

Zoning Board of Adjustment  
Minutes  
August 13, 2019

**Members Present:** Wayne Flynn, Chairman), Tom Dyar, Lenny Knowles, Norman Malloy and Keith Roberge (Alt)

**Members Absent:** Steve Roy

**Members Excused:** None

**Members of the Public:** Moriah Penney, Christina Zornio, Derek Croteau, John Scarinza (CEO), Brian Gilbert and Barry Cook

**Call to Order:** Meeting was called to order at 6:30 by Chairman Flynn

**Minutes of July 2, 2019** – On a motion from Lenny with a second from Norman, the board voted to approve the minutes as presented.

**Case #07-2019 – Penney – Special Exception**

Moriah Penney is planning to construct a 25' x 20' addition to the building at 42 Promenade Street to accommodate a salon in her home. She has already applied for a Home Occupation as required by the Town zoning ordinance which has been approved by CEO Scarinza. She is now ready to construct the addition which will be within the setbacks. CEO Scarinza denied the permit and Ms. Penney is seeking a Special Exception under Section 5.10F for a one-time expansion of a non-conforming use.

There was no one in attendance who wished to speak in favor or opposition to the application and Chairman Flynn closed the public hearing at 6:40 and the board entered into discussion. CEO Scarinza recommended checking with PW Director Holmes regarding the driveway on that side of the building to be sure a curb cut there would meet the requirements for site distance and would not hinder his department while plowing the sidewalks. The board completed the Finding of Facts and Special Exception worksheets. Tome Dyar made a motion to grant the application with the condition that it receives approval from the Highway Department. The motion received a second from Lenny Knowles and Chairman Flynn called for a roll call vote: Tom – Yes Lenny – Yes Norman – Yes Keith – Yes Wayne – Yes. The applicant was informed that the Special Exception was granted and that her abutters had 30 days to appeal the boards decision,

**Case #06-2019 – Zornio – Variance**

Christina Zornio is requesting a variance to build a 10' x 14' shed which will be within the setbacks. The property at 8 Corbin Ave is a small lot and the house sits approximately in the middle. The shed will be approximately 5' off the side property line. The neighbor has a garage

with a lien-to on it that is only 1' off the property line. Due to the size of the lot, there isn't enough room to situate the shed so it meets the setback requirements.

As there was no one in attendance to speak in favor or against the application Chairman Flynn closed the public hearing at 6:50 and the board entered into discussion. The board completed the Finding of Facts and the Variance worksheets. Keith Roberge made a motion to grant the variance without conditions which received a second from Lenny. Chairman Flynn called for a roll call vote: Tom – Yes Lenny – Yes Norman – Yes Keith – Yes Wayne – Yes. The applicant was informed that the variance was granted without conditions and that the neighbors had 30 days to appeal the boards decision.

#### **Case #05-2019 – Albert – Variance**

Brian Albert would like to build a 24' x 32' garage at his 50 Bangor Street property which will not meet the setbacks for that zone. His intent is to make livable area above the garage. His neighbor would like to have the garage set back 15' off the front property line. In order to accommodate that request, the garage will be turned slightly so only 1 corner will be within the 15' setback. The property floods in the rear so the garage cannot be built there. His neighbor, Dan Marcou, was the only person in attendance to speak in favor of the application. As there was no one in attendance to speak in opposition, Chairman Flynn closed the public hearing at 7:01 and the board entered into discussion. The board completed the Finding of Facts and the Variance worksheets. Keith made a motion to grant the variance with the condition that all fees be paid which received a second from Lenny. Chairman Flynn called for a roll call vote: Tom – Yes Lenny – Yes Norman – Yes Keith – Yes Wayne – Yes. The applicant was informed that the variance was granted and that his abutters had 30 days to appeal the boards decision.

#### **Case #04-2019 – Car Sum (dba Berlin City Honda) – Variance**

The applications for this case were originally received as requesting 4 new signs. The board had previously granted a variance in 2014 for what was to have been a comprehensive and final sign plan for this property. The property is actually 3 separate properties with a building that spans all three lots and is the only dealership around that has so many dealerships under one roof. As each manufacturer has certain requirements for their brand, the board felt that the property owner should submit a comprehensive sign plan in the hopes that there wouldn't be multiple variance requests and the dealerships would know exactly what they were allowed. That was accomplished in 2014. After much discussion, review of the 2014 minutes as well as the variance application from 2014, it was determined that the current sign applications had been submitted incorrectly as there were not 4 additional signs being requested. The applications should have indicated that they were removing 4 existing signs and replacing those with updated Honda signs. Based on that, the application for the variance was withdrawn by the applicant.

**New Business – None**

**Old Business** – None.

**Public Comment** – None

**Adjourn** – On a motion from Keith with a second from Norman, the board adjourned at 8:00 pm

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Michelle M. Lutz".

Michelle M. Lutz  
August 21, 2019

APPROVED MAY 19, 2020