

TOWN OF STAMFORD
ZONING BOARD OF ADJUSTMENT MEETING
September 5, 2023
(UNAPPROVED)

Present: Board Members: Jean E. Kurpiel, Chair, Theodore N. Dobbert, Sheila G. Lawrence, and David Saldo.

Peter G. Grudin was not present.

Visitors: Sally Bohl, Paul Donovan, Kurt Gamari, Sheila Pecor, William Rivard, and Pamela Tworig.
Lori Shepard, Clerk.

Jean Kurpiel called the meeting to order at 6:00 p.m. and opened with the Pledge of Allegiance.

RESIGNATION

Jean Kurpiel received an email from Peter Grudin resigning from the Zoning Board of Adjustment.

MOTION by Ted Dobbert to accept the resignation of Peter Grudin with regret. SECONDED by Dave Saldo. All in favor. Motion APPROVED. The resignation will be forwarded to the Selectboard.

MINUTES

MOTION by Sheila Lawrence to accept the regular meeting minutes of April 8, 2019 as written.

SECONDED by Ted Dobbert. All in favor. Motion APPROVED.

REORGANIZATION

Sheila Lawrence would like to keep all the positions the same: Jean Kurpiel as Chair, Dave Saldo as Vice Chair, and Lori Shepard as Clerk. Jean Kurpiel offered to step down as chair if anyone was interested in serving as chair.

MOTION by Dave Saldo to nominate Jean Kurpiel as Chair. SECONDED by Ted Dobbert. All in favor. Motion APPROVED.

MOTION by Sheila Lawrence to nominate Dave Saldo as Vice Chair. SECONDED by Ted Dobbert. All in favor. Motion APPROVED.

MOTION by Jean Kurpiel to nominate Lori Shepard as Clerk. SECONDED by Sheila Lawrence. All in favor. Motion APPROVED.

The board entertained discussion on ZBA Permit #250 (Building permit application #2023-6) from Kurt and Rebecca Gamari of 870 Main Road in Stamford. Paul Donovan, Kurt Gamari, Sheila Pecor, and William Rivard were sworn in. Kurt Gamari would like to rebuild the front porch, but it won't be as large as the original porch. They tore it down because it was rotting and didn't intend to wait so long to rebuild it. It was a more formal, grand entrance to the house when it was the Baptist parsonage. Kurt Gamari showed pictures of the original porch. He would like to also have steps to the front, but could build steps to the side if the Board preferred. There was a covered porch on the back of the house that was removed. He would like to build a deck on the back of the house over the existing foundation from the porch. That project does not need a variance, but they were both listed on the same permit. Kurt and Rebecca Gamari are seeking a variance from By-law section 4.4 Dimensional Standards, to allow the front porch structure to be within the 50 foot setback requirement. Dave Saldo noted that the laws are changing for non-conforming houses and are becoming more flexible.

MOTION by Dave Saldo to grant a variance to allow the front porch and back deck. SECONDED by Ted Dobbert. All in favor. Motion APPROVED. Jean Kurpiel noted that there is still a 14 day time constraint to build.

STAMFORD SIGN

Jean Kurpiel noted that this is the first time the Zoning Board of Adjustment has been asked to provide an opinion to the Selectboard. She stated that two Selectboard members were present and they would not be able to move forward if there was a quorum of the Selectboard. Jean Kurpiel reminded everyone that they were not here to discuss whether anyone likes the sign or whether it should stay, the board is here to determine if a permit should have been and still needs to be applied for.

Jean Kurpiel noted that Lori Shepard was very clear in her thinking that a permit should have been applied for. The board was also given an email from Pam Tworig asking that the board rule that no permit is necessary. Pam Tworig was sworn in and Jean Kurpiel as Chair administered the oath to Lori Shepard. Sheila Lawrence provided copies of minutes from Selectboard meetings where the sign was discussed. Sheila Lawrence said she liked the sign, but when the matter first came to the Selectboard's attention, they should have immediately filed for a permit. Jean Kurpiel questioned whether she was making a motion that the town should file for a permit. Sheila Lawrence agreed that she was. Jean Kurpiel redirected conversation toward whether a permit was necessary.

Dave Saldo suggested that the Selectboard seek legal counsel concerning the sign permit. Dave Saldo made a motion to table the matter to get legal advice. Jean Kurpiel interjected that according to the Selectboard minutes, Deb Burchard, the Zoning Administrator, requested advice from both the Vermont League of Cities & Towns and the Bennington County Regional Commission and they both agreed that the municipality should have applied for a permit.

Kurt Gamari felt it was a gray area because a verbal commitment was given by the former Zoning Administrator that no permit was necessary. He cited section 9.4.a that you have 14 days from the date of the Zoning Administrator's decision or act. Jean Kurpiel felt that applies to a Zoning Administrator's approval or denial of a permit and since there was no permit issued, there is no 14 day timeframe. Dave Saldo felt that the commitment must be in writing in order to be recognized.

Jean Kurpiel stated that there were two motions on the table which have not been seconded. Ted Dobbert stated that he feels it is an illegal sign that should not have been installed to begin with. He decided he would second Sheila Lawrence's motion to advise the Selectboard to apply for a permit. Vote: 3 in favor, 1 opposed (Dave Saldo). Motion APPROVED.

Jean Kurpiel stated that she worked in Jacksonville and Halifax when Wilmington put up a pergola and the community went through so much hatred over it. She said when this decision is made, we are all still going to be neighbors. This has the potential to be contentious and she doesn't want to see it happen in Stamford. Pam Tworig conveyed the hundreds of hours that went into the sign and said many people have decided they don't want to help Stamford anymore because of this. She said the Zoning Administrator was asked and he made a decision. What if a townsperson goes to Lori Shepard and she gives them bad advice, a law suit could happen. Pam Tworig said the town was well aware of what was happening. Ted Dobbert asked why something wasn't done about the

Zoning Administrator and blamed the Planning Commission and Selectboard who knew about the problem and didn't fix it.

Jean Kurpiel redirected the conversation and stated that the Zoning Board is only acting in an advisory capacity. Pam Tworig felt the Zoning Board has ruled but did not answer the question whether it is even legal at this point to apply for a permit. Kurt Gamari reiterated that a verbal decision was already made by the former Zoning Administrator. Dave Saldo said the town should consult with its attorney. Jean Kurpiel asked Lori Shepard to convey the Zoning Board of Adjustment's decision to the Selectboard as well as Peter Grudin's resignation.

MOTION by Dave Saldo to adjourn. SECONDED by Ted Dobbert. All in favor. Motion APPROVED. The meeting ended at 6:53 p.m.

Respectfully submitted by

Lori A. Shepard, Clerk

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