

MINUTES

ZONING BOARD OF APPEALS

July 14, 2011

WATERFORD TOWN HALL

6:30 PM

Members Present: Chairperson Denise Ansell, Joshua Friedman, E. Peter Bendfeldt, Barbara Panciera, Howard Edwards
Alternates Absent: Cathy Newlin, Jeffrey Picardi, Joseph Filippetti
Staff Present: Michael Glidden, Zoning Official, Carol Libby, Secretary
Also Present: Thomas V. Wagner AICP, Planning Director, Attorney Robert A. Avena, Town Counsel

1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Chairperson Ansell called the meeting to order at 6:30 PM.

2. RECEIPT OF APPLICATIONS

Chairperson Ansell stated the following applications were being received at tonight's meeting and the public hearing will be held August 4, 2011:

Application #ZBA2011-009 – Appeal of Elizabeth A. & Peter E. Storms, owners and applicants at 10 North Road, VR-15 Zone. Variance is requested from Zoning Regulation Section 6A.6 requesting a 13 ft. variance to the northern side yard setback. Variance is needed to construct an addition to the rear of the existing home per plans submitted.

Application #ZBA2011-010 – Appeal of Joan Burchell, owner and applicant at 21 Jordan Terrace, R-20 Zone. Variance is requested from Zoning Regulation Section 4.4.2 of a 12 ft. variance to the southern side yard setback. Variance is needed to construct a covered porch to the existing home per plans submitted.

Application #ZBA2011-011 - Appeal of Peter & Ruthanne Collins, owners and applicants at 20 Perry Avenue, R-20 Zone. Variance is requested from Zoning Regulation Section 4.4 requesting a 2 ft. variance to the rear yard setback. Variance is needed to construct an addition to the rear of the home per plans submitted.

3. APPLICATION REVIEW

Application #ZBA2011-003 – Appeal of David Ferace owner, Paul Smyth, applicant at 29 Strand Road, R-40 Zone. Variances are requested from Zoning Regulations sections 5.4.1 and 5.4.2 requesting (1) a 45 ft. variance to the front yard setback and (2) a 15 ft. variance to the eastern side yard setback. Variances are needed to construct a new single family home per plans submitted. A coastal site plan review is required in accordance with the Coastal Management Act.

Commission members, staff including Town Counsel Robert Avena discussed in detail all issues and conditions regarding the application request which were submitted at the previous public hearings. Attorney Avena submitted a memorandum dated July 14, 2011 regarding section 25.2 to the Board members.

After deliberation the following actions were taken:

- **SECTION 25.2.1:**

MOTION: Motion made by Chairperson Ansell seconded by Barbara Panciera to deny without prejudice the variance request.

VOTE: 4-1, Peter Bendfeldt voted against

REASON: The Board is not convinced that the applicant's proposal meets with the requirements 25.2.1 more specifically the septic is within 50 feet of the Waterbody. The proposed conduct is reasonably likely to pollute, impair, and destroy to whatever degree the natural resources which would require us to the denial of the application without prejudice.

Commission members took a 15 minute recess.

- **VARIANCE REQUEST:**

MOTION: Motion made by Joshua Friedman, seconded by Chairperson Ansell to deny the variance request without prejudice.

VOTE: 5-0

REASON: The plan does not comply as filed with regulation 25.2.1 and does not completely address the amount of relief requested and the proposal is not the minimum necessary to allow a reasonable use of the property.

- **COASTAL AREA MANAGEMENT:**

MOTION: Motion made by Joshua Friedman seconded by Chairperson Ansell to deny the Coastal Area Management application.

VOTE: 4-0-1, E. Peter Bendfeldt abstained

REASON: The Coastal Area Management application is denied as incomplete as it does not fully address the statutory criteria to allow the Board to make its statutory determination that the potential impacts to the coastal resources on the site have been adequately mitigated.

4. APPROVAL OF MINUTES

MOTION: Motion made by Howard Edwards seconded by Barbara Panciera to approve the June 2nd, 2011 as written.

VOTE: 5-0

MOTION: Motion made by Barbara Panciera seconded by Howard Edwards to approve the June 9th, 2011 special meeting minutes as written.

VOTE: 5-0

5. OLD BUSINESS

None

6. NEW BUSINESS

None

7. CORRESPONDENCE

Commission members received the following Zoning Regulations revisions:

1. Zoning Regulations replacement Section 5, Low Density Residential District (R-40)
2. Zoning Regulations replacement, Revised Through Effective Date: July 5, 2011
 - (a) Regulation/Zone Amendments
 - (b) Table of Contents
 - (c) Section 1 – Definitions
 - (d) Section 3 – General Provisions
 - (e) Section 25 – Environmental Protection

8. STATUS OF PENDING APPLICATIONS

9. ADJOURNMENT

MOTION: Motion made Barbara Panciera seconded by Howard Edwards to adjourn at 8:20 PM.

VOTE: 5-0

Respectfully Submitted,

Carol Libby
Recording Secretary