

**Portland Zoning Board of Appeals
July 23, 2009**

Minutes

Present: Cheryl Dion, Jim Ruitto, Ben Srb, Richard Basso

Alternate: Don Snyder, Gloria Gdovin

Staff: None

Absent: Kurt Peterson

Location: Portland Public Library

Chairperson Cheryl Dion called the meeting of the Zoning Board of Appeals to order at 7:00 p.m. on Thursday, July 23, 2009. Roll call took place.

Chairperson Dion read the Legal Notice and the Explanation of Procedures for the record.

PUBLIC HEARING:

Continuance of Application #08-14: 52 Freestone Avenue. Request for variance to ZR Section 8.1.2.A to reduce required 25 foot wide buffer to 7 foot wide buffer. Application and property of St. Mary's Church. Map 20 Lots 33, 54, 55, Zone B-2 and R10.

For the record, Ben Srb hired Frank Magnotta in the past and does not feel he has a problem with him or conflict regarding this application. Richard Basso recused himself originally; he is present at this meeting but will step out of the room as he is an employee of St. Mary's Church. Don Snyder said he attends St. Mary's Church but does not feel it impacts his decision.

Frank Magnotta, a local engineer representing the church, appeared and presented the signed affidavit for the two signs required. The application applies to one small part of the property that is close to Marlborough Street. Mr. Magnotta showed the location on a site plan and showed where the variance exists where they propose to expand the parking lot. He identified the location of the 25' buffer requirement and also the existing buffer approved in 1995. The proposed parking along the driveway cuts through 9 of the 13 parking spaces. Because of the narrowness of the property onto Marlborough Street, they are restricted in parking. In 1995, following the church fire and reconstruction, the driveway design and relocation was rebuilt as seen on the site plan. The church in recent years has experienced quite a surge in parking requirements because the town has posted "no parking" signs on the opposite side of the street. There had been three services on a Sunday and now there are only two so more people are coming to these services; therefore, the parking is becoming more intense. People coming late may park in places where they shouldn't and in places that may be unsafe.

The hardship is the fact that the piece of property that exits onto Marlborough Street is the only area available for additional parking and is so narrow that they do not have the ability to meet the regulations with the parking. They are proposing to continue and hold the original buffer of 1995 and will extend that to the end of the proposed parking.

The hardship is legitimate and is directly related to the property and dimension.

Ben Srb said that this application is similar to another application and the important question is whether this buffer will accomplish what you could with a 25' buffer. Mr. Magnotta responded that along the existing buffer, there is a house that literally touches the property. As the pine trees got large, they had to trim a lot of the lower branches that defeated the purpose of the buffer. They will use an arborvitae buffer which grows tall and narrow in a small space and will be a more solid buffer. The buffer will be much better and much more long-term than the one of 1995.

Most of the structures in that part of town do not conform to requirements because they were built before the regulations existed. They did not stretch it more to Rt. 66 because there is a sign there and they can't go beyond that. Where the pine trees stop, will be a discussion for P&Z.

Gloria Gdovin asked about the maple tree and if it stays. Mr. Magnotta said the tree will stay and it only affects one parking space. In some areas, they restriped and gained some spaces and also removed an island and did some cosmetic work to optimize parking.

Mr. Magnotta indicated that parking is difficult in many churches and in some lots, they are parking 3 or 4 cars deep.

Ben Srb made a motion to close the public hearing; Gloria Gdovin seconded it. All were in favor.

Ben Srb made a motion to approve Application #08-14: 51 Freestone Avenue. Request for variance to ZR Section 8.1.2.A to reduce required 25 foot wide buffer to 7 foot wide buffer. Application and property of St. Mary's Church. Map 20 Lots 33, 54, 55, Zone B-2 and R10, based on testimony and subject to the following hardship:

Constraints and width of the property.

There was no further discussion.

A vote was taken; all voted aye and it passed.

Application #08-15: 124 Marlborough Street. Appeal of Cease & Desist Order relative to boat storage use without site plan approval from Planning & Zoning Commission. Application of Gary Cameron. Property of 68 Marlborough Street LLC, Map 20 Lot 39 Zone B-2. **Postponed until August 27, 2009 because sign was not posted as required.**

OLD BUSINESS: None.

APPROVAL OF MINUTES: Gloria Gdovin made a motion to approve the minutes of June 2, 2009. Jim Ruitto seconded it. Ben Srb and Don Snyder abstained because they were not present. All were in favor.

NEW BUSINESS:

Chairperson Dion said this was the last meeting for Joe Budrow and he will be greatly missed. The Board wishes him good luck and hopes he will return soon.

Cheryl Dion once again asked for terms and phone numbers of the Board members. Richard Basso asked that each member have the same information so they use them in case of an emergency.

ADJOURNMENT: Cheryl Dion made a motion to adjourn. Ben Srb seconded it. All were in favor and the meeting was adjourned at 7:25 p.m.

Submitted by:

Sharon R. Hoy
Board Clerk

Cc: TC, FS, ZBA, ZEO, Book, BOS, Library