

**ZONING BOARD OF APPEALS
WINDHAM, CT**

MINUTES

Dec. 4, 2008

The Zoning Board of Appeals held its meeting on December 4, 2008 in Town Hall. Chairman Robert Coutu called the meeting to order at 7:00 P.M. Members present were Susan Fiegel Rapp, Robert Coutu, Al Beaulieu, Gerald Hart, Jose Cruz, Rene Harris and Steven Edelman. Also present was Town Planner James Finger. Voting members are: Susan Fiegel-Rapp, Robert Coutu, Al Beaulieu, Gerald Hart and Steven Edelman.

Public Hearings:

- 1) **Brian Bogar, 6 Carriage Lane, North Windham** – application for variances from side yard setback requirements for a shed less than ten feet, as well as a pool and deck less than twenty feet from the property lines.

Planner James Finger's staff report explained that the owner bought the property with these existing conditions. He said he doesn't know when they were built, but he applied for a Building Permit so that he could complete the necessary paperwork – possibly for insurance purposes.

Brian Bogar said the shed is approximately 5 feet from the property line. A deck was added and that is also encroaching on the property line. Planner Finger referred to the playhouse and asked how big it is. Mr. Bogar said the free-standing playhouse is 6' X 9'. Board member Al Beaulieu asked if the shed had a cement floor. Mr. Bogar responded that it did not. Mr. Beaulieu referred to nearby wetlands and asked how far away the shed is from the wetland area. Mr. Bogar said approximately 10 feet away.

Planner Finger referred to an old subdivision nearby (Old Windham Farms). Identifying the area on a map, he said there is an unrestricted right to drain and it might not be a good idea to have a building so close to a water discharge area. He said he will have to check the area for wetlands. Board member Steven Edelman said the shed has been there for approximately 10 years. He said even though the area is marked as a drainage area there doesn't appear to be any flow. He added that the Wetlands Commission would have to review the plan to determine any encroachment on the wetlands. Our role is to deal with the shed, he added. Board member Al Beaulieu said if the applicant has no plans to add on to the shed he doesn't have a problem with it. Planner Finger said if the Board is considering approving the variances the wetlands would be a legitimate hardship. He said his concern would be adding onto to the shed. He added the playhouse is not a problem.

After some additional discussion the public hearing was closed. Al Beaulieu made a motion to grant Mr. Bogar variances from the side yard requirements for a shed less than 10 feet from the property line, as well as a pool and deck less than 20 feet from the property lines with a stipulation that the shed cannot be enlarged beyond 200 square feet and the pool area cannot be less than 20 feet from the property line. Steven Edelman seconded the motion. The motion carried unanimously.

II) Routine Business

- a) The minutes of August 7, 2008 and September 4, 2008 were approved. Motion by Al Beaulieu, and seconded by Susan Fiegel-Rapp. The motion carried unanimously.
- \ b) There was no correspondence.
- b) Steven Edelman congratulated Gerry Hart on being made a regular member of the ZBA. Gerry responded that it hadn't been made official yet.

As there was no other business, the meeting was adjourned at 7:35 P.M. Motion by Al Beaulieu and seconded by Susan Fiegel-Rapp. The motion carried.

Respectfully submitted,

Lillian Murray, Clerk