

WINDHAM ZONING BOARD OF APPEALS

August 29, 2013 – **DRAFT** MINUTES

The Windham Zoning Board of Appeals held a special meeting on August 29, 2013 in the Meeting Room of Town Hall. Chair Robert Coutu called the meeting to order at 7:00 P.M. Members present were Joseph Al Beaulieu, Robert Coutu, Robert Wolf, Roger Morin and Jose Cruz. Town Planner James Finger was also present as staff.

I) New Business

a) Public Hearing for Peter Fish, 169 Mansfield Avenue, Willimantic, CT – seeking a Special Exception to re-configure existing lots to create a rear lot off of Ivanhill Street as permitted under Section 78, with a variance of Section 78.3.4 from the fifty foot side-yard setback regulations; also a Special Exception to create an in-law/accessory apartment in accordance with Section 24.2.2.

Planner Finger explained that the public hearing commenced on August 1, 2013, but due to an error in the publication we had to continue the meeting. He said this is a special meeting called to continue the public hearing. Planner Finger said he notified all surrounding property owners of the meeting by mail.

In addition, as part of this application, Mr. Fish has added a request for a Special Exception to create an in-law/accessory apartment to allow more flexibility for a prospective buyer, said Finger. He said this application is different from what was originally proposed and includes an in-law apartment.

Peter Fish spoke to his request. He submitted drawings showing the reconfiguration of the lots. He said he would be happy to answer any questions board members may have.

Member Al Beaulieu asked which lot would include the in-law apartment. Planner Finger said Mr. Fish hasn't specified which lot will include the in-law apartment. We need to do that tonight, said Finger. Mr. Fish said he would like the option of placing the in-law apartment on either of the 2 new lots.

Mr. Beaulieu asked if Mr. Fish were to sell one of the lots, would the Special Exception go to the new owner, and would the new owner be allowed to add the in-law apartment.

Planner Finger said yes providing the new owner purchased the lot that has been approved for the accessory building. He said he feels it is a good idea to give people that option, especially because these are new lots in a neighborhood of multi-family homes. The rear lot is quite large and it would be more attractive to someone who has a need for the accessory building. It would open the opportunity to market the property to another audience, said Finger.

Mr. Fish asked about the time frame. Will I have a certain time limit to complete the project? Planner Finger said typically the regulations stipulate that whatever is approved, and in this case the Special Exception, it should be acted upon within a year. The Board has the discretion to allow a longer period of time, but no longer than 5 years, said Finger. Mr. Fish then petitioned the board asking that the Special Exception for the in-law apartment also be given the longer time frame (5 years) due to the poor economy.

WINDHAM ZONING BOARD OF APPEALS
August 29, 2013 – DRAFT MINUTES

Mr. Fish asked if the Special Exception for the rear lot also had a one year time limit. Planner Finger said once lots are approved as rear lots they will remain rear lots after the map is recorded.

Planner Finger said the Board that they should probably have had reviewed of minutes before the public hearing. He then suggested that the board suspend the hearing and review the minutes before acting on the application.

The meeting was suspended at 7:10 P.M. to allow the board time to review the minutes of the prior meeting (August 1, 2013).

The public hearing resumed at 7:18 P.M.

Planner Finger referred to another correction; there was an error on the map and the calculations on tract one. He said the plan has been revised to meet the minimum lot requirements of 10,800 square feet, as the earlier plan showed a lesser amount. He also stated that all adjacent property owners were notified of the meeting with the proposal for the in-law/accessory dwelling.

Audience comments: The only person in the audience was Mayor Ernest Eldridge who said he understood why Mr. Fish has asked for the longer time frame for completing the project in view of the poor economy. He spoke in favor of the request. As there was no-one else in the audience to speak to the application the public hearing was closed.

Al Beaulieu made a motion to grant Peter A. Fish, a Special Exception to reconfigure existing lots currently at 169 Mansfield Avenue, Willimantic, CT to create a rear lot off of Ivanhill Street as permitted under Section 78, and a variance of Section 78.3.4 from the fifty foot side-yard setback regulations. Also a Special Exception to create an in-law/accessory apartment in accordance with Section 24.2.2 (on any of the three lots) with a stipulation that the project must be completed within 5 years. Roger Morin seconded the motion, and the motion carried unanimously.

2) Routine Business

a) The minutes of August 1, 2013 were approved on a motion by Roger Morin and seconded by Al Beaulieu. Voting in favor of the motion were Roger Morin, Al Beaulieu and Bob Coutu. Robert Wolf and Jose Cruz abstained as they were not at the meeting. The vote carried.

b) The board decided it will not meet in September because there was no business. Instead the next regular meeting will be October 3, 2013.

The meeting was adjourned at 7:23 P.M.

Respectfully submitted,

Lillian Murray, Clerk

Reviewed and revised by James Finger