

May 18, 2009

Present: Ralph Averill, David Owen, Valerie Friedman

Alternates Present: A.J. DuBois, Andy Shapiro, Harry Wyant

Absent: Gary Fitzherbert, Lou Abella,

Staff Present: Janet Hill, Shelley White

Others Present: Jeff Anderson, Simone Rourk, Carol Sinnot, Residents

Mr. Owen called the meeting to order at 7:34 pm.

PUBLIC HEARING (S)

Seated: Mr. Owen, Mr. Averill, Ms. Friedman, Mr. Wyant, Mr. Shapiro

Morrissey (Hermans/14 Hinckley Road/Special Permit: Section 4.4.15, 12.6.1.c/General Home Occupation/ Holistic Veterinary Consulting Office:

Ms. Friedman read the legal notice published in Voices on 5/6/09 & 5/13/09. Mr. Owen read the list of documents on file for this application. Dr. Hermans explained 80% of her business is executed by phone and email and she has scheduled appointments 3 to 4 days a week and only 1 to 2 clients a day. She explained that she has one part time employee. She stated there would not be any changes to the outside of the building and no sign. She operates a consulting practice, not a veterinary hospital. Mr. Owen asked if she would be boarding animals. There was a letter submitted to the Zoning Commission, from neighbor, Danny Pring, dated 5-18-09, expressing a concern that installation of dog runs or kennels will disturb the root system of an old Maple tree between the two backyards. Dr. Hermans stated she does not board animals and her business does not need kennels. She submitted pictures of her current office. Ms. Hill stated that kennels are irrelevant because they are not part of this application. Dr. Hermans submitted her appointment schedule for the month of May 2009 and photos of her current office. Ms. Carol Sinnot of 15 Hinckley Road asked if the permit is limited to what is on the application and limited to the current owner. Ms. Hill confirmed that the permit is limited to what is indicated on the application and the supporting information provided at the time of the public hearing and to that specific owner. Mr. Jeff Anderson of Hinckley Road asked what would happen if there were more office visits and deliveries than indicated with the Special Permit Application. Mr. Owen stated if there was an increase in visits and deliveries than what has been indicated with this application it would become Zoning Enforcement issue. Mr. Anderson asked Dr. Hermans about her evening office hours as indicated on her website. Dr. Hermans stated evening hours are mostly by telephone and occasionally an office visit if needed. Mr. Owen asked if there were any more questions from the public.

Motion: to close the Public Hearing to consider the Special Permit Application submitted by Morrissey (Hermans)/ 14 Hinckley Road/ Section 4.4.15, 12.6.1.c/General Home Occupation/Holistic Veterinary Consulting Office, by David Owen, seconded by Mr. Averill, by 6-0 vote.

REGULAR MEETING

Regular Business

Mr. Owen called the Regular Meeting to order at 7:45 pm

Seated: Mr. Owen, Mr. Averill, Ms. Friedman, Mr. Wyant, Mr. Shapiro

Consideration of the Minutes

Corrections:

Page 1

Under Public Hearing(s), the 25th line in the paragraph should read: Mr. Owen stated the proposal does not include closing off the existing driveway on Mygatt Road.

Page 3

Under Preliminary Discussion/Farmers Markets: 3rd line should read: 2) Past discussion of a proposed flea market next to the convenience store on Route 202.

14th line delete: There was ain that location.

Under 1) Windmills: 1st line should read: Mr. Owen stated that he believed the question regarding windmills was resolved at last months Zoning Meeting.

Motion: to accept the Zoning Meeting Minutes of April 27, 2009 as corrected, by Mr. Owen, seconded by Mr. Averill, by 5-0 vote.

Pending Applications

Morrissey (Hermans/14 Hinckley Road/Special Permit: Section 4.4.15, 12.6.1.c/General Home Occupation/ Holistic Veterinary Consulting Office:

Mr. Owen stated he was comfortable with the application and asked if any of the commissioners had any questions or issues.

Motion: to approve the Special Permit Application: Section 4.4.15, 12.6.1.c submitted by Morrissey (Hermans) for General Home Occupation/Holistic Veterinary Consulting Office at 14 Hinckley Road, by Mr. Owen, seconded by Mr. Averill, by 6-0 vote

New Applications

Mr. Brian Neff, Engineer was present to discuss this new application. He stated the Harrisons would like to construct a 2nd story accessory apartment above the detached 2-car garage and an addition on the rear of the garage. Mr. Neff stated the applicants have received both Health and Inland Wetlands approval. Ms. Hill stated the applicant would need to submit a letter that states they will be residing on the premises for the duration of the permit.

Motion: to schedule a Public Hearing on June 22, 2009 to consider the Special Permit application: Submitted by Harrison/19 Kielwasser Road/Section 13.11/Detached accessory apartment, by Mr. Owen, seconded by Mr. Wyant, by 6-0 vote.

Other Business Possible Revision of the Zoning Regulations: Addition of Section 17.5.A.3/Special Exceptions for Section 12.1.1 under specific circumstances:

Ms. Hill explained the history of Zoning Regulation Section 17.5. The commissioners discussed the proposed language. Mr. Shapiro stated it should follow the same format as the existing regulations. He read his proposed language for the addition of section 17.5.A.3. The Zoning Commission agreed with Mr. Shapiro's changes. Ms. White will submit Mr. Shapiro's proposed changes to the language of the regulation at the ZBA Meeting on May 22 for approval. Mr. Owen stated that if ZBA agrees with the changes, the language should be sent to Atty. Zizka.

Privilege of the Floor

Mr. Averill referred to Mr. Ajello's ZEO report dated 5/18/09 regarding the subject of stonewalls. He asked how boundary line stonewalls and stonewalls along the roads are being regulated. There was a discussion about the laws regarding removing stonewalls. Ms. Hill stated she would look in to the subject.

Communications

5/5/09 Memorandum of Decision/ Cappuccio V. Zoning Commission:

Ms. Hill read her Administrative Report dated 5/18/09.

Ms. Hill distributed "Ten Tips For New Commissioners."

Enforcement

The Zoning Commission read the 5/18/09 ZEO report.

Adjournment

Motion: to adjourn at 8:15 pm by Mr. Owen, seconded by Mr. Wyant, by 5-0 vote

FILED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk