

**Portland Zoning Board of Appeals**  
**January 28, 2010**  
**Minutes**

**Present:** Cheryl Dion, Kurt Peterson, Richard Basso, Ben Srb

**Alternate:** Don Snyder

**Staff:** Deanna Rhodes

**Absent:** Gloria Gdovin, Jim Ruitto

**Location:** Portland Public Library

Chairperson Cheryl Dion called the meeting of the Zoning Board of Appeals to order at 7:04 p.m. on Thursday, January 28, 2010. Roll call took place. The agenda was accepted. Don Snyder was seated.

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

**PUBLIC HEARING:**

Richard Basso made a motion to open the hearing; it was seconded by Kurt Peterson. All were in favor.

**Application #09-05:** 74 Lake Road. Request for a variance to ZR Section 4.2.1 to increase lot coverage from 15.7% to 22.1% (where 12% is allowed) for a proposed 22' x 28' detached garage. Application of James Agogliati. Property of Amanda Grimm and James Agogliati, Map 26 Lot 50 Zone RR.

The applicant, James Agogliati, 74 Lake Road, appeared and said he wanted to put a detached garage on the right side of the house.

Richard Basso made the Board aware that he knew the applicant from the fire company and he is also a personal friend. For the record, Mr. Basso feels there is no conflict of interest. Ben Srb said he had dated Amanda Grimm's friend at one time but also felt there was no conflict of interest.

The applicant stated that the hardship was going over 12% of the lot coverage. Colored photos were presented to the Board. The applicant showed on a map where the well and septic is located as well as the location of the proposed garage.

Deanna Rhodes indicated that the sanitarian from the Chatham Health District did not have an issue with the application.

Amanda Agogliati, formerly Amanda Grimm, of 74 Lake Road, stated that there is a one-car garage but it does not accommodate the size of today's cars.

A lengthy discussion ensued as to the hardship and the lot coverage.

David Bordonaro, a neighbor living at 60 Great Hill Road, showed on a map where a former owner planted arborvitae. Mr. Bordonaro said if the applicant builds a garage, and the trees die, someone needs to be responsible. The buffer gives privacy and Mr. Bordonaro does not want to lose that. He has lived there for 15 years.

Amanda Grimm indicated that they wanted to preserve the trees as well and stated that they line both sides of their property.

A lengthy discussion ensued as to how the trees could be preserved. Ben Srb stated he was okay with the lot coverage but the applicant shouldn't dig within 5' of the property line to protect the shrubs. Deanna Rhodes indicated that it would not be a deed restriction but it would be on the land records as a condition of variance.

Ben Srb made a motion to close the hearing; it was seconded by Don Snyder. All were in favor.

The Board discussed the pros and cons of having a condition stated in the motion to protect the tree roots.

Don Snyder made a motion to approve Application #09-05: 74 Lake Road. Request for a variance to ZR Section 4.2.1 to increase lot coverage from 15.7% to 22.1% (where 12% is allowed) for a proposed 22' x 28' detached garage. Application of James Agogliati. Property of Amanda Grimm and James Agogliati, Map 26 Lot 50 Zone RR, based on testimony and subject to the following hardship: Existing non-conforming lot under 10,000 square feet with lot coverage requirements of one acre. Conditions: In order to protect the existing tree root structure, no garage construction excavation below grade shall be permitted within 5 feet of any property line.

Motion was seconded by Richard Basso. All were in favor and motion passed.

NEW BUSINESS: Richard Basso congratulated Jack Sterry on the November election as an alternate to the Portland Board of Appeals.

**Election:** Kurt Peterson made a motion to cast one vote to allow the standing officers. Richard Basso seconded it. All were in favor. The officers for the coming year are as follows: Chair: Cheryl Dion; Vice Chair: Ben Srb; Secretary: Kurt Peterson.

**OLD BUSINESS:** None

**APPROVAL OF SEPTEMBER & OCTOBER MINUTES:** Don Snyder stated that on Page 2, Paragraph 4 of the October 22<sup>nd</sup> minutes, it indicates he made a statement but he was absent at that meeting. The minutes should be amended to change Don's name to Jim Ruitto. Kurt Peterson made a motion to approve the minutes as amended. Richard Basso seconded it. Ben Srb and Don Snyder abstained. Richard Basso made a motion to approve the September minutes; Ben Srb seconded it and all were in favor and they were approved. Kurt Peterson abstained.

**ADJOURNMENT:** Ben Srb made a motion to adjourn. Don Snyder seconded it. All were in favor and the meeting was adjourned at 8:37 p.m.

Submitted by:

Sharon R. Hoy  
Board Clerk

Cc: TC, FS, ZBA, Book, Planner, BOS, Library, DK, Clerk

