

**ZONING BOARD OF APPEALS  
WINDHAM, CT**

**MINUTES**

**December 6, 2012**

The Windham Zoning Board of Appeals held its meeting on December 6, 2012 in Town Hall. Chairman Robert Coutu called the meeting to order at 7:00 P.M. Members present were Al Beaulieu, Roger Morin, Andrew Gibson, Jose Cruz, Robert Coutu and Mary Ann Daly. Voting members are Al Beaulieu, Robert Coutu, Andrew Gibson, Jose Cruz and Mary Ann Daley. Also present were Town Planner James Finger and ZEO Matthew Vertefeuille.

**1) Public Hearing - *Theresa D. Galipeau, 193 North Street, Willimantic, CT*** seeking a variance on front yard setback requirements of Section 27.6 of the Zoning Regulations to erect an exterior staircase for a third floor apartment.

ZEO Matt Vertefeuille gave a brief background as to how the applicant happens to be before the ZBA for the proposed staircase. He said while doing inspections of multi-family properties in April – May it was discovered that the third floor apartment had no secondary means of egress. Mrs. Galipeau was told that it was necessary to provide the secondary means of egress. When the contractor went to the Building Dept. to pull a permit he provided a plan including the measurements. The setback requirement in that area is ten feet from the property line. The plan for the staircase indicated that it would be approximately fourteen feet from the property line. ZEO Vertefeuille said once they started building the staircase he received a telephone call regarding the staircase and he went out to do an inspection. Once he saw that the staircase went right up to the property line he instructed the contractor to stop construction. Mr. Vertefeuille said the issue is that there is a ten foot setback and there is only ten feet from the property line to the north side of the house and the stairs are being built within that setback area.

The contractor, Mr. Walter Behrmann, said they are seeking a variance to add a staircase to the third story apartment because they do not meet the setback requirements. He said their hardship is the fact that there is no other place to build the staircase other than this location. He said he discussed it with the Fire Marshall, and there is no other place to put the stairs. The house is facing North Street and is only five feet away from the sidewalk. There is a driveway on one side and the other side has power lines and windows. He said looking at the situation the best way to go was to come down that (north) side, and that is what we did. He said they looked at putting the staircase inside the structure, but because of the regulations they were not able to get the needed run. That was the only place we could go, he said.

Member Al Beaulieu said facing the right side of the house you could come out the front window, add an extension and still come down with the stairway. Mr. Behrmann said there are many windows and wiring attached to the house. Board member Al Beaulieu said the wiring could be changed. Mr. Behrmann said in addition to the power lines there are many windows there which would be an issue.

Mr. Beaulieu asked if the second means of egress could be dropped down to the second floor porch. ZEO Matt Vertefeuille said the staircase has to be of a certain height and can have no more than a 12' rise. In addition, you can't have the stairs in front of a window. Mr. Beaulieu said looking at the back of the house, there is an existing staircase going to the second floor. He asked if that could be a second means of egress from the third floor apartment going to that particular stairway.

Mr. Behrmann said those are the stairs that we have now. If we were to go out that side we would have to go through this door which is 4 feet away to the door leading to another room. If there was a fire they would have to go to that area and to go down the back stairs or the side stairs. That is like having stairs next to stairs.

Chair Coutu said he was at the site that afternoon and on the south side of the house - the sun was real strong, but on the north side of the house there was no sun at all. One of the things we have to consider with outside staircases is it has to be clear from snow and ice at all times in order to be safe. It would certainly be difficult to maintain the stairs with no sun in that location, while on the other side there is plenty of room and you would be able to clear the stairs of snow and ice. Planner Finger affirmed that it is up to the property owner to clear the snow and ice in the winter. Mr. Behrmann said he discussed that with Mrs. Galipeau and she said she would make sure that the stairs were maintained in the winter.

A general discussion ensued and different configurations regarding the staircase were introduced.

Board member Al Beaulieu said the property line is at its limit with the house. Planner Finger said it meets the set back on one side, but it doesn't meet the set back on the other side. There is not a lot of room especially because it is going to the third floor. He said it is the contractor's intention to make the stairs wide enough to meet code.

Board member Al Beaulieu asked if the landing that comes out on the third floor could be extended to meet the porch on the second floor. He said that would eliminate the long run of the stringer. Mr. Behrmann said that would have to be done on the inside. ZEO Matt Vertefeuille said that would take some interior alterations.

Planner Finger read correspondence pertaining to this application. 1) Gordon McDonald, who lives at 196 Spring Street, Willimantic, CT expressed his concerns with the proposal. He said the request is an unreasonable request and he asked that the variance be denied. 2) An e-mail from a resident on Chestnut Street referred to the set back requirements. He said the staircase as proposed is unsightly.

Mr. Behrmann countered that the staircase is not going to be abomination. This is a \$22,000 set of stairs. It is not going to look like a roller coaster. When the staircase is completed it will look better than anything in the neighborhood.

Board member Al Beaulieu said he is concerned about the closeness of the staircase to the sidewalk.

Audience comments: 1) Douglas Lary who lives diagonally across from the subject property said this is not a neighborhood argument. The staircase is being proposed on the cold and dark side of the house. He explained that when he bought his property it was listed as a 2-family house; and then it was converted to a 3-family house. He said the staircase as proposed will not conform to the historic nature of the neighborhood. He referred to Section 27.4.4 and Section 27.4.6a of the Zoning Regulations which state that where fire safety stairs must be constructed, they shall be enclosed within the present exterior wall of the building and shall be located on the rear elevation of the building.

ZEO Matt Vertefeuille said the assessor's records show this as a 2-family dwelling. 2) Mr. Peter Galipeau said his mother is not planning to add an apartment on the third floor. 3) Mr. Daniel Galipeau said his mother had committed to more than \$20,000 to the staircase. We would prefer to have the stairs going to the porch, he added. Board member Al Beaulieu asked if that would be remote from the second floor apartment.

Mr. Behrmann said we have gone through the proper channels with the application. He added that there are other staircases in the neighborhood. Maryanne Galipeau said the staircase is designed to blend in with the design of the house.

Board member Al Beaulieu said he does not agree with the hardship claimed by the contractor because there is room to add the staircase on the other side of the house. It bothers me that the staircase as proposed comes right to the sidewalk. Board member Roger Morin asked if the stairs could be 3 feet as opposed to 4 feet. ZEO Matt Vertefeuille said that might be feasible.

After additional discussion it was determined to continue the public hearing so that the contractor can meet with the Fire Marshall, the Building Code Officer and the Building Dept. to come up with a more palatable design and a more appropriate placement of the staircase. The public hearing will be continued to the next regular meeting on January 3, 2013.

ZEO Matt Vertefeuille said he will meet with the Fire Marshall and the Building Dept. and will also check the State regulations regarding making the stairs 3 feet wide.

## **2) Approval of Minutes**

The minutes of October 4, 2012 were approved on a motion by Al Beaulieu and seconded by Roger Morin. Voting in favor of the motion were Al Beaulieu, Roger Morin, Jose Cruz, Mary Ann Daly, and Andrew Gibson. Bob Coutu abstained. The motion carried.

**3) 2013 Meeting Schedule** The Board members agreed to meet on the first Thursday of each month.

The meeting was adjourned. Motion by Al Beaulieu and seconded by Roger Morin. Unanimous vote to adjourn.

Respectfully submitted,  
Lillian Murray, Clerk