

**ZONING BOARD OF APPEALS
WINDHAM, CT**

MINUTES

August 2, 2012

The Windham Zoning Board of Appeals held its meeting on August 2, 2012 in Town Hall. Chairman Robert Coutu called the meeting to order at 7:00 P.M. Members present were Al Beaulieu, Roger Morin, Robert Coutu and Robert Wolf. Also present were ZEO Matthew Vertefeuille and Town Planner James Finger.

I) New Business

a) Rosalva Garcia is seeking a variance/appeal from regulations on a three-family dwelling located at 33 Boston Post Road, Windham, Ct.

Planner Finger's staff report dated July 25, 2012 explained that the applicant is seeking a variance/appeal from regulations on a three-family dwelling. The file on this property is somewhat mixed, and there are indications of an illegal dwelling in the garage that the previous owner established along with a number of open permits for work that was not inspected; but this is not the subject of this variance/appeal.

The current owner said she bought the property with three dwelling units in it, but wanted to add a second means of egress to the third floor. The Zoning Officer approved the outside staircase for safety, but not the unit. The Assessor's office had it listed as a two-family dwelling; so we are not sure when it became a three-family dwelling, but it is subject to different codes.

ZEO Matthew Vertefeuille said the applicant is not being accused of adding something to the property illegally. She bought a house that had work done on it in the past. This house was a two-family house for years, said Vertefeuille. It appears the former owner of the property might have done some construction. He said the applicant needs a variance to satisfy the requirements relating to lot size and setbacks. Mr. Vertefeuille said the property is in a neighborhood that has other multi-family dwellings, so this request would be consistent with the neighborhood.

Ms. Garcia said she recently bought the property and would like to make it a 3-family dwelling. Mr. Wolf said it appears the third apartment was already established.

Mr. Vertefeuille said he has walked the property with the applicant and she wants to bring the building up to code. She needs to do a few minor things, he added. She will have to replace the interior door with a fire door, he said.

A general discussion ensued. Robert Wolf said this would not be very different from the other houses in the neighborhood. He also asked if there is adequate parking.

Ms. Garcia responded yes there is. Board member Al Beaulieu referred to the second means of egress. He said they have gone above and beyond what is required. He asked if the second means of egress will be covered. Ms. Garcia said it would not be covered. Mr. Beaulieu said if it is not covered it must be maintained in the winter; you must clean and remove the snow and ice.

Planner Finger said the applicant did notify abutting neighbors and he has not received any inquiries.

There was no audience comment, nor were there anymore questions from board members and the public hearing was closed. Motion made by Al Beaulieu and seconded by Robert wolf. The motion carried unanimously.

Al Beaulieu made a motion to grant a variance from the regulations pertaining to a 3-family dwelling. Bob Coutu amended the motion to include a condition that the stairway must be maintained. It must comply with the Building and Housing Code and must either be covered or maintained in the winter. Robert Wolf seconded the motion. The motion carried unanimously.

2) Approval of Minutes

Beaulieu made a motion to approve the minutes of May 2, 2012 and Robert Wolf seconded the motion. Voting in favor of the motion were Al Beaulieu, Robert Wolf and Roger Morin. Robert Coutu abstained as he was not present at the May meeting. So voted.

3) Misc.

Planner Finger said the Planning & Zoning Commission is in the process of re-writing the zoning regulations. In the B-2 area (this area includes Town Hall to Gateway Commons) they plan to divide the B-2 into the B-2 and B-2A. They are also working on changes in the North Windham area. In addition, in the past deviations has been the jurisdiction of the ZBA. This will become the jurisdiction of the Planning & Zoning Commission said Finger.

The meeting was adjourned at 7:25 P.M. Motion by Al Beaulieu and seconded by Robert Wolf. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk