the appointments.

The Board members were in agreement to be considered for appointment as individuals to the Building Code Board of Appeals.

John Murphy made the motion to adjourn.  
Rick Callaghan seconded the motion.  
U/A

MEETING ADJOURNED

List of members with expiration dates

	<u>Term Starts</u>	<u>Term Exp.</u>
David Paolini	10/23/91	10/23/94
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
William Colbath	10/23/94	10/23/97
Dean Trefethen	12/31/94	12/31/97