

**TOWN OF GRANBY ZONING BOARD OF APPEALS**

**Meeting Minutes**

September 13, 2011

AGENDA: Gilmore Determination  
Chrisman/Wade Public Hearing  
Latino Public Hearing  
Regular Monthly Meeting

ROLL CALL: Peter Holmes present – Chairman  
Peter LeoGrande present/recused  
Linda Fadden present  
Sam Trepasso present  
Michael French present

ALSO PRESENT: William & Annie Gilmore, Supervisor Williamson, many neighbors of the Gilmore property, Wade Chrisman, Thomas & Rosemary Latino.

Chairman Holmes called the meeting to order at 7:00 pm and acknowledged Member Peter LeoGrande's recusal for the first order of business.

**GILMORE INTERPRETATION**

Request for Interpretation of Granby Zoning Ordinance  
Section III.A Permitted Uses

Chairman Holmes had a prepared statement and read it aloud for the record. He explained that the Town Attorney, Scott Chatfield, had attended the August 23<sup>rd</sup> meeting for the Board Members to answer any legal questions that they had and also to outline the duty of the ZBA in an Interpretation Request. Chairman Holmes further stated that the CEO's determination is based on the construction of the course – the regarding and clearing of the land, the construction of hillocks and jumps to facilitate and create a motocross race course. The construction constitutes the establishment of a recreational use which requires Site Plan Review and Approval from the Planning Board. The CEO's determination is based on the construction of the course and not the riding of the ATV's on his personal property. Chairman Holmes further stated that in rural communities ATV's are commonplace and all residents have the right to the personal use of their land.

Member Linda Fadden also had a prepared statement and read it aloud for the record. She explained that the CEO's letter stated that the alteration of the property constituted the establishment of the recreational use and that when looking at the information provided it is obvious that the landscape of the property had been purposely altered to create a motocross racecourse. The Gilmore's had stated that they had only smoothed out dangerous areas and that the burms and hills were preexisting and only emphasized by the constant running of the ATV's. The neighbors provided no actual proof of the Gilmore's altering the property; but maps, aerial photos and a visit to the property was evidence enough. Member Fadden stated that in her opinion the Gilmore's did change the landscape of the property by regarding and clearing the land

to build the course, therefore the CEO was correct in his terminology of recreational use as it pertains to this property.

Member Sam Trepasso stated that he also agreed with the CEO's determination and that after a visit to the property it was obvious that the natural land had been significantly altered to create a racecourse.

*A motion to uphold the CEO Determination that the property located at 169 Russell Road, Fulton; Tax Map # 286.00-02-15.01 is correctly classified as a Recreational Use and therefore Site Plan Approval from the Planning Board is required was moved by Chairman Peter Holmes and seconded by Board member Linda Fadden, all were in favor with no discussion, motion carried.*

*Vote:*

<i>Peter Holmes, Chairman</i>	<i>Aye</i>
<i>Linda Fadden, Member</i>	<i>Aye</i>
<i>Sam Trepasso, Member</i>	<i>Aye</i>
<i>Michael French, Member</i>	<i>Aye</i>
<i>Peter LeoGrande, Member</i>	<i>Abstained</i>

*4 Ayes, 0 Nays and 1 Abstention – MOTION APPROVED – Resolution 2011-03*

#### **PUBLIC HEARING**

**Charles Gage/Wade Chrisman – 295 Rathburn Road, Fulton  
Tax Map # 217.00-04-06**

Chairman Peter Holmes opened the Public Hearing at 7:10 pm and asked the applicant to explain his variance request. Wade Chrisman provided the Board with a letter from the property owner, Charles Gage, allowing Mr. Chrisman to represent the application on his behalf. The applicants would like to place an undersized mobile home on the property which they are purchasing from Wade's grandfather. The couple explained that they had experienced some difficult times financially and that the mobile home is only a temporary unit, they plan to build a new home in a few years. The 1986 mobile home is 784 sq ft, affordable and has many upgrades such as a shingled roof and improved wiring. The applicants also plan to build a 7' x 12' deck area that will be enclosed and is an additional 84 sq ft, totaling 868 sq ft. The required amount is 960 sq ft, a difference of 10% which is within tolerable limits. The Board Members discussed the construction of the addition and the need for it to be enclosed and a three season room (not requiring a heating system) for the square footage to be included. They also discussed that a condition for completion before winter of this year was likely and the applicants voiced the same timeline. The Hearing was opened to public comments, there were none. With no further questions or comments from the Board, Chairman Holmes closes the Hearing at 7:18 pm.

