

**ZONING BOARD OF APPEALS  
WINDHAM, CT  
MINUTES**

**May 2, 2013**

The Zoning Board of Appeals held its meeting on May 2, 2013 in Town Hall. Chair Robert Coutu called the meeting to order at 7:00 P.M. Members present: Al Beaulieu, Robert Coutu, Roger Morin, Robert Wolf and Mary Ann Daly. Also present were Town Planner James Finger and Zoning Enforcement Officer (ZEO) Matthew Vertefeuille.

**1) Michelle McGeowan, 63 Windham Center Road, Windham Center, CT – Seeking a Special Exception in accordance with Section 21.2.2 of the zoning regulations to erect a separate in-law dwelling.**

Ms. Mc Geowan submitted Certificates of Mailing documenting her efforts to notify the neighboring property owners of the hearing. She said she is seeking the Special Exception to remove and replace an existing barn with a new 26'X48' garage and in-law apartment. The old barn will be taken down. The new building will have a garage on the first floor and the second floor will have the in-law apartment for her mother. The new building will be a post & beam structure building. She said she is still working with the builder on the interior floor plan.

Chair Coutu asked the applicant how long she has lived at this property. She said she has lived there for 11 years. He asked if she was familiar with the history of the property, and asked what the building was used for. She said the building was used as a TAC house. She added that there were additions made to the building prior to her owning the property. The garage had fallen into disrepair, she added.

Chair Coutu referred to the proposed building. He said in looking at the elevations it appears that the new building will be significantly lower than the house. Will the new structure have a separate well and septic system? Ms. Mc Geowan said she has spoken with the Health Dept. and they said the new structure will need a new septic system, but the well will remain stay the same.

Planner Finger said the Health Dept. does have jurisdiction on the septic system. There is a concern whether the system is adequate, but she said she will be working with the Health Dept. and she will be upgrading the system as needed. A discussion ensued.

Commission member Robert Wolf said, if the Health Dept. okay's it, then I presume it is okay. Planner Finger explained that we do not look at the septic system and the well as separate utilities, as the health rules are pretty specific about what is required for those. Commissioner Wolf asked if the other utilities would be coming out of the main house. Ms. Mc Geowan said yes.

Commissioner Al Beaulieu said the proposed building will be a separate building and not attached to the house. He said the regulations state that an in-law apartment should be attached to the house. ZEO Matt Vertefeuille said it was unclear as to what the plan was before tonight. He said there is a house on Jordan Lane that has a barn in the back which was converted into an in-law

apartment so we do have one in town. Mr. Beaulieu added that the plan will also have to gain the approval of the Historic Commission.

Planner James Finger said we are dealing with the use, the demolition, and then the construction of a new dwelling. He said when the Zoning Officer and he first looked at the plan we didn't have the benefit of knowing what the building was going to look like. The original plan just showed the footprint. But in reviewing this tonight it looks like it will be a barn-like or garage-like structure. The dwelling will have a series of dormers along the roof line.

Mr. Finger said there were members on the Planning & Zoning Commission that had concerns about setting a precedent. Initially, the plan just showed the footprint of the proposed building. It looked bigger than the existing house, so we were concerned that Ms. McGeowan was planning to have two separate main dwelling units. Not having an illustration we really didn't have a lot to go on. He said the regulations do have a provision for having an in-law dwelling in an accessory building. In this case, it is a little unusual because you are adding the accessory building.

Commissioner Roger Morin said water and electricity will be coming from the main house. Ms. McGeowan said the in-law apartment will have its own septic system. In addition the existing septic system will be modified as needed. Discussion continued.

Commissioner Robert Wolf questioned parking. How will cars get to the new structure? Ms. McGeowan said that is what we are presently working on with the builder; whether we will have to do additional excavating. Mr. Wolf asked if any screening would be required. ZEO Matt Vertefeuille said any screening or buffering of the building would be handled by the Historic Commission. Mr. Wolf also asked about exterior lighting. Ms. McGeowan said she presently has exterior lighting on her home and that hasn't been a problem. She added that any lighting would be appropriate for that area.

The Chairman then asked for comments from the audience.

1) Jean Chaine (a member of the Planning & Zoning Commission) said one of the areas that he was very vocal about when the Planning & Zoning Commission was reviewing the zoning regulations (1-2 years ago) had to do with in-law apartments. He said the regulations were modified to reflect the Plan of Conservation and Development. He said while the Planning & Zoning Commission was reviewing the Sub-Division Regulations we encouraged having in-law apartments. We decided that the in-law apartment would be attached to the main house. It would be supplemental to the main house. We did not want to have a house attached to a house. He said the ADA requires that an apartment be 450 square feet for one person. In-law apartments would have one bedroom only. The in-law apartment would be for one person and have one bedroom, or 2-people with one bedroom. In-law apartments could not be rented out for additional income. We have to be careful that we don't create a problem with enforcement. He asked how large is the area (which is going to be dedicated to the in-law apartment) going to be.

Commissioner Al Beaulieu said the new structure will be 28' X 48', and he agreed that he was concerned about setting a precedent.

Commission Robert Wolf said in reading Section 21.2.2 it says that separate quarters as rentals shall be prohibited unless approved by the Zoning Board of Appeals with a Special Exception. So, it couldn't happen unless the Zoning Board of Appeals said that it could happen.

Mr. Chaine said he wants to emphasize that it can only be 1 person - 1 bedroom, or 2 people - 1 bedroom.

Chair Coutu said the board will need to see a plan showing the square footage and 2 means of egress. He suggested keeping the meeting open so that the applicant can come back with a complete plan. ZEO Matt Vertefeuille agreed on keeping the meeting open and requested that the applicant provide a layout showing the square footage of the structure, all the rooms, a rough layout of the driveway on the plot plan, and two means of egress.

This application will be continued to the next regular meeting.

## **2) Routine Business**

a) The minutes of December 5, 2012 were approved. Motion made by Al Beaulieu and seconded by Mary Ann Daly. Voting in favor of the motion were Al Beaulieu, Mary Ann Daly, Roger Morin and Robert Coutu. Robert Wolf abstained. The motion carried.

b) Al Beaulieu said there appear to be signs going up illegally all over town. He asked about enforcement. ZEO Matt Vertefeuille said the Planning & Zoning Commission is currently working on new sign regulations. He said he would like to hold off on enforcement until the new sign regulations are in place.

There being no further business, the meeting was adjourned at 7:55 P.M. Motion made by Al Beaulieu and seconded by Robert Wolf. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk