

## May 23, 2011

**Present:** David Owen, Ray Reich, Gary Fitzherbert, Ralph Averill

**Alternates Present:** Andy Shapiro, Harry Wyant,

**Absent:** Lou Abella, A.J. Dubois, Alt.

**Staff Present:** Janet Hill, Shelley White

**Others Present:** Ms. Laverge, Mr. Talbot, Architect, Mr. Neff, Engineer

Mr. Owen called the meeting to order at 7:30 p.m.

### PUBLIC HEARINGS

Seated: Mr. Owen, Mr. Reich, Mr. Fitzherbert, Mr. Averill, Mr. Wyant, Alt.

#### Laverge/226 Bee Brook Road/Special Permit: Section 13.11.3/Detached Accessory Apartment:

Mr. Fitzherbert read the legal notice published in Voices on May 11 and May 18, 2011 and the list of contents in the file. Ms. Laverge and the Commission looked at the map titled Septic System Design, prepared for Regine Laverge, by Hrica Associates LLC, dated 7/2/07. Ms. Laverge discussed the location of the existing house, driveway and the proposed barn. The Commission looked at the map titled Lot Line Revision, prepared for Regine Laverge, by T. Michael Alex, Surveyor, with revision date of 3/5/07. Ms. Laverge stated that the deck indicated on the Septic System Design map would not be constructed at this time. Ms. Hill stated that this application was complete and that she did not have any further questions. Mr. Reich asked if any neighbors would be able to see the new structure. Ms. Laverge stated that she did not think so but that there is a possibility that one neighbor, under certain circumstances in the winter, may be able to see a small portion of the structure. There were no further questions or comments.

#### Motion:

to close the Public Hearing to consider the application for Laverge/226 Bee Brook Road/Special Permit: 13.11.3/Detached Accessory Apartment,  
by Mr. Owen, seconded by Mr. Averill, passed by 5-0 vote.

#### Doherty/214 Calhoun Street/Special Permit: Section 13.11.3/Detached Accessory Apartment:

Mr. Fitzherbert read the legal notice published in Voices on May 11 and May 18, 2011 and the list of contents in the file. Mr. Talbot submitted a letter of authorization, a copy of an email that states that the property owner will reside on the premises during the duration of the permit, and drawings titled Homestead Site Plan and Zoning Notes, sheet SP.101 and Existing & Proposed Site Plans, sheet HD.BC.0, both dated May 23, 2011 by Peter Talbot Architects. Mr. Talbot displayed an aerial photograph of the property. The Commission and Mr. Talbot looked at the Existing & Proposed Site Plans sheet HD.BC.0. Mr. Talbot stated that the proposed plan is to turn the existing guesthouse into a pool house and put a guesthouse into the existing barn and he and the Commission looked at the drawing titled Proposed Guest House Floor Plans, sheet HD.GH.1 by Peter Talbot Architects, dated March 18, 2011. Mr. Talbot stated that there are four separate off road parking areas on the property and no main driveway. He stated that the property owners would like to maintain these parking areas to maintain the characteristics of the farm. The Commission and Mr. Talbot discussed the purpose of the Section 13.11.3.h, which states, "The

apartment shall utilize the same driveway as the principal use.” Mr. Talbot stated that the proposed barn would be dismantled; a new foundation would be built and the barn would be rebuilt in the existing footprint with the exception of a six foot bump out on the north side of the barn and a 1-foot increase to the pitch of the roof. He stated that the Historic District Commission approved these minor changes and that in the future the property owners are planning an addition that would be approximately 1,000 sq. ft. to the main dwelling that is currently 1,864 sq. ft. Mr. Talbot discussed the possibility of creating a driveway on the western side of the main house. The Commission agreed that this location for a driveway would not meet the criteria for an accessory apartment. The Commission and Mr. Talbot had a lengthy discussion regarding the location of a future driveway and how it relates to the future addition to the main house, curb cuts and parking. Mr. Owen stated that a new driveway would have to be balanced between the main house and the accessory apartment. Mr. Averill stated that he agrees with Mr. Owen. Mr. Talbot stated that he would reconsider options for a future driveway. The Commission and Mr. Talbot agreed to eliminate the parking area on the east side of the barn. Mr. Talbot indicated this deletion by hand on sheet HD.BC.0 and initialed the changed on the drawing. There were no further questions or comments.

**Motion:**

to close the Public Hearing to consider the application for Doherty/214 Calhoun Street/Special Permit: Section 13.11.3/Detached Accessory Apartment,  
by Mr. Fitzherbert, seconded by Mr. Averill, passed by 5-0 vote.

## **REGULAR MEETING**

### **Consideration of the Minutes**

The minutes of the April 25, 2011 Zoning Commission Meeting were considered.

**Motion:**

to accept the Zoning Meeting Minutes of April 25, 2011, as submitted,  
by Mr. Owen, seconded by Mr. Reich, passed by 5-0 vote.

### **Pending Application(s)**

#### Laverge/226 Bee Brook Road/Special Permit: Section 13.11.3/Detached Accessory Apartment:

The Commission considered the application submitted by Ms. Laverge. There where no further discussions.

**Motion:**

to approve the application for Laverge/226 Bee Brook Road/Special Permit: 13.11.3/Detached Accessory Apartment,  
by Mr. Owen, seconded by Mr. Averill, passed by 5-0 vote.

#### Doherty/214 Calhoun Street/Special Permit: Section 13.11.3/Detached Accessory Apartment:

The Commission considered the application submitted by Mr. and Mrs. Doherty. There were no further discussions.

**Motion:**

to approve the application for Doherty/214 Calhoun Street/Special Permit: Section 13.11.3/Detached Accessory Apartment per amended plan signed and dated 5-23-11,  
by Mr. Fitzherbert, seconded by Mr. Averill, passed by 5-0 vote.

**New Application(s)**

Berg/148A Whittlesey Road/Special Permit: Section 13.11.3/Detached Accessory Apartment:

Mr. Neff and the Commission looked at the proposed Site Plan. The Commission scheduled a Public Hearing.

**Motion:**

to schedule a Public Hearing for the next regular Zoning Commission Meeting on June 27, 2011 at Bryan Memorial Town Hall in the Land Use Meeting Room to consider the application for Berg /148A Whittlesey Road/Special Permit: Section 13.11.3/Detached Accessory Apartment,  
by Mr. Owen, seconded by Mr. Fitzherbert, passed by 5-0 vote.

**Other Business**

Revision of Zoning Regulations t/Proposed Section 17.8: Expansion of Grandfathered Non Conforming Uses by Special Permit:

A Public Hearing has been scheduled for 6/27/11.

**Privilege of the Floor**

No one was present from the public.

**Communications**

Mr. Owen stated that in April of this year the State Court ruled that alternate commission members are allowed to participate in a public hearing if they are not seated but they are not allowed to participate in deliberations unless they are seated. The Commission discussed the interpretation of the law.

**Zoning Enforcement**

There were no issues to report.

**Adjournment**

**Motion:**

to adjourn at 8:50 pm. by Mr. Fitzherbert, seconded by Mr. Averill, passed by 5-0 vote.

Mr. Owen adjourned the meeting.

**SUBMITTED SUBJECT TO APPROVAL:**

Shelley White, Land Use Clerk