



TOWN OF MIDDLEBURY

Zoning Board of Appeals

MINUTES ZONING BOARD OF APPEALS MEETING Tuesday, January 7, 2014 – 7:30 p.m. Town Hall Conference Room

Present:

Ken Long
Bill Bellotti
Brian Proulx
Linda Herrmann, Alternate
D.J. Mahaney, Alternate
Bernie Evans, Alternate

Also Present: Curtis Bosco, Zoning Enforcement Officer

Rachel Primus, Recording Clerk
Susan Tracy, Applicant

Excused

Absent: David Alley, Chairman
Ray Caruso

Call to Order with Pledge of Allegiance

The meeting was called to order by Bill Bellotti at 7:30 p.m.

Seating with Regular Members

The regular members present were seated. Mr. Bellotti seated Linda Herrmann and Bernie Evans as regular voting members.

Approval of December 4, 2013 Zoning Board of Appeals Meeting Minutes

VOTED: Unanimously with a motion by Ken Long and seconded by Linda Herrmann to **APPROVE** the December 4, 2013 minutes as submitted.

Public Hearings

Bill Bellotti read the notice of Public Hearing into the record. He noted that the applicant for Appeal #3163, Scott Tedesco, was not present.

Appeal #3163- Scott Tedesco of 64 Janet Drive - is seeking a variance of Section 11 of the Middlebury Zoning Regulations to construct an inground swimming pool. The proposed pool will exceed the maximum 10% lot coverage provision. The applicant states the hardship is up zoning.

The Public Hearing was not opened at this meeting and will open at the February 5, 2014 meeting.

Appeal #3164 - Susan Tracy of 294 Porter Avenue -- is seeking a variance to Section 11 of the Zoning Regulations to erect a 10 x10ft storage shed which does not meet the side line distance requirement.

Susan Tracy showed the map from last month's meeting which shows the area where the proposed 10x10 shed would be placed behind the fence. Brian Proulx asked if the fence was up. Ms. Tracy said that half of it was up, and that it looked good. Mr. Bellotti opened the meeting for public comment.

Rosemarie Manuel, 284 Porter Ave, stated the engineered map that shows the shed drawn in by hand was incorrect. How it is drawn doesn't provide enough space. Ms. Tracy showed Ms. Manuel her hand drawn plan which shows the placement better. Rosemarie stated the shed can't be placed in front of the pool like it is shown on the engineered plan. Curt Bosco noted he asked the applicant to submit an engineered plan to the board which would be more exact. Mr. Proulx stated they are asking for this because the hand drawn sketch of the shed is in the wrong spot. Ken Long asked what the setback requirements for a shed were. Mr. Bosco stated the regulations require 15ft from sidelines if the shed is in the backyard, this shed is not in the backyard. It is required to be 25ft from the sideline because this property is in an RA40 zone. DJ Mahaney asked if there was anywhere else on the lot the shed could be placed within the required setbacks. Ms. Tracy stated there are hills surrounding her lot and a rock wall in the back. The only other available spot would be the driveway. Mr. Long asked what the purpose of the shed would be. Susan stated it would hold the pool supplies. DJ Mahaney asked about the greenhouse referenced on the application. Susan answered that the shed would also be a greenhouse with a glass wall on the side where she could grow plants. Bill Bellotti requested that the shed be plotted on the surveyed plans. He stated they could not make a decision without it. He asked that they flag where the shed would be located on the lot. Mr. Proulx also noted that the hand drawn sketch Ms. Tracy provided has incorrect measurements on it. He also noted that there was one of the applicants neighbors present asking the plans to show where the shed would be.

VOTED: Unanimously on a motion by Linda Herrmann and seconded by Ken Long to **CONTINUE** the Public Hearing to the February meeting.

New Applications

There were no new applications.

New Business

There was no new business.

Other Business

None

Correspondence

None.

Adjournment

VOTED: Unanimously on a motion by Ken Long and seconded by Linda Herrmann to adjourn the meeting at 7:50 p.m.

These minutes are submitted subject to approval.

Respectfully submitted,
Rachel Primus
Recording Clerk

ZBA Members

CC: Town Clerk, Barbara Whitaker, Z.E.O., Scott Tedesco, Susan Tracy