

MINUTES

**Zoning Board of Appeals
Waterford Town Hall**

**November 3, 2016
6:30 PM**

Members Present: Chairwoman Cathy Newlin, Joshua Friedman, Thomas Malley,
Barbara Panciera
Members Absent: Anne Darling
Alternates Present: Elizabeth Yother
Alternates Absent: Joseph Filippetti, Joshua Kelly
Staff Present: Thomas Lane, Zoning Official, Carol Libby, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairwoman Newlin called the meeting to order at 6:58. E. Yother was appointed to sit for A. Darling.

2. APPROVAL OF MINUTES

MOTION: Motion made by T. Malley, seconded by J. Friedman to approve the October 6, 2016 meeting minutes as written

VOTE: 5-0

3. PUBLIC HEARING

Continued Public Hearing, Application #ZBA-Z-16-3. Appeal of Teddy B. Realty Co., LLC, owner, Ed Lorah, applicant at 49 Boston Post Road, C-G Zone. Variances are requested from Zoning Regulations a. reduce the building line width relative to the Boston Post Road frontage from 150 feet (required by WZR 8.3) to 140 feet; b. Reduce the front yard setback relative to the Boston Post Road frontage from 75 feet (required by WZR 8.4.1) to 16 feet; c. Reduce the front yard setback relative to the Strosberg Road frontage from 75 feet (required by WZR 8.4.1) to 7.5 feet; d. Reduce the rear yard setback along the easterly boundary of 9 Pine Street from 50 feet (required by WZR 8.4.3.) to 38 feet; e. Suspend the provisions of WZR 22.5.b during the course of construction to permit the front yard relative to Pine Street to be used for materials, waste materials, and commercial or earth moving vehicles. Variances are needed to demolish existing structure and erect a new 2 story office building per plan submitted.

Chairwoman Newlin read the hearing notice and 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 September 22ND, and September 29TH, 2016 and October 20th, and October 27th, 2016.
- Exhibit 3: Copy of notification letter to applicant dated September 14th, 2016. regarding the requirement to mail the notice of Public Hearing to property owners within

- 150' of the property.
Exhibit 4: Condensed comment sheet.
Exhibit 5: Planners comments (6)

Attorney Albert Speziali and applicant Ed Lorah came forward to present the variance request. Attorney Speziali presented exhibit #6, consisting of a site plan, assessor's map, existing and proposed building, footprint comparison, map showing setbacks, ZEO certification regarding a nonconforming lot and excerpts from the Plan of Conservation and Development. Attorney Speziali explained each of the maps showing a photo of the previous structure known as Post Victoria's Restaurant. He stated the existing structure would be demolished and a new 2 story office building, using the same footprint is proposed to be built. Attorney Speziali stated the property is located in a CG zone requiring 30,000 square foot lots and a 75 foot front yard setback. The property is existing and non-conforming and also has frontage on 3 streets; Pine, Strosberg and Boston Post Road. Complying with the CG zone regulations would be impossible. He also presented a tax assessor's map showing all neighboring properties, which of none meet the regulations of a CG zone.

Attorney Speziali spoke regarding the hardship of this property. The property is a nonconforming lot bounded on three sides by town and state roads, Boston Post Road, Strosberg Road and Pine Street. The property has three front yards and one side yard. Every square inch of the property falls within a front yard, rear yard or side yard setback. The proposed structure is in harmony with all existing buildings. It is a "New England" traditional, conservative style type of structure and in keeping with the Plan of Development and proposed village center along Boston Post Road. If approved by the ZBA an application would need to be submitted to the Planning and Zoning Commission for site plan approval and also the Design Review Board would need to accept conceptual plans of the structure.

J. Friedman questioned if the proposed uses would be offices.

E. Loran stated he would relocate his present business and 11 employees, which is in New London, to the first floor of the building and business tenants would occupy the second floor.

Chairman Newlin questioned on three occasions if anyone present wished to speak in favor or against the application.

No one came forward.

The public hearing closed at 7:15 PM.

Application #ZBA-Z-16-4. Appeal of Moises Lemoine, owner and Edward Lemoine, applicant, at 8 David Street, split zone, front yard-CT zone and side and rear yard-R-20 zone, to appeal the Zoning Enforcement Officer's decision concerning the keeping of poultry in the rear yard of a residential lot consisting of 0.14 acres when 3 zoning acres (140,000 square feet) is required and maintain a structure in the required rear setback, sections 2.2, 3.1, 4.1.2.

Chairwoman Newlin read the hearing notice and exhibit list into the record.

- Exhibit 1: Application and supporting documentation.
Exhibit 2: Notice of Public Hearing published in The Day newspaper on October 20TH, and 27TH, 2016.

