

MINUTES

ZONING BOARD OF APPEALS

June 2, 2011

WATERFORD TOWN HALL

6:30 PM

Members Present: Chairperson Denise Ansell, E. Peter Bendfeldt, Barbara Panciera, Howard Edwards
Members Absent: Joshua Friedman
Alternates Present: Cathy Newlin
Alternates Absent: Jeffrey Picardi, Joseph Filippetti
Staff present: Michael Glidden, Zoning Official, Carol Libby, Secretary

1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Chairperson Ansell called the meeting to order at 6:30 PM and appointed C. Newlin to sit for J. Friedman.

2. CONTINUED PUBLIC HEARINGS

Application #ZBA2011-004 – Appeal of Carol D. Miller, owner and applicant at 212 Shore Road, R-20 Zone. Variance is requested from Zoning Regulation section 4.4.1 requesting a 13 ft. variance to the front yard setback. Variance is needed to construct an addition to the existing home per plans submitted.

William F. Kent, R.L.S. agent came forward representing Carol Miller, owner of 212 Shore Road. The lot and structure are existing non-conforming with today's zoning regulations and anything proposed would require a variance. A previous lot area variance was granted and implemented by the deed in 1987. Ms. Miller is proposing to construct a car port attached to the dwelling and is requesting a 13 foot variance. The proposal is not increasing the non-conformity of the lot.

M. Glidden, Zoning Official discussed with the board the history of the lot and issuance of variances.

Chairperson Ansell questioned if a detached garage could be built in compliance with the zoning regulations.

W. Kent stated building an accessory detached garage would create problems with access leading to the garage. The owner who is elderly would have to walk through snow and ice in the winter and an attached carport would be much more convenient. The lots in the area are small and do not meet the front yard setbacks.

Chairperson Ansell questioned 3 times if anyone present would like to speak in favor of the variance.

No one came forward.

Chairperson Ansell questioned 3 times if anyone present would like to speak in opposition of the variance.

No one came forward.

The following exhibit list was read in the record:

Exhibit A: Application and supporting documentation.

(Application; List of Property Owners Within 150'; Deed; Portion of Assessor's Map; Tax Assessor's Street Card; Certificates of Mailing; A-2 Site Plan, Aerial of property).

Exhibit B: Notice of Public Hearing published in The Day newspaper on April 21st and 28th, 2011.

Exhibit C: Copy of notification letter to applicant dated April 18, 2011 regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.

Exhibit D: Condensed comment sheet.

The Public Hearing closed at 6:45 PM.

Application #ZBA2011-005 – Appeal of David W. Relyea owner and applicant at 8 Woodbine Street, VR-7.5 Zone. Variance is requested from Zoning Regulation Section 6A.6 requesting a 3% variance to the max. lot coverage. Variance is needed to construct an addition to the existing home per plans submitted.

William F. Kent, R.L.S. came forward representing David Relyea owner of 8 Woodbine Street. The proposed 22' x 28' studio addition conforms to all front, side and rear yard setbacks. The variance requested is from section 6A.6 of 3% building coverage. The proposed structure will have a flat roof and to be consistent with the home, the overhangs will be as large as 3-1/2 feet wide which are included in the lot area calculations. In 1988 the Zoning Regulations changed and reduced the lot area coverage.

W. Kent presented Exhibit E, a letter dated 5/3/11 from M. Telford and P. Anasta expressing approval of the variance.

Chairperson Ansell questioned 3 times if anyone present would like to speak in favor of the variance.

No one came forward.

Chairperson Ansell questioned 3 times if anyone present would like to speak in opposition of the variance.

No one came forward.

Chairperson Ansell read the following exhibit list into the record:

Exhibit A: Application and supporting documentation.

(Application; List of Property Owners Within 150'; Deed; Portion of Assessor's Map; Tax Assessor's Street Card; Certificates of Mailing; A-2 Site Plan, Aerial of property).

Exhibit B: Notice of Public Hearing published in The Day newspaper on April 21st, and April 28th, 2011.

Exhibit C: Copy of notification letter to applicant dated April 18, 2011 regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.

Exhibit D: Condensed comment sheet.

The Public Hearing closed at 6:58 PM.

Application #ZBA2011-006 – Appeal of Richard and Michele Morgan, owners and applicants at 24 Douglas Lane, C-G Zone. Variances are requested from Zoning Regulations section 3.9.6, 1) requesting a 119 ft. variance to the 150 ft. setback for a barn along the northern property line and 2) requesting a 73 ft. variance to 150 ft. setback along the western property line. Variances are needed to construct a barn for the housing of farm animals per plan submitted.

William F. Kent, R.L.S., agent and Richard Morgan owner of 24 Douglas Lane came forward to represent the variance request. The variance request is to construct a 36' x 48' barn which will contain two stalls. Mr. Morgan plans on raising grass fed cows and because the land is considered "farming" it is exempt from Conservation regulations. Mr. Morgan owns 16 acres and all his property is surrounded by property owned by his father, Richard Morgan of 33 Douglas Lane. The property is served by a septic system, has wetlands areas, a pond and has a steep slope. Wetlands and natural resources are the hardship of the variance as there is no other place to construct the barn to make it functional.

Mr. Morgan wants to keep the barn out of the hay fields, wetlands and also steep slopes. The placement of the barn to also for security reasons and within walking distance to the main dwelling.

The proposed barn will be attached to an existing equipment storage shed, contain 2 stalls and have electricity. It will house hay, tractor and farming equipment. The cows, possibly 12 at one time, can live in the field and stay outdoors in all weather including winter. Their growth rate is 1,500 pounds. The cows will cross property line of 33 Douglas Lane for grazing.

Mr. Morgan of 33 Douglas Lane stated one acre of land would easily take care of 6 animals and that 2 cows required 2 bays of hay per day in the winter.

