

**ZONING BOARD OF APPEALS  
WINDHAM, CT  
MAY 7, 2015 MINUTES**

The Windham Zoning Board of Appeals held its meeting on May 7, 2015 in the second floor auditorium in Town Hall. Chair Robert Coutu called the meeting to order at 7:00 P.M. Members in attendance were Joseph Al Beaulieu, Roger Morin, Robert Coutu and Jose Cruz. Also present were Town Planner James Finger, Code Enforcement Officer Matthew Vertefeuille, and Jim Bellano, the Director of Economic Development.

**I) New Business**

**A) HRES Willimantic, 161 Main Street, Willimantic found on Assessor's map 14-3 Block 121 for lots 1.2.3.4&8** - seeking a variance from Section 33.7 of the zoning regulations on maximum lot coverage restrictions.

Attorney Michael Bonnano spoke to the proposed plan to construct a new building on a vacant lot (the former Uncle Ken site) located at 161 Main Street in Willimantic. The property consists of 5 lots. They are going to be partitioning the property and plan on using the front portion of the property for a Family Dollar Store and are providing 27 parking spaces. Attorney Bonnano said they have made some changes to the original application after getting some helpful information from the State of Connecticut, DOT.

Since we cannot comply with the lot coverage restriction, we are seeking a variance of the zoning regulations (Section 33.7) which provides that in Zone Business District B-3, "the aggregate lot coverage of all buildings and other structures on any lot shall not exceed 25% of the area of the lot" to permit 75%, said Bonnano.

Attorney Bonnano said they have submitted an amendment to the application (Exhibit A). The specific hardship is the unique physical attributes of the property and the restrictions of the zone wherein it is located. The subject property is in an area where new development and commercial services are needed by the community. The subject parcel is relatively small (a development of only 1.07 acres out of a total of only 2.15 acres), which limits the physical layout of the building, parking, services and logistical requirements. Moreover, application of the unusually stringent lot coverage regulation to a property this size, severely limits any reasonable alternative use and development. Additionally, the coverage limitation contained within Section 33.7 is unique in that it is more limiting than in other similar zones.

Attorney Bonnano said they presently have 59% lot coverage and are looking for 75% lot coverage. He submitted the certificate of mailing noticing the surrounding property owners of the public hearing. He said they also posted a placard on the property advertising the hearing.

A general discussion ensued. Doug Murray said they met with the DOT and there was discussion of adjusting the position of the driveway. Chair Coutu asked if the parking area will change if the driveway is moved. A suggestion was made to use Capen Lane, said Murray. He said they are presently working with the DOT and agree to comply with their recommendations.

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Attorney Bonnano said we are trying to work within the regulations. He said the lots are very small lots, and it is difficult to develop them for a commercial use. We are limited with where we can put the buildings on the lots, added Bonnano.

ZBA member Al Beaulieu said if you are going to move the driveway to the left will you end up with the parking being the same as it is now. Mr. Murray referred to having some buffer space.

Al Beaulieu referred to the drainage plan. He said the applicants have included a detention basin on the property which has been designed to retain water. He asked why they need a storm water basin on the property when they have street basins across the street that empty into the Willimantic River. Code Enforcement Officer Matt Vertefeuille said the basin could handle a 100 year storm. Town Planner James Finger said the pipes are very old pipes and the Wetland regulations discourage dumping untreated storm water into the river.

Al Beaulieu said having a storm water basin on the property will take up land that otherwise could be used for development. He did say that he would like to see what kind of material would be going into the river. Code Enforcement Matt Vertefeuille said this would be reviewed by the Planning & Zoning Commission during the site plan review process.

Mr. Vertefeuille said this lot is very unique and the proposed use is probably the best use for this particular area. He added that the Planning & Zoning Commission had revised other commercial districts to allow higher lot coverage in order to promote economic development- similar to what they are asking for this property.

Chairman Coutu asked if increasing the lot coverage to 75% is an unreasonable request. Matt Vertefeuille said he didn't think this is unreasonable for this particular lot, and added that the store would be within walking distance and that would be positive for the residents in the area.

Al Beaulieu referred to the parking spaces. He asked if 27 spaces will be adequate. Matt Vertefeuille said yes, but they do need some room for tractor trailers to be able to maneuver on the site.

Planner Finger said he visited other properties in the B-3 Zone that compared to this property. He referred to a grocery store opposite Natchaug School and other businesses along Recreation Park. These are all developed at a higher lot coverage than would be permitted under the current regulations.

As there were no additional comments by ZBA members and no one from the public to speak to the application, the public hearing was closed.

Joseph Al Beaulieu made a motion to grant the variance from Section 33.7 of the zoning regulations on the maximum lot coverage restrictions to allow up to a maximum of 75% lot coverage for the application, and Roger Morin seconded the motion. The Board found that the proposed development was in keeping with similar existing development in the B-3 Business

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District, and the Director of Code Enforcement advised them that the Planning & Zoning Commission had revised other commercial districts to allow similar lot coverage to promote economic development. Further, the applicant demonstrated a practical difficulty given the shape of the lot, and the sight line restrictions required by the CT. Department of Transportation.

Chair Coutu said the proposed business is much needed for the town and it will not have a negative effect on the adjacent property owners.

Voting in favor of the motion were Joseph Al Beaulieu, Roger Morin, Jose Cruz and Robert Coutu. The motion to approve the variance was successfully granted as it meets the provisions for voting under State Law: CT- General Statutes 8-7 that specifies that there shall be four concurring votes to grant the variance.

**II) Approval of Minutes**

Joseph Al Beaulieu made a motion to approve the minutes of July 14, 2015 and Jose Cruz seconded the motion. The motion carried unanimously.

As there was no other business, the meeting was adjourned on a motion made by Robert Coutu and seconded by Roger Morin. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk