

ZONING BOARD OF APPEALS
WINDHAM, CT

MINUTES

Sept. 3, 2009

The Zoning Board of Appeals held its meeting on September 3, 2009 in the Meeting Room, Town Hall. Chairman Bob Coutu called the meeting to order at 7:06 P.M. Members present were: Susan Fiegel-Rapp, Al Beaulieu, Rene Harris, Gerald Hart, Bob Coutu, Steven Edelman and Mary Ann Daly. Also present was Town Planner James Finger.

1) Andrew Morrison, 585 Jerusalem Road, Windham Center – application for a Special Exception for Rear Lot with shared driveway.

Mr. Morrison explained that he owns a large parcel of land on Jerusalem Road, and would like to build a house overlooking the Shetucket River. He said he is looking for approval of an additional rear lot on a shared driveway.

Planner Finger said the lot is a large flag-shaped lot, 50 feet wide. He pointed out that the minimum width for a rear lot is 25 feet. He noted there are wetlands on both sides of the driveway, and that the second driveway would have to be added after the wetlands in order to get to the proposed lot, added Finger.

Mr. Morrison pointed out the existing driveway on the map. He said he would share the driveway to a certain point, and then it would be split so that it could be extended to the new house. The new lot would be located between CL&P's pole line and the railroad tracks and would be south of the existing house.

Board member Al Beaulieu referred to the wetlands on the property and asked if the new house would have an impact on the wetlands. Planner Finger explained that if he shares the driveway, there would be little impact; otherwise if they put in two separate individual driveways they will need Wetlands approval. Mr. Morrison said he has no intentions of disturbing any of the wetlands.

Chairman Bob Coutu referred to the terrain of the property (for the new lot) and asked if the driveway is level. Mr. Morrison said you go down a hill, around a corner and then the land flattens out. Planner Finger said it is a steep lot in the rear portion. Mr. Morrison said we will have to flatten it out. It is all gravel and it does flatten out at the bottom of the hill, he added.

Audience comments: 1) Richard Shashok, an abutting neighbor who lives at 605 Jerusalem Road, said if this is approved, he would like to see a provision attached to the approval stipulating that a line of Pine trees are left undisturbed as these trees delineate the properties. He said he is also concerned about erosion coming down the hill towards

the railroad tracks. Planner Finger said these are legitimate concerns and the Board could impose provisions to protect the neighboring properties.

Commissioner Al Beaulieu suggested that the Commission conduct a site walk to get a better prospective as to the terrain of the property. Board members agreed to conduct a site walk on September 12, 2009 at 9:00 A.M.

Al Beaulieu made a motion to continue the public hearing until October 1, 2009 and Jerry Hart seconded the motion. The motion carried unanimously.

2) Old Business

a) Builders Concrete, 65 & 71 Boston Post Road- request for extension.

The Commission received a letter dated August 27, 2009 from Steven Aiudi, owner of the property, asking the Board to grant an extension of the Special Exception granted on 7/6/2006. He stated that circumstances within their industry have caused them to postpone the silo project. He said in the interim the local fire department has made good use of their building at 65 Boston Post Road for training purposes.

Harold Hopkins approached the Board and offered to answer any questions regarding the request.

The Board reviewed the Special Exception which was approved in July 2006: granted approval to exceed height limit of 40 ft. to allow construction of a 59 ft. silo at 71 Boston Post road and also a Special Exception, or ruling, on the applicability of Section 3.10.14 on demolition of dilapidated existing single family home at 65 Boston Post Road, and construction of a new single family dwelling in an M-1 District in accordance with Section 41.2.8 of the Regulations. Board member Steven Edelman asked if this request (for extension) includes anything new that was not included in the approval granted in 2006. Planner Finger said nothing new has been added.

Planner Finger explained that there are two applications: Rebuilding the existing house, which was formerly owned by Knight's Oil, and second: to build a 59 ft. silo. Board member Al Beaulieu asked how much higher the silo will be over the facility. Mr. Hopkins said the silo will not be over (taller than) the present facility.

As there were no other questions or comments by Board member, Al Beaulieu made a motion to grant Builder's Concrete approval to remove the old building and build a new silo. Susan Fiegel-Rapp seconded the motion. The motion carried unanimously.

3) Approval of Minutes

The minutes of August 6, 2009 were amended: Pg. 4, Para 2...Steven Edelman made a motion to approve the plan submitted by Kingdom Life Christian Church for variances from Section 33.5 on building setback lines (with conditions) to build a 1-story addition

on the rear of the existing non-conforming building, as well as side yard variances for building an addition on the front of the building with a basement. Conditions of approval are 1) applicant presented details of agreement with abutting neighbor (Miner) that they would purchase the property, which has a 15 foot access easement on subject property and merge the two properties into one lot. 2) Front building addition allowed to continue along the same alignment with existing building, but not encroaching on the front yard setback of 20 feet. If owner fails to complete front addition within 5 years, permittee must return to the Board for re-consideration.

Al Beaulieu made a motion to approve the minutes as amended and Susan Fiegel-Rapp seconded the motion. The motion carried unanimously.

As there was no further business, the meeting was adjourned at 8:00 P.M. Motion by Al Beaulieu and seconded by Susan Fiegel-Rapp. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk