



Zoning Board of Adjustment Meeting
Monday, December 4, 2017, 7:00 PM
City Hall Council Chambers

MINUTES
Approved April 2, 2018

Call to Order by the Chair

Mr. Hurd called the meeting to order and asked for a roll call.

I. Attendance/Roll Call

Present & Participating: Richard Collins, Carolyn Towle, James Petrin, Michael Hurd, Tracy Pope, Patrick Howe

Absent: Abigail Kier

City Staff: Michael McCrory, City Planner

II. Minutes of Previous Meeting - November 6, 2017

Motion: To approve the minutes

Made by: Mrs. Towle **Second:** Mr. Collins

Vote: Unanimous in favor

III. Old Business

Mr. Hurd asked Mr. Howe to sit in for Mrs. Kier for applications #ZO 2017-00022, 00023.

A. (ZO 2017-00022) James & Ellen Feleen, 203 Mulberry Street: Application for variances to permit construction of an addition to the garage within the front setbacks at **203 Mulberry Street.** Tax Map 143, Lot 33. Zone: R1

Mr. McCrory informed the Board that the applicant requested a continuance to the next hearing in January 2018. He has hired a surveyor to assist in determining property boundaries.

Motion: To continue this to January 3, 2018 and give the applicant time to submit additional information.

Made by: Mr. Collins **Second:** Mrs. Towle

Vote: Unanimous in favor

Mrs. Towle recused herself from sitting for application #ZO 2017-00023.

B. (ZO 2017-00023) Thomas Hutchins, 2 Stewart Avenue: Application for a variance to permit construction of a garage within the front setback at **2 Stewart Avenue.** Tax Map 159, Lot 10. Zone: RR

Mr. McCrory informed the Board that the applicant requested a continuance to the next hearing in January 2018. He has hired a surveyor to assist in determining property boundaries.

Motion: To continue this to January 3, 2018 and give the applicant time to submit additional information.

Made by: Mr. Collins **Second:** Mr. Petrin

Vote: Unanimous in favor

IV. New Business

Amendments to the ZBA Rules of Procedure

Mr. McCrory reviewed the plan to restart the process of updating and amending the Rules of Procedure (Rules) now that the City's update to the Master Plan is nearly complete. The focus on the Master Plan over the last year delayed completion of the Rules. The Board received copies of the December 30, 2016 working draft of the Rules for reference.

Mr. Hurd asked if the draft they have reflect the comments and changes made during the last hearing and comments. Mr. McCrory responded the Rules need to be updated to ensure the last round of comments were incorporated and to ensure other necessary amendments are included. He noted he attended a recent law lecture series that illuminated the need for some additional changes to the Rules not considered in the last review round.

Mrs. Towle asked about the Secretary position identified in the Rules, which has been vacant for some time and when the City will fill the position. It is important to have staff present at meetings. Mr. McCrory responded that the City has had difficulty filling that position over the years. At this time the City's approach is to record the meeting and have City staff review the recordings and develop the minutes.

Mr. Hurd understood that it is required to have a secretary physically present at the hearing. Mrs. Towle recalled one time when the City Attorney asked for Mrs. Towle's notes when there was an appeal that went to court. Mr. McCrory responded that he was not aware of any statutory requirement to have a Secretary present, but he would check.

The Board will review the Rules at the next meeting in January and a revised draft of the document, with changes to the text marked as needed, will be shared with the Board for the next meeting.

V. Communications

The Board has received the latest issue of *Town and City* magazine.

VI. Other Business

Members of the Board inquired about the status of certain past cases and zoning issues:

1. Leo Roy, 716 Washington Street: Variance received to process the asphalt pile, but no action has been taken, yet.
2. Scott Lacillade, 83 Case Hill Road: Variance approval compliance and site maintenance.
3. Ian Gates, 8 Bessie Ave: Status since denial of the Appeal of the Administrative Decision.

4. 302 Plains Road: Keeping of livestock in an area not zoned for such use.

Mr. McCrory said he would review these cases and report back to the Board.

VII. Adjournment

Motion: To adjourn the meeting

Made by: Mr. Petrin **Second:** Mrs. Towle

Vote: Unanimous in favor

Respectfully submitted,

Michael McCrory