

**MINUTES OF BUSINESS MEETING  
HELD BY THE ZONING BOARD OF APPEALS  
LINCOLN CENTER HEARING ROOM  
MAY 28, 2009**

**MEMBERS PRESENT:** James Stevenson, Chair  
Kathleen Maffe, Vice Chair  
Albert Gionet, Secretary  
Robert Schneider

**ALTERNATES PRESENT:** Edward Slegeski (sitting for application #2405 and #2406;  
recused for application #2404)  
Armando Darna (sitting for application #2404)

**ABSENT:** Mark Connors  
Paul Harnois

**ALSO PRESENT:** James Davis, Zoning Enforcement Officer  
Ginger MacHattie, Recording Secretary

The Chair opened the Business meeting at 8:13 p.m.

**CONSIDERATION OF PUBLIC HEARINGS:**

**TERESA & MOISES PORRAS** – application #2405 – request a variance to Article II Section 6.01.01 to use the 3<sup>rd</sup> floor as habitable space in conjunction with a residential unit at 14 Edgerton Street, Residence C zone.

**MOTION:** Mr. Slegeski moved to approve the variance with the condition that the applicant meet all building code requirements; Ms. Maffe seconded the motion and all members voted in favor.

The reason for the approval was the space will be used in conjunction with an existing unit and there are no cooking facilities in the space.

**THOMAS J. KIBBIE** – application #2406 – request a variance to Article II Section 1.03.05(a) to allow a fence 10' in height (6' permitted) for a 40' section of a 120' fence at 27 Marshal Road, Residence A zone.

Mr. Schneider said the Board should take hardship into consideration when deciding whether or not to grant a variance. He has difficulty with this application; he does not want to set a precedence. The Zoning Board of Appeals is not here to solve feuds. He is afraid approving this fence may actually add fuel to the fire.

Ms. Maffe commented that this is a horrible situation; no matter which way the Board decides, one side will feel it has the upper hand. She urged the neighbors to either talk it over or ignore each other.

**MOTION:** Mr. Slegeski moved to deny the variance, Mr. Schneider seconded the motion and all members voted in favor.

The reason for the denial was there was no zoning hardship.

**SPHINX SHRINERS** – application #2404 – request special exception approval under Article IV Section 16 for an outdoor carnival at 334 Broad Street, General Business zone.

**MOTION:** Mr. Darna moved to approve the special exception with the condition that the carnival operates on June 10 & 11 from 6 p.m. to 11 p.m., June 12 from 6 p.m. to 12 a.m., June 13 from 12 p.m. to 12 a.m., and Sunday 12 p.m. to 11 p.m. Mr. Gionet seconded the motion and all members voted in favor.

The reason for the approval was the carnival operated at this location previously and the proposal met the special exception requirements.

**ACCEPTANCE OF NEW APPLICATIONS:**

**MADINA, LLC** – application #2407 – request special exception approval under Article IV Section 5.01.02 to expand the retail space of an existing gasoline service station and conversion to a convenience store at 262 Oakland Street, Residence A zone.

Meeting adjourned at 8:23 p.m.

I certify these minutes were adopted on the following date:

\_\_\_\_\_  
Date

\_\_\_\_\_  
James Stevenson, Chair

**NOTICE: THE CASSETTE TAPE RECORDING OF THIS BUSINESS MEETING  
CAN BE HEARD IN THE PLANNING DEPARTMENT.**

**OFFICIAL TAPE NO. 509**

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