

Unified Planning/Zoning Board of Adjustments Meeting  
June 16, 2008

The meeting was called to order by chairman, Ken Cassidy, and the pledge of allegiance recited.

Roll call was taken with the following members present: Mr. Buccellato, Mr. Cassidy, Mr. Mendes, Mr. Montfort, Ms. Rinear, and Mr. Shea. Members absent were: Ms. DeYoung, Mr. Dolan, and Mr. Saporito. Ms. Malanga was the only alternate that was present and the other alternate, Mr. Gallego, was absent.

The first application was Mrs. Paula Murray Block 59, Lot 9

Mr. and Mrs. Murray of 2 Miriam Drive were sworn in. There was a problem with the notices and the application was carried to tonight for a special meeting at 7pm. The survey was marked for exhibit. The application is for an above ground 18' swimming pool and they are here for a variance for that due to lot coverage. The lot coverage should be 35% max and this would be 38%. They have previously enclosed their porch and put on an addition.

Board questions-

Mr. Shea asked if the pool would be fenced in and the applicant said yes, they had put up the fence over a year ago.

Public questions-

Ms. Achenberg, executrix and heir representing Sophie Granat estate, of Miriam Drive was sworn in. She has a letter of objection with a photo of the property marked for exhibit. She has an objection to the variance due to the zoning law referencing the maximum lot coverage. She stated there is only a small area of uncovered land now because they have a shed, patio, addition and now they want a pool. She also stated that the front and side yard setbacks do not conform to Schedule A. She also complained that the last variance granted to the applicants did not reference what zoning code to the residents. She also believes this will adversely affect her property value. She asked the board to promote a desirable environment for residents and conform to open space law. She said last time the residents also did not know the lot coverage issue and here it is again.

Board questions-

Mr. Shea asked if the patio is considered part of the lot coverage and could it affect the drainage. Mr. Irene asked if the shed could be moved and the applicant said yes the shed is not permanent. They also stated that the pool would be graded down so drainage should be all right.

Public Comments-

Ms. Achenberg said the zoning officer told her that a shed is considered a permanent fixture. She also believes the soil in the area will be adversely affected by the pool.

Mr. Buccellato made a motion to approve the application and Mr. Mendes second. The board voted with all members in favor.

Ms. Achenberg asked about the right to appeal and Mr. Irene said she has 45 days to do so.

Resolutions-

Grippi Resolution- Mr. Montfort made a motion and Ms. Rinear second. The following roll call vote was taken: Mr. Buccellato-yes, Mr. Cassidy-yes, Mr. Mendes-yes, Mr. Montfort-yes, Ms. Rinear-yes, and Mr. Shea-yes.

Other Business-

Mr. Cassidy reminded the board that their financial disclosures were due by today.

Mr. Buccellato said that Mr. Quinn, the zoning officer, would like the planning board to accept above ground pools. Mr. Irene said that they would have to change the lot coverage issue and also if it is considered a structure or not. He also said the council does the ordinance; the planning board only makes recommendations to the council. Mr. Buccellato said he would like the planning board to recommend it to the council. Mr. Irene said that he knows some towns that judge the coverage by the surface of the water, some do not include attached decks, and some limit the size of the pool that does not have to go before the board. He said that usually the planner makes those suggestions. Mr. Buccellato said that he would start with Mr. Quinn and his recommendations. The board engineer said it should only be above ground pools and not in ground that would not have to come before the board. Mr. Irene agreed but made note that really it is the above ground pools that change the aesthetics of a property and not the in ground.

Mr. Buccellato made a motion to adjourn the meeting and Mr. Cassidy second. The board voted with all members in favor. The meeting was adjourned at 7:30pm.

Respectfully submitted,

Diane Cannon  
Recording Secretary