

\*\*\*Unapproved\*\*\*

Derby Zoning Board of Adjustment \* Minutes \* May 23, 2016

**Members Present:** Paul Prue, Joe Profera, Norm Gaboriault, Richard Del Favero, Judy Nommik.

**Members Absent:** None.

**Others Present:** Paula Brochu, Mary George, Doug Spates, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to approve the minutes to the previous meeting May 9. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 16-041 by Spates Family LLC, PIN #ELMST070A6L, for conditional use approval 6 ft high fence within the front setback along Patenaude Street and for a variance for a 10 ft by 20 ft deck onto the rear of the building. The proposed deck is to be 15 ft from the rear lot line and the require rear setback is 25 ft. This property is located at 357 Elm Street and is in the Village Residential One Derby Line (VR1DL) zoning district. Mr. Spates was present to explain the request. The fence will enclose the rear and side yards. One side is along Patenaude St. and the property line as along the edge of the road. Village snow plowing is a concern and Mr. Spates stated he would install the fence 10 ft off of the edge of the road. Ms. Brochu was wondering if the fence along her property line would be on the line or off set a little. Mr. Spates said it would be a vinyl fence so there would be no need to paint it, but he would set it back a couple of feet so that he is able to mow around it. Due to the layout of the house it is not feasible to put a deck on the side of the house. If a variance is not granted a patio with steps down from the house would be their other option and doesn't require a permit. Ms. Brochu was concerned that with an elevated deck the neighbors would be looking right into her house from the deck. There were no further public comments. Judy Nommik made a motion to close application 16-041 by Spates Family LLC. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

After deliberations Judy Nommik made a motion to approve conditional use approval for application 16-041 by Spates Family LLC with the following 3 conditions: 1) The fence must be setback a minimum of 10 ft from the edge of the pavement on Patenaude Street and cannot be within the road right of way; 2) The fence must be setback a minimum of 2 ft from the south and west property lines; and 3) The Village of Derby Line is not responsible for any damage done to the fence due to snow removal operations (see attached written decision). Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Judy Nommik made a motion to approve the variance request application 16-041 by Spates Family LLC as submitted (see attached written decision). Seconded by Paul Prue. **DENIED BY A UNANIMOUS DECISION.**

7:40 PM: On a motion by Judy Nommik and seconded by Norm Gaboriault the meeting was adjourned.

*The minutes were typed by Bob Kelley.*