

Town of Windham
ZONING BOARD OF APPEALS
Regular Meeting

DATE: **Thursday November 4, 2010**

TIME: **7:00 P.M.**

PLACE: Windham Town Hall, 979 Main St., Willimantic

A G E N D A

- I. **Call to Order**
- II. **New Business - DISCUSSION/POSSIBLE ACTION**

Public Hearing:

- 1. **David & Kenyon Gardner for 25 Main St., Willimantic** - seeking Special Exception/Variance to create a non-standard lot as permitted under Section 3.3.2, and to resolve parking issues for neighboring five family property.
- 2. **William Correll of 285 Walnut St. Willimantic** - seeking Special Exception/Variance to create a rear lot behind the subject property with a driveway off of Chestnut & Washburn Streets.

- III. **Routine Business - DISCUSSION/POSSIBLE ACTION**

- 1. Approval of Minutes
- 2. Miscellaneous

- IV. **Adjourn**

Robert A. Coutu, Chairman

Town of Windham

MEMORANDUM

TO: Windham Zoning Board of Appeals
FROM: James Finger, Town Planner
DATE: October 28, 2010
SUBJ: Planner's Report for next meeting

David & Kenyon Gardner for 25 Main St., Willimantic – The applicant is seeking a Special Exception and possibly a variance to create a non-standard lot for a single-family home to be built on Lafayette St. to resolve parking issues for the neighboring five family property. The Board has the authority to consider this under the regulations outlined under Section 3.3.2. A few years ago, Habitat for Humanity built homes on neighboring lots of similar size on Lafayette St., and the neighborhood characteristics would support another home of the same scale. This would resolve the parking problem for the five family home in the same ownership, as tenants do not have a sufficient and dedicated area to park. In review of the plan, the staff agrees that this may be a good solution to the problem in the neighborhood.

William Correll of 285 Walnut St. Willimantic - The applicant is seeking Special Exception for a rear lot, and possibly a variance on the terms of 'common driveway' of Section 78.3.2 to create a rear lot with a driveway to Chestnut St. The property description refers to a proposed 'extension of Chestnut St.', but we could not find a map of this. Nor does the survey prepared for the Town for the High School of the Nasin property reflect this proposed Street extension.

Correll's surveyor has researched the matter and found reference to the proposed Chestnut Street extension. In examining the history of deeds for the property that the Town acquired from the J.S. Nasin Estate in 1966, we found that there some mention of this Chestnut Street Extension in the Lis Pendens Notice recorded in Volume 209, beginning on page 566, and appearing specifically on page 569 mentions: "*.... The northerly line of the proposed extension of Washburn St...to land of John Harvey and the westerly line of Chestnut St; thence northeasterly by land of said Harvey and on the westerly line of proposed extension of Chestnut Street...*", and this matches up with the Nasin survey. Unfortunately that description was not used in the deed and decree on which the Town and the Court relied. So the current deed for the High School must have been taken from the metes and bounds of the Nasin survey – and it did not report this easement for the extension of Chestnut St. as access to the Harvey lot.

Now the concern is if the common driveway is installed, will the public have a right to use it for access to the rear of the High School property, and who will maintain it. Ideally, the Town would prefer that they use and expand the right of way off of Walnut St. where the property has its frontage now.