

MINUTES

**ZONING BOARD OF APPEALS
WATERFORD TOWN HALL**

**OCTOBER 3, 2013
6:30 PM**

Members Present: Chairman Peter Bendfeldt, Barbara Panciera (1 vacancy)
Members Absent: Joshua Friedman, Cathy Newlin
Alternates Present: Joseph Filippetti, Thomas Malley Jr. (1 vacancy)
Staff present: Zoning Official Michael Glidden, Carol Libby

1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Chairman Bendfeldt called the meeting to order at 6:34 PM and appointed J. Filippetti to sit for J. Friedman and T. Malley Jr. to sit for the C. Newlin.

Chairman Bendfeldt informed the applicant that there are four voting members present for tonight's meeting. The vote would have to be unanimous; otherwise the application would be an automatic denial of the variance request. After discussion, R. Sergeant decided to go forward with the public hearing and review.

2. PUBLIC HEARING

Application #ZBA-Z-13-11. Appeal of Jeffrey A. Shallrow, owner, Russell E. Sergeant, applicant at 115 Niles Hill Road, R-40 zone. Variance if requested from zoning regulation section 5.4.2 requesting a 13 ft. variance to the western side yard setback. Variance is needed to construct an addition to the existing residence per plans on file.

Chairman Bendfeldt read the hearing notice into the record.

Russell E. Sergeant, applicant came forward to represent the variance request. R. Sergeant stated the property is a very unique site. The lot is 450 feet deep and narrow with steep drops to the west and east, ledge and a steep drive way. The garage proposed height will be 14 feet. There is no other location on the site to construct the proposed garage. There will be a small storage area located on the second floor. R. Sergeant explained pictures submitted of the view from Niles Hill Road, approaching the existing garage and areas/views looking over ledge to the west side of the property. Due to the location of the existing home and being the lot borders the town line with the City of New London there are no neighbors in close proximity.

M. Glidden, Zoning Official stated the application was forward to the City of New London, due to the proximity to the town boundary, for comments. He did not receive any comments from the city.

Chairman Bendfeldt 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 September 19th and September 26th, 2013.

- Exhibit 3: Copy of notification letter to applicant dated September 30, 2013 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: Transmittal dated 9/6/13 from Maureen FitzGerald, Environmental Planner
- Exhibit 6: Memorandum, dated 10/1/13 from M. Glidden, Zoning Official
- Exhibit 7: Letter dated 8/27/13, from M. Glidden, Zoning Official to Nathon Caron, City Clerk of New London

Chairman Bendfeldt questioned on three occasions if anyone present wished to speak in favor of the variance request.

No one came forward.

Chairman Bendfeldt questioned on three occasions if anyone present wished to speak in opposition of the variance request.

No one came forward.

The Pubic Hearing closed at 6:50 PM.

3. APPLICATION REVIEW

Application #ZBA-Z-13-11. Appeal of Jeffrey A. Shallrow, owner, Russell E. Sergeant, applicant at 115 Niles Hill Road, R-40 zone. Variance if requested from zoning regulation section 5.4.2 requesting a 13 ft. variance to the western side yard setback. Variance is needed to construct an addition to the existing residence per plans on file.

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

VOTE: 4-0

REASON: The site's topography creates a hardship on the location where the garage can be built.

4. APPROVAL OF MINUTES

MOTION: Motion made by J. Filippetti, seconded by T. Malley to approve the August 1, 2013 meeting minutes as written.

VOTE: 4-0

5. NEW BUSINESS/CORRESPONDENCE

- Review draft – ZBA fee schedule

After review and discussion of the proposed increase in the Zoning Board of Appeals application fees the following motion was made:

MOTION: Motion made by J. Filippetti, seconded by T. Malley to approve the increase in fees as submitted and forward to the RTM for further action and review.

VOTE: 4-0

- Review draft - Zoning Board of Appeals 2014 meeting schedule

MOTION: Motion made by T. Malley, seconded by J. Filippetti to approve the 2014 Zoning Board of Appeals meeting schedule, as submitted and forward to the Town Clerk.

VOTE: 4-0

- Review draft – FY 12/13 Annual Report

MOTION: Motion made by J. Filippetti, seconded by T. Malloy to approve the FY 12/13 Annual Report as submitted.

VOTE: 4-0

- Review draft – FY 14/15 Budget

MOTION: Motion made by Chairman Bendfeldt, seconded by B. Panciera to approve the FY 14/15 Budget and allow the Zoning Official and Recording Secretary to make any adjustments, if needed, with a final copy submitted to the commission members.

VOTE: 4-0

6. OLD BUSINESS

Commission members received copies and reviewed the memorandum of decision, David Ferace, 29 Strand Road, July 16, 2013 and summons, Hugh Durham, 2 Jordon Cove Circle, July 30, 2013.

M. Glidden informed members of an upcoming Land Use Academy Fall Training class on 10/26/13 and questioned if any of the members would like to attend.

7. ADJOURNMENT

MOTION: Motion made by B. Panciera, seconded by T. Malley to adjourn the Zoning Board of Appeals public hearing meeting at 7:15 PM.

VOTE: 4-0

Respectfully submitted,

Carol Libby