

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
MAY 21, 1992

MEMBERS PRESENT: Bill Colbath, Brenda Whitmore, Dave
Paolini, Chris Jacobs, Dean Trefethen

ALSO PRESENT: Tom Clark, Steve Stancel

Meeting brought to order by William Colbath at 7:03 p.m.
He introduced the Board members and the new secretary, Martha
Brown

ITEM #1: New Business

Chris Jacobs made the motion to approved the minutes of April
16th and May 5, 1992.

Dave Paolini seconded.

VOTE U/A

ITEM 2: Old Business

None

Dean Trefethen left message that he would be a little late
for the meeting. Bill Colbath asked the applicants if they
would like to wait for Dean or go ahead, relying on 4 Board
members.

The applicants agreed to wait for Dean.

Bill Colbath called meeting to order without further delay at
7:25 p.m. Dean Trefethen arrived at 7:40 p.m.

ITEM #3: *H92-5, Paula Karabelas, 239 Washington St., a/k/a
Assessor's Map 10, Lot 32, zoned RM-10, requests a
variance from the terms of Article V, Section 170-
16, to create a lot having no frontage on a public
right-of-way, where eighty (80) feet is required.

Attorney Thomas Dunnington represented Paula Karabelas.
Three (3) lots in the back have been serviced by the same
right-of-way for many years. Mrs. Karabelas would like to
develop her property also using the same right-of-way. If
this land is developed, the value of surrounding properties
would not be affected.

Chris Jacobs: Asked applicant for the lot numbers because
they were not indicated on the plot plan submitted.

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Bill Colbath: Asked which lots are using right-of-way.

Atty. Dunnington showed each Board member which lots would be using right-of-way and their numbers.

Chris Jacobs: Asked how lots were created that are currently using the right-of-way.

Atty. Dunnington: Property developed prior to current zoning.

Chris Jacobs: Asked why Ms. Karabelas was not pursuing the normal process of a sub-division.

Atty. Dunnington: A variance would be necessary prior to a sub-division due to the lack of required frontage.

Tom Clark: Agreed that this is a typical request.

Dave Paolini: Asked why the line was placed right above the right-of-way.

Atty Dunnington: Seems to be logical place for the sub-division.

Dave Paolini asked Steve Stancel how the Planning Board would look at this sub-division.

Steve Stancel: Minimum for a right-of-way is 30 feet with a minimum of 16 feet width for a road. Work would have to be done on the right-of-way.

Dave Paolini made a motion to accept the case.

Chris Jacobs: Not to accept due to the following concerns:

1. lack of a survey
2. is it a buildable lot?
3. services to lot
4. already 3 lots on one private drive

Chris Jacobs: Made a motion to table or provide more information. Also a site walk will be necessary.

Steve Stancel: Conservation Commission and Technical Review Committee will need to review prior to case return to ZBA.

Case was accepted and open to public comments.

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Stan Trask: The right-of-way is not a City street and not maintained by the City. Stan has been the only one maintaining the right-of-way and it has cost him from \$700 to \$800 a year. The rain washes out the hill. If there is further development, the right-of-way would have to be improved. Who will pay for it?

Marge Drake: Stan Trask's daughter, occupies one of Stan's 2 lots. Stan's vehicles must go on her lot to turn around and leave or park on her lot because there is not enough room on the road. Would not want more vehicles turning on her lot than do now. In order to widen the right-of-way, her garage would have to be removed.

Steve Stancel: Concerns of Conservation Commission, City Engineer and Fire Dept. This is located in R-12 Zone which allows a potential of 16 future units off this right-of-way. Conservation Commission will be concerned not only with water and wetlands but slopes.

Atty. Dunnington: Unless a variance is granted, cannot explore developing the back lot and widening the right-of-way so that house lots would not be used for turn around.

Tom Clark: Technical Review Committee meeting, Conservation Commission and site walk would be necessary before the June meeting.

PUBLIC HEARING CLOSED

Chris Jacobs: Made a motion to table case to the June 19, 1992 meeting and have applicant meet with the Conservation Commission, Technical Review Committee and have a site walk prior to meeting.

Brenda Whitmore seconded
VOTE U/A

Chris Jacobs: Requested wording for right-of-way from Atty. Dunnington. No notice will be sent to abutters of next meeting.

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ITEM 4. *H92-6, Cheryl McEleney, 343 Dover Pt. Rd. a/k/a Assessor's Map L, Lot 55, zoned R-20, requests a variance from (1) the terms of Article V, Section 170-16, to construct additions (side and 2nd. floor) within twenty (20) feet of a front property line where thirty-five (35) feet is required, and (2) the terms of Article X, Section 170-41.A. to increase a non-conforming structure.

Tom Clark: Clarified the request - not entire new second floor.

Cheryl McEleney: When applied for and received the Building Permit, didn't know that going up was a violation. Discussed plans with Ted Evans, Electrical Inspector, and the Fire Department. Thought that what was done was ok. House is 160 years old and is average of all homes on this street. It cannot conform to today's zoning.

Chris Jacobs: Asked Tom Clark how Building Permit was obtained.

Tom Clark: the problem came to light during reconstruction of roof and addition. Due to rotted roof, reconstruction of existing roof was necessary.

Dean Trefethen made the motion to accept the case.
Dave Paolini seconded

NO COMMENTS

Chris Jacobs made the motion to grant the variance.
Dean Trefethen seconded
VOTE U/A

ITEM #5. *H92-7, Charles Arvenitis, 72 County Farm Rd., a/k/a Assessor's Map E, Lot 32-B, zoned R-50, requests a variance from (1) the terms of Article V, Section 170-16 to construct an attached deck and stairway within thirty-eight (38) feet of a front property line where fifty (50) feet is required, and (2) the terms of Article X, Section 170-41.A, to increase a non-conforming structure.

Charles Arvenitis: Building is 20 years old and different than buildings in area.

Dean Trefethen: Asked if the door on County Farm Rd. 50 feet from property line.

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Charles Arvenitis: 40 to 45 feet.

Chris Jacobs made a motion to accept the case.
Dave Paolini seconded
VOTE U/A

Chris Jacobs: Questioned other options such as stairs inside or a dormer and walkway.

Dean Trefethen: Doesn't see a hardship. There are other possibilities that do not require a variance. Why does deck and stairs need to be in this place?

Steve Stancel: Door now is 5 X 6. Would need to be changed and shifted.

Charles Arvenitis: This would be difficult to do.

Steve Stancel: Three feet into the setback is allowed. The deck can be at 47 feet. There is no hardship.

Dean Trefethen: Asked what the purpose of the door is.

Charles Arvenitis: For access to second floor.

Tom Clark: One principle means of egress needs exterior exit somewhere.

Brenda Whitmore: Asked if this is for an apartment.

Charles Arvenitis: Yes - for himself.

Brenda Whitmore: Asked if deck can be on back of house.

Charles Arvenitis: Not prudent due to the design of the building.

Steve Stancel: Because Zoning was different when house was constructed is not a good argument. Hardship is required.

Discussion was held between Board members as to the problems of reconstruction.

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Chris Jacobs: Sees no problem with deck and stairs and use of building as a home. If it was for an addition there would be a problem, but not for a deck.

Dave Paolin: No problem with deck.

Brenda Whitmore: No problem with deck.

Dean Trefethen - opposed

VOTE; One opposed, 4 Approved

MEETING ADJOURNED

SECRETARY'S NOTE; Due to a malfunction in the recording system, there is no tape recording of this meeting.