

ZONING BOARD OF APPEALS
WINDHAM, CT

MINUTES

April 5, 2007

The Windham Zoning Board of Appeals held its meeting on April 5, 2007 in Windham Town Hall. Chairman Ernest Eldridge called the meeting to order at 7:00 P.M. Members present were Gerald Hart, Al Beaulieu, Robert Coutu, Ernest Eldridge, Charles Krich, Donald Potter, Jose Cruz and Steven Edelman. Voting members are Beaulieu, Coutu, Eldridge, Krich and Potter. Also present was Town Planner James Finger

I) Public Hearings

- a) **Cheryl McClain, 13 Haven Avenue, Willimantic** – variance from Section 3.10 for building addition to a non-conforming property.

Planner Finger's staff report dated March 28, 2007 explained that the building is located in the Willimantic Camp Meeting Association property. The property was originally used as a summer retreat but many of the owners of these cottages are now converting them to year round use. Given that many of the homes and streets are non-conforming, each addition requires a variance which the Board has routinely granted due to the unique configuration of the property and ownership. The subject home has a more generous space between the two buildings on either side; and the addition will not affect any other neighboring home owner.

Cheryl McClain explained her request to build a 10-foot, 2-story addition. She said she would like to add a kitchen and a bedroom to the existing cottage. Planner Finger said if she receives the variance from this board she will have to go to the State of Conn. DEP for approval of the conversion. There are 4 houses tied into an existing septic system and the State will have jurisdiction if she needs to make any modifications to the septic system, said Finger. Board member Bob Coutu asked about lot dimensions. Ms. McClain said there are no lot dimensions because the homeowners simply own the house; they do not own the land. She said each homeowner is responsible for 3 feet out from their house. We do not own the plot of land the house is on; it is owned by the Willimantic Camp Meeting Association. Planner Finger said there are no property lines. He referred to the illustration showing the buildings. There is approximately 24 feet between her building and the building to the east and 14 feet between her building and the building to the west along Hebron Avenue. It is a small house as you can see from the illustration, he said. Chairman Eldridge said if she is not encroaching on the back side and she is not changing the dimension on the side line why is she before the Board? Planner Finger said the entire property is non-conforming. It does not conform to any of the regulations. Board member Donald Potter asked if there was anything in back of the house. Ms McClain said there is a fire road back there with lots of woods behind that. Will you have to cut down any of the trees back there, asked Potter? Ms

McClain said no trees would have to be taken down. Planner Finger said the biggest worry is the proximity to other buildings because they are so jammed in there. Some of them are even closer than this building. She has the luxury of having quite a bit of distance between her building and the other two buildings, he added. Chairman Eldridge asked the applicant if she purchased the house. She said she had not because she was waiting to see if the board would grant the variance. Board member Charles Krich asked if Ms McClain needs permission from the Camp Meeting Association to winterize the cottage. Ms McCain said she did not their approval. Chairman Eldridge referred to a letter from Attorney Kevin Bradley who has power of attorney over the existing homeowner, Marcia E. Root. The secretary then read into the record the letter from Attorney Kevin Bradley stating that Ms McClain has permission to determine whether she can winterize this cottage and thus be able to purchase it.

Since there was no-one in the audience to speak for or against the variance being granted, the public hearing was closed. Al Beaulieu made a **motion** to grant the variance from Section 3.10 as requested and Donald Potter seconded the **motion**. The **motion** carried unanimously.

- b) **NuNu 1973, LLC for 107 Boston Post Road, Windham** – seeking a variance from the maximum lot coverage restrictions of 25% under Section 41.6 to allow construction of an addition which will result in 38.9% lot coverage.

Michael Dilaj, P.E. with Datum Engineering, representing Tom and Denise Riquier, dba T & M Distributors, identified the property (which is located on Route 66) on the map. T&M Distributors, who has occupied a building on Main Street, Willimantic now finds it necessary to vacate that building. They would like to relocate their business to this location, said Dilaj. There is an existing building on the property, and also a secondary smaller building just to the south of it. The Riquier's would like to add an addition onto the main building so that their business can be completely on one floor, said Dilaj. We are dealing with a property that is an existing property. The boundary lines are pretty much fixed and the building that we put here does fit on the property. There are no violations except for lot coverage, he said. Presently the lot coverage in this particular zone is 25%. With the proposed addition the lot coverage will go up to 38%. This is a commercial zone and I don't think the addition will look out of place there, said Dilaj. Chairman Eldridge referred to the proposed loading dock in the back of the building and asked whether they would be backing trailer trucks into the back? He said it doesn't seem as if there is enough room to back a trailer truck in there. Mr. Dilaj explained that they will keep the existing entrance on the north side of the facility. The present entrance will be relocated further south. A tractor trailer coming in from Route 6 will come in through the 1-way entrance. He said we have 110 feet so that the trailer truck will be able to back into the loading dock. Another smaller loading dock located in the back will accommodate smaller vehicles. We will provide 52 parking spaces along the front of the building, said Dilaj. This is mostly a wholesale operation, he said. Chairman Eldridge asked about drainage. Mr. Dilaj said the State will not allow us to dump water onto Route 66. We are going to have catch basins. Roof water will be collected and put back into the

ground. It is all sand and gravel there and any runoff will be put back into the ground, said Dilaj.

As there was no public comment regarding this application, the public hearing was closed. Bob Coutu made a **motion** to grant a variance from the maximum lot coverage restriction of 25% to a maximum lot coverage of 38.9% as shown on the plans and Al Beaulieu seconded the **motion**. The **motion** carried unanimously.

- c) **Gilberto Torres, 41 Gordon Avenue, Willimantic** – Special Exception from Section 24.2.2 to create an in-law apartment.

Planner Finger's staff report explained that the applicants are seeking a Special Exception to create an in-law apartment. No exterior changes are planned for this conversion, he said. The regulations state that the Zoning Board of Appeals is authorized to permit an in-law/accessory structure by Special Exception in accordance with Section 92, provided the unit is integrated into the existing structures and designed to appear as a single family residence. If a separate entrance is planned, it shall be placed on the side or rear of the dwelling, he added.

Jeannette Torres said they are requesting the Special Exception to add an in-law apartment. One of the garage bays will be made into the in-law apartment (kitchen, living room and bathroom) and 2 bedrooms will be added over the other garage. Board member Don Potter asked if in later years when the in-laws move out, will they be able to rent it out as an apartment. Mrs. Torres said they have no plans to rent it out. The only reason they are doing this is because her father-in-law is ill and this will allow them to watch over him. Planner Finger said there is a provision in the regulations that states it cannot be rented out to a third party unless they come back for a Special Permit, but it might be appropriate for the board to specify that it is only an in-law apartment and not to be rented out.

As there was no-one in the audience to speak for or against the application the public hearing was closed. Al Beaulieu made a **motion** to grant the Special Exception from Section 24.2.2 to Gilberto Torres of 41 Gordon Avenue to create an in-law apartment only. If there is any change in the future they will have to come back to the board. Donald Potter seconded the **motion**. The **motion** carried unanimously.

II) **Routine Business**

- a) The minutes of March 1, 2007 were approved. **Motion** by Al Beaulieu, seconded by Bob Coutu. The **motion** carried unanimously.

There being no further business, the meeting was adjourned at 7:40 P.M. **Motion** by Beaulieu, seconded by Potter. So voted.

Respectfully submitted,

Lillian Murray, Clerk