

ZONING BOARD OF APPEALS
WINDHAM, CT

MINUTES

January 7, 2010

The Zoning Board of Appeals held its meeting on January 7, 2010 in the Meeting Room, Town Hall. Vice-Chairman Al Beaulieu called the meeting to order at 7:02 P.M. Members present were Andrew Gibson, Robert Wolf, Jose Cruz and Al Beaulieu. Also present was Code Enforcement Officer Matthew Vertefeulle.

1) **Public Hearing - James Clairmont, 76 Jordan Lane, North Windham** – seeking a Special Exception for an accessory apartment in an accessory structure as permitted under Section 21.2.2.

Planner Finger's staff report dated December 29, 2009 explained the applicant is seeking a Special Exception to convert an old barn into an accessory apartment with its own utilities behind the owner's residence as permitted under Section 21.2.2. The property has sufficient land, complies with the zoning regulations for the proposed use, and is not anticipated to create unusual traffic to the neighborhood. The Health Department will have to approve the sanitary facilities and water supply, as well if the Board grants the request.

Jim Clairmont, 76 Jordan Lane, North Windham, explained that he would like to convert his barn into a 2-bedroom apartment. He said his daughter will more than likely be living there. It is an old barn, but it is a pretty solid structure. He said over the last 10 years he has re-sided the structure, added a new roof and new windows. He said his neighbor, Mr. DeSiato, has a gravel operation running right next door (actually was once part of the property) and the whole area is gravel. He said he has dug several test pits, which have confirmed that there would be no problem adding a septic system. The apartment will utilize the existing well on the property, he concluded.

Code Enforcement Officer Matt Vertefeulle said the Health Dept. hasn't given its official approval, but he said he has spoken to Richard Zulik of the Health Dept. and it doesn't appear that there will be a problem adding the septic system. Water will be extended from the main residence to the apartment, said Clairmont. Mr. Vertefeulle suggested that Mr. Clairmont talk with the Building Official, Don Schultz, to see if there has to be a water shut-off in the accessory apartment.

Vice-Chairman Al Beaulieu reviewed the plan. The apartment will be on 2 floors and will include a kitchen, bathroom, 2 bedrooms, living room and office. Mr. Clairmont

said the existing driveway will become a common driveway serving his residence as well as the apartment.

Robert Wolf referred to Section 21.2.2 that states that we can permit this provided that separate utilities are not connected for a second dwelling. Just because we okay this one doesn't mean that another can be added. Mr. Vertefeuille said in general we don't allow an accessory use like this in a separate building on the same piece of property. But, you are allowed, under Section 92.4, to allow an exception to that rule provided there is proper ingress and egress, parking, provisions for trash, utilities, and screening or buffering if there are neighboring properties. Those are the things that are listed and should be considered, he added.

Mr. Clairmont referred to the abutting properties stating that the area is pretty rural. Our house is pretty separate from the neighbors, said Clairmont.

As there was no one in the audience to speak for or against the request, nor were there any further comments or questions by Board member, the public hearing was closed by a motion by Andrew Gibson and seconded by Robert Wolf. The motion carried unanimously.

Robert Wolf made a motion to approve the Special Exception stating that the request seems to fit the regulations. It seems to fit Section 92.4 in all respects and is within the purview of Section 21.2.2. Under those circumstances I see no reason not to approve it, he said. Jose Cruz seconded the motion. The motion carried unanimously.

- 2) Action on the minutes of November 5, 2009, November 12, 2009 and December 3, 2009 was deferred until the next meeting.

The next meeting will be on February 4, 2010.

Respectfully submitted,

Lillian Murray, Clerk