W. Kent presented Exhibit F – Proposed septic system design, dated 3/2/01.

Chairperson Ansell questioned 3 times if anyone present wished to speak in favor of the variance.

Richard Morgan of 33 Douglas Lane spoke in favor of the variance.

Chairperson Ansell questioned 3 times if anyone present wished to speak in opposition of the variance.

No one came forward.

Chairperson Ansell read the following Exhibit list into the record:

Exhibit A: Application and supporting documentation.

(Application; List of Property Owners Within 150'; Deed; Portion of Assessor's Map; Tax Assessor's Street Card; Certificates of Mailing; A-2 Site Plan, Aerial of property).

Exhibit B: Notice of Public Hearing published in The Day newspaper on April 21st and April 28th, 2011.

Exhibit C: Copy of notification letter to applicant dated April 18, 2011 regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.

Exhibit D: Condensed comment sheet.

Exhibit E: Letter dated 5/31/11 to Richard Morgan from Maureen FitzGerald, Environment Planner.

The Public Hearing closed at 7:30 PM.

3. PUBLIC HEARING

Application #ZBA2011-007 - Appeal of Theodore A. Johns, owner and applicant at 185 Niantic River Road, R-40 Zone. Variance is requested from Zoning Regulation Section 5.4.1, requesting an 11 ft. variance to the front yard setback. Variance is needed to construct an addition to the existing home per plans submitted.

Theodore Johns, owner of 185 Niantic River Road came forward to represent the variance request. He stated he needed to build a 20' x 25' addition to his existing home for medical reasons and also to house his mother.

T. Johns presented Exhibits 5, 5A, 5B, 5C, 5D and 5E, pictures showing water locations on the property and also the site contains inland wetlands. He also now has to use a sump pump in his home.

M. Glidden, Zoning Official stated before the zoning regulation change Mr. Johns would have been able to construct the addition without any variances. The location of the house and the lot area is now non-conforming because of the regulation change; all new construction must conform to current regulations.

Chairperson Ansell questioned three times if anyone present wished to speak in favor of the variance.

Peter Karpinski of 183 Niantic River Road spoke in favor of the variance.

Ivy Johns of 185 Niantic River Road spoke in favor of the variance.

Chairperson Ansell questioned three times if anyone present wished to speak in opposition of the variance.

No one came forward.

Chairperson Ansell read the following exhibit list into the record:

- Exhibit 1: Application and supporting documentation.
(Application; List of Property Owners Within 150'; Deed; Portion of Assessor's Map; Tax Assessor's Street Card; Certificates of Mailing; A-2 Site Plan, Aerial of property).
- Exhibit 2: Notice of Public Hearing published in The Day newspaper on May 19th and May 26th, 2011.
- Exhibit 3: Copy of notification letter to applicant dated May 12th, 2011 regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.
- Exhibit 4: Condensed comment sheet.

The Public Hearing closed at 7:45 PM.

The Board took a 10 minute recess.

4. APPLICATION REVIEWS

Application #ZBA2011-007 - Appeal of Theodore A. Johns, owner and applicant at 185 Niantic River Road, R-40 Zone. Variance is requested from Zoning Regulation Section 5.4.1, requesting an 11 ft. variance to the front yard setback. Variance is needed to construct an addition to the existing home per plans submitted.

MOTION: Motion made by B. Panciera, seconded by C. Newlin to approve the variance request.

VOTE: 5-0

REASON: The lot is non-conforming and granting the variance will result in a decrease of non-conformities.

Application #ZBA2011-004 – Appeal of Carol D. Miller, owner and applicant at 212 Shore Road, R-20 Zone. Variance is requested from Zoning Regulation section 4.4.1 requesting a 13 ft. variance to the front yard setback. Variance is needed to construct an addition to the existing home per plans submitted.

MOTION: Motion made by P. Bendfeldt, seconded by Chairperson Ansell to approve the variance request.

VOTE: 5-0

REASON: The addition does not increase the encroachment to the road and conforms to the neighborhood.

Application #ZBA2011-005 – Appeal of David W. Relyea owner and applicant at 8 Woodbine Street, VR-7.5 Zone. Variance is requested from Zoning Regulation Section 6A.6 requesting a 3% variance to the max. lot coverage. Variance is needed to construct an addition to the existing home per plans submitted.

MOTION: Motion made by Chairperson Ansell, seconded by P. Bendfeldt to approve the variance request.

VOTE: 5-0

REASON: In character with the neighborhood and de minimis amount requested.

Application #ZBA2011-006 – Appeal of Richard and Michele Morgan, owners and applicants at 24 Douglas Lane, C-G Zone. Variances are requested from Zoning Regulations section 3.9.6, 1) requesting a 119 ft. variance to the 150 ft. setback for a barn along the northern property line and 2) requesting a 73 ft. variance to 150 ft. setback along the western property line. Variances are needed to construct a barn for the housing of farm animals per plan submitted.

MOTION: Motion made by P. Bendfeldt, seconded by Chairperson Ansell to deny without prejudice.

VOTE: 5-0

REASON: No hardship demonstrated

5. APPROVAL OF MINUTES

MOTION: Motion was made by H. Edwards, seconded by Chairperson Ansell to approve the May 5, 2011 minutes as written.

VOTE: 5-0

6. OLD BUSINESS

7. NEW BUSINESS

8. CORRESPONDENCE

9. STATUS OF PENDING APPLICATIONS

Special meeting, June 9, 2011, Application ZBA2011-003, 29 Strand Road

10. ADJOURNMENT

MOTION: Motion made B. Panciera, seconded by H. Edwards to adjourn at 8:30 PM.

VOTE: 5-0

Respectfully Submitted,

Carol Libby
Recording Secretary