**PUBLIC HEARING**

Thomas & Rosemary Latino – 1107 State Route 48, Fulton  
Tax Map # 253.04-01-11

Chairman Holmes opened the Public Hearing at 7:18 pm and asked the applicants to explain their variance request. The Latino’s stated that they had received a Violation Notice from the Codes Office that their fence was over the required maximum height of 6 feet. CEO Rearick told them to lower the fence or appeal to the ZBA for a variance. The fence was built 17 years ago, a receipt for a professional survey completed in July 1994 to establish boundary line for placement of fence was presented to the Board. The applicants stated that they had contacted the Town in July of 1994 to get a building permit for the fence and were told that they didn’t need a permit for a fence and that the proposed location was not a problem. The violation notice 17 years later came as a surprise and they feel that they shouldn’t be held accountable after the fact, they also asked if the property is considered a grandfathered condition. Member LeoGrande stated that the fence is not noticeable, is in good repair and starts 20’ back from the road, photos provided from the applicant illustrates this as well. The Hearing was opened for public comments, there were none. With no further questions or comments from the Board, Chairman Holmes closed the Hearing at 7:25 pm.

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**REGULAR MONTHLY MEETING**

The Regular Monthly meeting was called to order at 7:26 pm.

CHRISMAN/GAGE – Chairman Holmes stated that he felt the three season room had to be a condition for approval to decrease the square footage shortage and Member Mike French agreed but asked the intention of the applicants. The Chrisman’s planned on an enclosed deck/porch anyways and they’d be willing to add whatever is required to obtain the variance. The Board Members discussed the application and were in agreement that a *motion to approve the requested 10% variance to allow for the placement of an undersized manufactured home at 295 Rathburn Road, Fulton, with the following express conditions: 1.) Construction of an enclosed 12’ x7’ three season room/addition (three season room does not require heating system); and 2.) Manufactured home to be installed, and addition to be completed in 2011. The motion is moved by Chairman Holmes and seconded by Member Linda Fadden, all were in favor by unanimous vote with no discussion, motion carried.*

Vote:

Peter Holmes, Chairman                   Aye  
Linda Fadden, Member                   Aye  
Sam Trepasso, Member                   Aye

Peter LeoGrande, Member Aye  
Michael French, Member Aye  
5 Ayes and 0 Nays – motion APPROVED – Resolution 2011-04

THOMAS & ROSEMARY LATINO – The Board Members discussed the application and were in agreement that the Violation Notice was inappropriate to send 17 years after the fence was built, and that the applicants shouldn't incur any costs to alter the fence at this time. Discussion established that the Zoning Ordinance was in effect when the fence was built and requires fencing to be at a maximum height of 6 feet, while at the same time a building permit is not required. *A motion to approve the requested Area Variance to allow the existing fence to remain on the property at the existing height of 8 feet, property is located at 1107 State Route 48, Fulton. The motion is moved by Chairman Holmes and seconded by Member Peter LeoGrande, all were in favor with no further discussion, motion carried.*

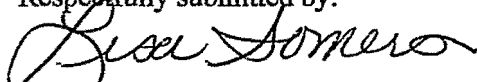
Vote:

Peter Holmes, Chairman Aye  
Linda Fadden, Member Aye  
Sam Trepasso, Member Aye  
Peter LeoGrande, Member Aye  
Michael French, Member Aye  
5 Ayes and 0 Nays – motion APPROVED – Resolution 2011-05

A motion to approve the meeting minutes for August 23, 2011 was moved by Chairman Peter Holmes and seconded by Member Linda Fadden, all were in favor, motion carried.

With no other business before the Board a motion to adjourn at 8:08 pm was moved by Member Linda Fadden and seconded by Member Michael French, all were in favor, motion carried.

Respectfully submitted by:



Lisa Somers, ZBA secretary