

Town of Farmington
Board of Appeals
Monday, June 24, 2013
Minutes

Board members present were Galen Dalrymple, Sally Clark-Utans, Dennis O'Neil, Robert Vallette, Robert Yorks, and Michael Deschenes.

Others present were Code Enforcement Officer, Steve Kaiser and Code Enforcement Assistant, Jane Ford.

As the applicant, Mr. Deschenes recused himself.

1. Swear in Testifiers

Chairman Dalrymple swore in Mr. Deschenes and Mr. Kaiser

2. Michael Deschenes

269 Fairbanks Road

Variance Appeal - Application #13-AB-01

Subject Property: 261 Fairbanks Road - Map: U20 – Lot 010

Mr. Deschenes is requesting to construct a 4' x 21' wheelchair ramp to replace the 6' x 6' steps at the entrance to the above subject property in order to accommodate the physical limitations of an elderly family member. The proposed ramp will protrude 9' into the 35' front setback. Therefore, Mr. Deschenes is seeking a 9' variance of the standard 35' front setback (§11-8.9.E in the Town of Farmington Zoning Ordinance and per §3-1.8.D.3 in the Board of Appeals Ordinance).

Mr. Kaiser stated that Mr. Deschenes' request fits very nicely into the disability category. He said that he went to the site, measured everything and found out where the right-of-way was, located the setbacks, and did a sketch [which was included in the application]. He said that constructing a ramp won't work functionally anywhere else on the property except the front. He said there have been lots of ramps constructed that were able to be squeezed into tight spaces, but in this case, there is no other way but to construct it in the front of the house where the original concrete steps are located. Mr. Kaiser added that the Fairbanks Road has a wide 60' right-of-way, regarding the front setback.

Mr. Deschenes said there are two entrances, one in the back that accesses the sunroom but the steps are too high and if the ramp were to be put there, it would land in the driveway and block the entrance to the garage. He said the only place to construct the ramp would be where the concrete steps already are in the front of the house. Discussion followed regarding the width of the ramp and Mr. Deschenes said it would be narrower than the existing steps which are 6'. He said he was planning a 4' ramp which would hug the house, by a couple of inches.

Regarding ADA codes on private property, Mr. Kaiser said the width of the ramp is at Mr. Deschenes discretion but he might want to widen it for insurance purposes.

Mrs. Utans suggested that the ramp be 6' x 6' to keep the grandfathering status of the step footprint.

Mr. Kaiser said that was a good suggestion and that it would preserve the grandfathering for the future.

Mr. Vallette made a motion to approve the variance request based on 3-1.8 D. (3) of the Board of Appeals Ordinance.

Mrs. Utans seconded the motion.

Discussion followed regarding that if the variance were granted for 6' instead of the requested 4' that would add 2' to the original request of 9' into the front setback. Mr. Dalrymple suggested that the Board grant an 11' variance to cover everything and amended Mr. Yorks' motion.

Mr. Vallette seconded the amendment to the motion.

VOTE: 5 – Affirmative None opposed.
Motion granted.

Mr. Vallette announced that he would not be reapplying for another term on the Board.

3. Discussion regarding a proposed change to the “Disability Variance” section under 3-1.8 Powers and Duties in the Board of Appeals Ordinance.

Mr. Kaiser said there have been many ramps approved in the past and it might be a good idea to streamline the process. [LD 155 gives the Code Enforcement Officer the authority to approve disability variances]. Mr. Kaiser said he will send sketches to the Board whenever he does grant a disability variance to keep them updated.

Mrs. Ford said a copy of the excerpt from the Board of Appeals Ordinance was sent showing the revisions regarding disability variances and if the Board of Appeals approves these revisions, they will be forwarded to the Board of Selectmen [BOS] for a Public Hearing. She said if approved by the BOS the revised Ordinance will be on the warrant for the annual Town Meeting next March.

4. Other Business

Mr. Dalrymple suggested that the Board conduct their administrative elections at this meeting and all of the Board members agreed unanimously.

Mr. Vallett made a motion to re-nominate Mr. Dalrymple as Chairman.

Mr. Deschenes seconded the motion.

VOTE: 5 – Affirmative 1 – Abstention
Motion carried.

Mr. O'Neil made a motion to nominated Mr. Yorks as Vice Chairman.

Mr. Deschenes seconded the motion.

VOTE: 5 – Affirmative 1 – Abstention
Motion carried.

Mrs. Ford asked the Board to confirm their votes via email in July for the record and they agreed.

Mr. Dalrymple thanked Mr. Vallette for his many years of service on the Board.

There being no further business, the meeting adjourned at 6:25 P.M.

Minutes respectfully submitted by Jane Ford.