



TOWN of
THOMPSON
ZONING BOARD OF APPEALS

Minutes
November 9, 2015

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Dan Roy called the meeting to order at 7:00 PM in the Merrill Seney Community Room at the Town Hall.

1. Roll Call: A. David Babbitt
Kevin Beno
Kirby Cunha
Leslie Lavallee (seated as an alternate)
Ray Faucher, Sr.
Dan Roy
There was a quorum.

2. Staff Present: Alvan Hill, ZEO
Tina Fox, Recording Secretary

3. Public Hearings:
 - A. **Variance 15-13:** Jolanta T. Bugajski, Applicant and Owner of Record. For property at 36 Watson Rd. Map 15/Block 72/Lot 37C/Zone R40. Requesting variance because site development plan is showing 2.4 inch deficiency of the existing foundation.
Reason: Foundation was poured, single family home is almost complete. House built by a family with two children in Connecticut schools. 85% of building costs are in loan.
 1. Jolanta Bugajski, 32 Charlton Rd., Dudley, MA, stated that the house started being built last year and is almost completed, and that an as-built shows that the foundation requires a 2.4 inch variance at the rear corner of the foundation.
 2. K. Beno asked how it is known that the survey is accurate, and if 2.4 inches is actually measurable through an A-2 survey. A. Hill explained that an A-2 survey is accurate plus or minus one quarter of an inch.
 3. D. Roy stated that A. Hill submitted a hand written drawing indicating that the overhang of the building could project out at least another 12 inches. A. Hill agreed that the variance would need to be at least a foot because of the additional overhang, and stated that he had requested the Building Official require the property to be staked out prior to any placement of concrete, but the Building Official refused.

4. D. Roy stated that he has a problem dealing with fractions and inches when it comes to granting variances with houses. He stated that there seems to be an 'internal' issue between Alvan Hill, Lee Post, Mary Ann Chinatti, and Donna Hall. He stated that the Board is elected officials, and they do not need to be governed with packets of information regarding issues going on at Town Hall, and the issues should not come back to the Board. He explained that he has been on the Board for more than 15 years, and they only had these issues the last year and a half or so. He added that 'we' jump through hoops for businesses and have special meetings for businesses, but the residents are walking on egg shells because there is too much stuff going on. He also stated that he speaks for himself and not the Board.
5. Jeff Bunnewith, Jamie Weiss, Samantha Weiss, and Tom Poplawski all stated that they are for this variance.
6. **Kevin Beno moved and A. David Babbitt seconded the motion to close the public hearing. The motion carried unanimously.**
7. **Kevin Beno moved and A. David Babbitt seconded the motion to accept the variance based on the present positioning of the foundation and as it stands today, and the house as it's constructed. The motion carried unanimously.**

B. **Variance 15-14:** Samantha Weiss, Applicant. Samantha and Tammy Weiss, Owners of Record. For property at 125 Stawicki Rd. Map 99/Block 43/Lot 29M/Zone RA-80. Variance requested regarding Article IX, Section 11.

Reason: 588 sq. ft. over allowable regulation.

1. Samantha Weiss, 125 Stawicki Rd., was sworn in. Jeff Bunnewith spoke on behalf of the applicant. He explained that the applicant began building the garage with an in-law apartment above and received a letter that the apartment is larger than what the Town allows. He stated that 'none of us' realized that rule, and that it's almost twice the size as the Town allows. He explained that the garage and floor were already framed.
2. Discussion as to the actual square footage of the original house ensued, specifically what number to use when calculating the 33% expansion rule. K. Beno asked what square footage is used when the house is taxed, to which A. Hill answered that that is a question for the Assessor.
3. J. Bunnewith stated that either way, the in-law apt is much more than the 33% expansion allowed, and stated that if they put a massive addition on the original house, then the in-law apartment size would be fine, or if they cut the apartment in half and used the other half as storage.
4. R. Faucher, Sr. mentioned that this would be setting a precedent, too.
5. J. Bunnewith stated that he does this in several Towns, and situations like this make him second guess if he should go through the trouble of getting the correct permits.

6. Greg Lee, 64 New Rd., stated that searching the Assessor's Database shows that 125 Stawicki Rd. has 1,684 sq. ft. of live-able space. A. Hill showed the Board that that was the number he used in his calculations.
 7. Tom Poplaski stated that when you look at the location from the street, it doesn't look like an awful lot changed, it's not an eye sore, and it still 'looks country.'
 8. Kevin Beno moved and Kirby Cunha seconded the motion to close the public hearing. The motion carried unanimously.
 9. K. Cunha stated that the in-law dimensions are a lot over the 33% allowed.
 10. K. Beno stated that he has not seen the property, but if it blends in, then he doesn't see it as detrimental, and stated that the applicant could have easily 'cheated.' A. Hill explained that the Assessor would catch any 'cheating' when they inspect every 4 years.
 11. Kevin Beno moved and A. David Babbitt seconded the motion to accept the variance as described allowing for the 33% excess live-able space; 525 square feet in excess of the 33%. The motion carried unanimously.
4. Approval of Minutes
- A. **Leslie Lavallee moved and A. David Babbitt seconded the motion to accept the October 14, 2015 minutes with the following correction:**
1. Page 4, Section 13 (B): Should state that Vice-Chairman Kevin Beno adjourned the meeting, rather than Chairman Dan Roy who was not present.
The motion carried unanimously.
5. Correspondence
- a. Sent via mail (*sent via email only)
 1. Agenda: Zoning Board of Appeals, November 9, 2015
 2. Minutes: Zoning Board of Appeals, October 14, 2015, and Planning and Zoning Commission October 26, 2015.
 3. ZEO Report: October 2015
 4. Budget Report: October 2015
 5. Dated October 16, 2015: Memo from Mary Ann Chinatti sent to Lee Post, Building Official.
 - a. D. Roy stated that he already make a comment on this earlier in the meeting, but that people in Town Hall should leave their issues there, and that should be in-house matters, not ZBA matters.
6. Applications and Appeals: None
7. Applications and Appeals Received after Agenda Posted: None
8. Old Business

9. New Business

- a. D. Roy congratulate Tom Poplaski on his election as a ZBA alternate.
- b. Approve 2016 ZBA Meeting Schedule
 1. K. Beno suggested adding alternate snow dates to the January, February, and March meeting dates. In the event that a regularly scheduled meeting is cancelled because of inclement weather, there would be an alternative date pre-scheduled to hold the meeting. The Board discussed which dates to add as snow dates.
 2. **Kevin Beno moved and Kirby Cunha seconded the motion to add snow dates for January, February and March to be the following Wednesday of each meeting. The motion carried unanimously.**

10. Citizens' Comments

11. Commissioners' Comments

12. Future Meetings

- A. Monday, December 14, 2015: Merrill Seney Community Room, Town Hall, 7:00 PM

13. Adjournment

- A. **A. David Babbitt moved and Kirby Cunha seconded the motion to adjourn. The motion carried unanimously.**
- B. Chairman Dan Roy adjourned the meeting at 7:40 PM.

Tina Fox
Recording Secretary