- Exhibit 3: Photographs taken by the Zoning Enforcement Officer, October, 2016.
Exhibit 4: Letter dated 10/7/16 from C. Libby notifying applicant of incomplete application.
Exhibit 5: Notice of violation, 9/21/16 from T. Lane, ZEO

Edward and David Lemoine, applicants came forward to present the application. E. Lemoine stated his son has raised chickens most of his life. They now have 19 chickens. D. Lemoine is a vegetarian and eats a good quantity of the eggs daily. They also had obtained a rooster and also have a fire pit on the property. D. Lemoine had a petition of neighbors in the vicinity and none of the neighbors had objections to the chickens except for one neighbor. This neighbor has called the Police Dept. and the Fire Department on several occasions. They no longer have any roosters.

T. Malley questioned if the chickens roam the property.

D. Lemoine stated they roam in the yard and one of the neighbors property but do not go into other neighborhoods properties.

J. Friedman questioned whether the chickens attract raccoons.

E. Lemoine stated skunks, rabbits, woodchucks and raccoons were in the area before they obtained the chickens.

J. Friedman questioned if there was another location in Town where they can raise the chickens and still be in compliance with the zoning regulations.

E. Lemoine stated no place near-by where he wouldn't have to drive his son to and from while caring for the chickens.

Chairwoman Newlin questioned on 3 occasions if anyone present wished to speak for the appeal.

No one came forward.

Chairwoman Newlin questioned on 3 occasions if anyone present wished to speak against the appeal.

Zoning Enforcement Officer Thomas Lane came forward to speak concerning the ZBA appeal of the decision of the enforcement letter sent 9/21/16. A Notice of Violation regarding the keeping of poultry on the property of 8 David Street was sent on 9/12/16. The applicable zoning regulations were discussed regarding section 26.2 and section 8-12 of the CT General Statutes. One of the regulations states that no farming shall be permitted on any lot less than 120,000 sq. Ft. The property at 8 David Street has 6,000 square feet which equals 5% of what is required. T. Lane had received many complaints about the chickens, rooster and predators which chickens can attract. There is also a cage/structure for the chickens located illegally on the property line. This structure must be a minimum of 10 feet from the rear property line. He also submitted photos of properties on David Street, excerpts from the General Statutes of CT and the Town of Waterford Zoning Regulations.

The Public Hearing closed at 7:30.

4. APPLICATION REVIEWS

Continued Public Hearing, Application #ZBA-Z-16-3. Appeal of Teddy B. Realty Co., LLC, owner, Ed Lorah, applicant at 49 Boston Post Road, C-G Zone. Variances are requested from Zoning Regulations a. reduce the building line width relative to the Boston Post Road frontage from 150 feet (required by WZR 8.3) to 140 feet; b. Reduce the front yard setback relative to the Boston Post Road frontage from 75 feet (required by WZR 8.4.1) to 16 feet; c. Reduce the front yard setback relative to the Strosberg Road frontage from 75 feet (required by WZR 8.4.1) to 7.5 feet; d. Reduce the rear yard setback along the easterly boundary of 9 Pine Street from 50 feet (required by WZR 8.4.3.) to 38 feet; e. Suspend the provisions of WZR 22.5.b during the course of construction to permit the front yard relative to Pine Street to be used for materials, waste materials, and commercial or earth moving vehicles. Variances are needed to demolish existing structure and erect a new 2 story office building per plan submitted.

MOTION: Motion made by T. Malley, seconded by J. Friedman to approve the variance request.

VOTE: 5-0

REASON: The existing lot is a pre-existing non-conforming lot; with overlapping setbacks, the proposed building is in harmony with the neighborhood and will increase property values of the existing neighborhood.

Application #ZBA-Z-16-4. Appeal of Moises Lemoine, owner and Edward Lemoine, applicant, at 8 David Street, split zone, front yard-CT zone and side and rear yard-R-20 zone, to appeal the Zoning Enforcement Officer's decision concerning the keeping of poultry in the rear yard of a residential lot consisting of 0.14 acres when 3 zoning acres (140,000 square feet) is required and maintain a structure in the required rear setback, sections 2.2, 3.1, 4.1.2.

MOTION: Motion made by T. Malley, seconded by J. Friedman to uphold the Zoning Enforcements Officer's decision concerning the illegal keeping of poultry in a CT and R-20 zone.

VOTE: 5-0

5. OLD BUSINESS

None

6. NEW BUSINESS

None

7. CORRESPONDENCE

None

8. ADJOURNMENT

MOTION: Motion made by E. Yother, seconded by B. Panciera to adjourn the meeting at 7:35 PM.

VOTE: 5-0

Respectfully Submitted,

Carol Libby, Recording Secretary