

ZONING BOARD OF APPEALS
WINDHAM, CT

MINUTES

FEB. 6, 2014

The Zoning Board of Appeals held its meeting on February 6, 2014 in the Meeting Room, Town Hall. Chair Robert Coutu called the meeting to order at 7:00 P.M. Members present were Roger Morin, Robert Wolf, Robert Coutu, Jose Cruz. Absent were Mary Ann Daley and John Vilella. Joseph Beaulieu was excused. Also present were Town Planner James Finger and ZEO Matthew Vertefeuille.

I) New Business

a) Public Hearing for Richard Bricault, Sr., 31 Type Road, South Windham, CT seeking variances for an existing non-conforming lot ordinarily exempt under Section 3.10.15, but seeking variances from Section 21.4 on Setbacks.

ZEO Matt Vertefeuille identified the property on the map, and explained that the property is located at the end of Type Road which ends just before the last house on the road. A unique problem came up with the septic system and it needs to be replaced, but there isn't enough room because of the boundary line. It was discovered that the Town doesn't actually own the road in the front even though the town trucks plow all the way to the end of the road. It was determined that the applicant needs to make a change and that change will actually benefit everyone, said Vertefeuille.

ZEO Vertefeuille said the lot which is owned by Fred and Mildred Kervin, and the lot which is owned by the new party have minimal frontage. They are actually on the town road which would make the lots non-conforming.

What they want to do is to move the property lines and build a round circle. The Town would own that circle and the property owners would have the frontage to make the lots more conforming than they are now. In addition, the Town would have a place for their trucks to turn around, added Vertefeuille.

He said the first step in the process is to make adjustments (for the first piece of property) on the lot lines in order to make it more conforming.

Michael Healey, LS with Healey & Associates, LLC submitted a narrative which outlined the proposed plan. He said there are two separate plans included in the application. The first is a boundary modification on land owned by Richard Bricault, Sr., and land of Fred and Mildred Kervin located on Type Road, Windham. Mr. Healey said the variance will allow for the boundary modification.

The second plan pertains to Town of Windham land acquired from Fred & Mildred Kervin on Type Road, Windham, CT.

The current Bricault property at 31 Type Road has approximately 30 feet of Town Road frontage on the easterly end of their property. This is because the existing Town Right-of-Way ends at the easterly end of 31 Type Road. The north property line is located in the middle of the pavement extension of Type Road, and is essentially a side yard setback. This property line is located approximately 33.8 feet north of the existing residence. The current side yard is located approximately 5.3 feet west of the existing residence and is non-conforming with respect to the required setbacks.

The boundary line modification as shown on Plan Reference #1 indicates that the applicant will acquire Parcel A, thus removing the nonconformity on the west side of the residence at 31 Type Road. Parcel B would be conveyed to Fred and Mildred Kervin thus creating a non-conformity on the front/side setbacks. This boundary exchange will require a variance of the required 30 foot setback down to 15 feet.

Plan Reference #2 depicts a future scenario that would occur after the variance is granted. Fred and Mildred Kervin would then convey to the Town of Windham land for highway purposes. After the transaction, 31 Type Road will end up with 139.07ft. of Town road frontage.

Mr. Healey said the first step in the process is to make the modifications to parcel A and Parcel B. He said the variance will allow for the boundary modification.

Regarding setbacks, the existing setback is already encumbered by a private easement for access by Fred Kervin. The Town also has a drainage easement across the front of the property. In addition, the residence at 31 Type Road actually predates the zoning regulations, and strict application of the required front yard zoning setbacks is unrealistic given the current site conditions with the existing pavement, access and drainage easements. The acquisition of Parcel A will create a conformity of the side yard setback.

The land area of 31 and 32 Type Road will increase. The Town acquisition of Type Road will make both 31 and 32 Type Road more conforming with respect to the required Town Road frontage.

Chairman Coutu asked if the applicant had notified the abutting property owners of the proposal. Mr. Healey said he did notify the abutting property owners and submitted the Certificates of Mailing.

ZEO Matt Vertefeuille said the applicant still has to go before Planning & Zoning with their proposal. A brief discussion ensued.

As there was no-one in the audience to speak to the application, and since the members had no further questions or comments, the public hearing was closed.

Bob Wolf made a motion to grant the variances to Richard Bricault, Sr. from Section 21.4 on setbacks as requested and Roger Morin seconded the motion. The motion carried unanimously.

II) Other Business

a) Election of Officers

Robert Coutu said he'd like to continue as Chairman – so Roger Morin nominated him as Chairman, and Robert Wolf seconded the nomination. Voting in favor were Roger Morin, Jose Cruz and Robert Wolf. Robert Coutu relinquished his vote. So voted.

For Vice-Chairman – Roger Morin nominated Joseph Beaulieu and Bob Wolf seconded the motion; all those present voted in favor to elect Joseph Beaulieu as Vice-Chairman.

III) Approval of Minutes

The minutes of December 5, 2013 were modified to correct the spelling of John Vilella's last name. Roger Morin made a motion to approve the minutes of December 5, 2013 as amended and Bob Wolf seconded the motion. The motion carried unanimously.

IV) Miscellaneous - Planner Finger explained that the Planning & Zoning Commission is in the process of reviewing the powers and the jurisdiction of the ZBA.

As there was no further business, the meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Lillian Murray, Clerk