

TOWN OF SOMERS ZONING BOARD of APPEALS COMMISSION

REGULAR MEETING MINUTES

Tuesday August 13, 2013

7:30 p.m.

TOWN HALL

CALL TO ORDER

The meeting was called to order by Chairman Robert Minch at 7:31 p.m. Attending members were Vice-Chair Barbara Flebotte, alternate BJ Ferro III, members Lucas Cherry, Doug Stebbins, and Dean Hills.

Absent: Jerome Young

Audience: Thomas Chagnon, Amy Chagnon, Scott McCarthy

I. PUBLIC HEARING

(a) 57 Baily Lane: Thomas & Amy Chagnon

The legal notice was read into record. Proof of notification of abutters was provided. Chairman Minch asked the applicants to state the hardship. The applicants stated that the irregular shape of the lot and the leach field setback requirements in the rear of the house did not leave enough room in the front of the house to construct a functional porch with the current 50' front setback requirement. A property map was provided with the application. The Chagnons presented the board with photos of what the proposed porch would look like. The chairman noted that he visited the site and that there are no line of sight issues. Chairman Minch asked if there were any questions from the members. Ms. Flebotte asked what neighbors were specifically notified. This was clarified. Mrs. Chagnon made the point that she is only asking for the minimum of 3 feet variance and the porch will be similar to other homes in the neighborhood. Scott McCarthy, an abutter, stated he had no objections to variance request.

II. PUBLIC HEARING DISCUSSION/DECISION

(a) 57 Bailey Lane: Thomas & Amy Chagnon

Vice-Chair Member Flebotte noted that the request seemed minimal. Alternate B.J. Ferro concurred. Chairman Minch reiterated he visited the location and confirmed a porch would not impede the view of traffic in any way. A motion was made (Hills) and seconded (Stebbins) to end discussion and vote on the application.

The board voted unanimously for approval.

III. NEW BUSINESS

NONE

IV. UNFINISHED BUSINESS

(a) Chairman Minch commended Dean Hills on his efforts to collect zoning by-laws from several towns. Chairman Minch felt the list was very comprehensive. Vice-Chair Flebotte mentioned that she had made some edits to his draft that she feels are important to include. Some discussion ensued. Dean Hills stated he would make the changes to the draft and forward the document to Chairman Minch, who would have the Town Attorney review it. If the draft meets the Town Attorney's approval, the board would vote on adoption at its next meeting. Keep under Unfinished Business.

(b) Chairman Minch brought up the potential of an established time limit from when an application is approved to the time the permit is pulled. The concern is that a delay between the approval and the time of the permit may present challenges with an extended lapse of time. Chairman Minch stated that the Zoning Board discussed the issue and did not want to change the zoning regulations at this time, but that ZBA could institute time limits on its own. The chair read from the zoning regulations handbook, section 214-105. These regulations spoke to the expiration of permits to make the point that expiration times are applicable. Vice-Chair Flebotte stated that she is not a completely comfortable with the idea of an expiration of a variance that historically runs *with the land* as defined in state statutes. Secretary Hills stated that he also has reservations. Chairman Minch offered to create a proposal for members to act upon at next meeting. Keep under Unfinished Business.

VI. APPROVAL OF MINUTES

July 9th, 2013 Regular Meeting Minutes.

Page 2, Section 4, Paragraph 3

Change to read: Vice-Chairman Flebotte was concerned that the proposed garage didn't meet either the current 25' **setback** standard or the previous 15' **setback** standard.

A motion was made (Cherry) and seconded (Stebbins) to accept the July 9, 2013 Regular Meeting minutes as amended. Motion passed unanimously.

V. ADJOURNMENT

B.J. Ferro III made a motion to adjourn the meeting 8:36 p.m., seconded by Lucas Cherry. *All in favor. Motion carried.*

Respectfully Submitted,

Stephanie Benson
Recording Secretary

NOTE: These minutes are not considered official until approved at the next subsequent meeting.

