

Zoning Board of Appeals Minutes, 09/06/2017

**Zoning Board of Appeals
Minutes
September 6, 2017
Land Use Meeting Room**

Members in Attendance: Chair Cliff Snyder, (CS); Albert Harper, (AH); Ned Douglas, (ND); Clayton Hambrick, CH

Absent with notification: Ethan Berg, (EB); Robert Fuster, (RF); Shawn Leary Considine, (SLC); Robert Fuster Jr. (RFjr)

Staff present: Peggy Ammendola, Land Use Clerk, (PA); Gwen Miller, Land Use Director/Town Planner, (GM). Also present was Building Commissioner BJ Church.

Dudley Levenson (Inspired Planet), 36 Pittsfield Road, Map 17, Parcel 41, Special Permit and/or Variance from Section 7.2.3 and Section 7.2.4, install decorative banners.

Normally a sitting board consists of five members. In order for a petition to be granted, four votes are necessary. For this hearing, only four members were available so options were explained to Mr. Levenson.

- He could proceed with the four members.
- He could proceed tonight, the hearing would be continued, to allow a fifth member to listen to the audio and the vote would take place at a subsequent hearing.
- The other option is to wait until five members can be present.

Mr. Levenson expressed that he has had the flags up for 30 years and he felt they were necessary as his shop is 140+ feet from the road. Otherwise people would not know that his business was there. He was very surprised to have been notified by the Building Inspector that his flags were illegal. Mr. Levenson was advised that since the hearing had not been opened, to reserve his statements. He then agreed to wait until a later date until five members could be available. Mr. Levenson was advised that this particular situation is very technical, e.g., whether flags are considered signs and suggested that he consult an attorney.

The notice was read. CS made a motion to continue the hearing to October 4, 2017 at 7:00 PM. ND seconded the motion and the Board voted to agree 4-0.

Approve Minutes: *July 19, 2017 Tabled-Sitting were:* EB, SLC, RFjr, CS, AH

Respectfully submitted,
Peggy Ammendola