

**ZONING BOARD OF APPEALS
WINDHAM, CT**

MINUTES

August 1, 2013

The Windham Zoning Board of Appeals held its meeting on August 1, 2013 in the Meeting Room, Town Hall. Chair Robert Coutu called the meeting to order at 7:00 P.M. Members present were Roger Morin, Mary Ann Daly, Robert Coutu and Joseph Al Beaulieu. Also present were Town Planner James Finger and ZEO Matthew Vertefeuille.

I) New Business

a) Public Hearing for Peter A. Fish, 169 Mansfield Avenue, Willimantic, CT who is seeking a Special Exception to re-configure existing lots in order to create a rear lot off of Ivanhill Street as permitted under Section 78, and a variance of Section 78.3.4 from the side-yard setback regulations of fifty feet to erect a dwelling within twenty feet of the property lines.

Planner Finger's staff report dated July 25, 2013 explained that the setback restriction of fifty feet for all rear lots was added to the regulations in 2009 (it used to be twenty feet). Unfortunately, this causes a hardship for lots in the City which have public water and sewer. If this restriction was to apply to the subject property, he would not be able to create a rear lot, said Finger.

Peter Fish (the applicant) said the parcel consists of three pieces which are non-conforming and he is seeking to make the parcels conforming. He is requesting a variance on the side-yard requirement for a rear lot. He said there is no way based on the configuration of the lot that a fifty foot sideline would allow for a building.

Planner Finger explained that the applicant is seeking a Special Exception for the rear lot and a variance from the rules on the side-yard setback. He said the illustration that was provided to the Board shows the fifty foot setback, and that basically nullifies any use of the lot, added Finger.

Mr. Fish said a twenty foot sideline is pretty standard in this particular neighborhood. He said he is not looking to do anything different than what is already in place. He said the regulations have changed and he is asking to make the lots conforming.

Member Al Beaulieu asked if the original piece of land will stay with the house. Mr. Fish said I don't think there is an original piece because that parcel consists of three pieces. Some of the pieces are odd, and I wish to make all three pieces conforming. He said this is how the deed was written.

Basically what he is doing is reconfiguring the lot lines, said Planner Finger.

Member Mary Ann Daly asked if there was ever a structure on the middle lot besides the barn. Mr. Fish said no; the only structures on the property are the house and the chicken coops.

Chair Bob Coutu asked about the driveway leading to the rear lot. He said the egress must be accessible for emergency and fire vehicles.

Planner Finger explained that the Chairman is concerned about the turning movements for an emergency vehicle once the vehicle is on the site, and to be able to turn it around to exit the site.

Mr. Fish said there is plenty of room to turn around. It is all open. There are no trees to interfere with the turning movements, he added.

Chair Coutu asked Mr. Fish if he had anything else to add. Mr. Fish said he appeared before the Planning & Zoning Commission recently, and they didn't see a problem with reconfiguring the three lots providing that all lots conform to the present standards.

Planner Finger explained that Mr. Fish appeared before Planning & Zoning for a preliminary review of his proposal, and they determined that the Zoning Officer could approve the plan if it met all the requirements. He added that unfortunately since the rear lot was not approved as a rear lot, and the configuration doesn't meet the requirements, it is basically isolated as a land-locked parcel and doesn't meet the setback requirements. Planner Finger said this board has the jurisdiction to approve both the Variance and the Special Exception.

Chair Coutu asked if the applicant notified abutting property owners of the public hearing. Mr. Fish said he notified the adjacent property owners and he also posted a sign on the property. Planner Finger referred to an error with the date in the public notice; the notice listed the wrong day for tonight's hearing. Because of this, he urged the board to continue the public hearing and postpone taking action until a future meeting date has been determined. Planner Finger said he hand delivered or mailed a revised notice to all abutters to alert them to the correct date of the hearing.

ZEO Matt Vertefeuille said he received a telephone call from one of the abutters who had no objection with the request.

Audience Comments: 1) Angeline Bower, 171 Mansfield Avenue, (next door to existing house on the property) said she did not approve of the line being less than 50 feet from a structure. She said it should be maintained as it is for that area.

Planner Finger explained Mr. Fish is going to be more than 50 feet to a structure, but he is not fifty feet from the property line. Mrs. Bower said it should be 50 away from the property line. Planner Finger said that was the new rule that was adopted in 2009. The old rule was 20 feet and it was changed to 50 feet in 2009. He said that is only for rear lots, not for regular lots. Front lots don't have to have the fifty foot setback. He said

only the rear lot needs to have a fifty foot sideline based on the requirements. The other lots need to be only twenty feet from the property line. A general discussion ensued between the applicant, Mrs. Bower and her son, town staff and the Board.

Mrs. Bower was concerned that Mr. Fish intended to build a multi-family house on the property and lease to college students. Mr. Fish said he has no intention of building a multi-family dwelling, nor does he intend on leasing to college students. His main goal is to build a single family dwelling. After some further discussion, Mrs. Bower and her son, both agreed that the plan, as proposed, (with a single family dwelling) would not have a negative impact.

The board agreed to continue the public hearing with a date to be determined. Planner Finger said once a new date has been determined, he will re-advertise the public hearing and notify board members.

II) Approval of Minutes

Mary Ann Daly made a motion to approve the minutes of July 10, 2013 as written and Roger Morin seconded the motion. Voting in favor of the motion were Mary Ann Daly, Roger Morin and Bob Coutu. Al Beaulieu abstained as he was not present at the July meeting. The motion carried.

III) Miscellaneous

Planner Finger advised the board that the Planning & Zoning Commission is in the process of revising the Sign Regulation and adding Lighting Regulation.

As there was no further business, the meeting was adjourned at 7:35 P.M. Motion to adjourn was made by Al Beaulieu and seconded by Mary Ann Daly. Unanimous vote to adjourn.

Respectfully submitted,

Lillian Murray, Clerk

James Finger -revised and corrected