

AMMENDED

MINUTES

**ZONING BOARD OF APPEALS
WATERFORD TOWN HALL**

**DECEMBER 4, 2014
6:30 PM**

Members Present: Chairman Joshua Friedman, Peter Bendfeldt and Francisco Ribas
Alternates Present: Thomas Malley and Joseph Filippetti
Members Absent: Barbara Panciera and Cathy Newlin
Alternates Absent: Elizabeth Yother
Staff present: Thomas Lane, Zoning Enforcement Officer and Carol Libby, Secretary

1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Chairman Friedman called the meeting to order at 6:32 PM and appointed J. Filippetti to sit for C. Newlin and T. Malley to sit for B. Panciera.

2. PUBLIC HEARINGS

Application #ZBA-Z-14-7. Appeal of Aspasia Kanabis, owner at 93 Shore Road, R-20 Zone. Variance is requested from Zoning Regulation section 4.4.1, front yard required 50 feet, existing 45 feet, proposed 21 feet. Variance is needed to construct a new residential house with attached garage.

Chairman Friedman 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 November 20th and November 27th, 2014.
- Exhibit 3: Copy of notification letter to applicant dated November 12, 2014 regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.
- Exhibit 4: Condensed comment sheet.

Attorney Kanabis, agent and Dave Reagan, builder came forward to present the variance request.

Attorney Kanabis submitted and read into the record Exhibit 6, Memorandum of Law regarding to application for variance including the Notice of Grant of a Variance 12/6/01 and CC Permit C-14-9. The property is in an R-20 zone and they are requesting a 21 foot variance from the front yard to construct a residential one family home. There will be water and sewer service provided for the property. The applicant had filed a similar application to the Zoning Board of Appeals on 12/6/01 which was approved. The applicant is asking to modify said variance consistent with the proposed Conservation Commission Permit #14-9 to expand the footprint of the proposed residential structure by 312 feet in the area currently approved for a paved driveway.

The genuine hardship with regard to the parcel, specifically the site plan shows that there are substantial wetlands, approximately 36,000 square feet restrict the area upon a structure may be built. The property cannot be put to a reasonable use without granting of the variance due to the wetlands. Construction of the single family residence will be an improvement of the area.

Dave Reagan submitted the following exhibits:

Exhibit 7—Modified site plan

Exhibit 8—Picture of demolished garage

Exhibit 9—Picture of proposed new dwelling

He explained on the modified site plan that the area colored in purple is the proposed two car garage. The dwelling will have a crawl space, garage with living area above and is approximately 1,300 square feet in size.

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

No one came forward

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

E. Rowley of 9 Lindros Lane stated that B. Edwards of 95 Shore Road did not receive a notice of the Zoning Board of Appeals public hearing.

N. Hicks of 85 Shore Road also stated Mr. Edwards did not receive a notice of the public hearing and his property would be the most affected due to wetlands/construction of the home.

Chairman Friedman continued the public hearing until the next regular scheduled meeting of 1/8/15. This will allow the agent ample time to notify Mr. Edwards of the continued public hearing.

Application #ZBA-Z-14-8. Appeal of John & Susan McGuire, applicants and owners at 21 West Strand Road, RU-120 zone. Variances are requested from zoning regulation 3.14.6, land development on rear lots, minimum yard setback required 30 feet; existing on westerly side 16 feet, on southern side 22 feet; proposed west 16 feet and south 27 feet. Variances are needed to rebuild a residential structure on the property.

Chairman Friedman 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 November 20th, and November 27th, 2014.
- Exhibit 3: Copy of notification letter to applicant dated November 12th, 2014, 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: Letter received 12/2/14 from David Sokol in support of the variance request

James Bernardo land surveyor agent and Susan McGuire, owner came forward to present the variance request.

J. Bernardo stated the property is in an R-120 zone and considered rear lot development. The parcel is 16,675 square feet, approximately .38 of an acre and has been in the family since the 1800's. The McGuire's are proposing to build a new home and demolish the existing home now on the lot. The parcel is also served by public water and sewer. To the west of the property is undeveloped land. The existing lot area, frontage and width will not require variances. The parcel is a pre-existing non-conforming parcel. Variances required are for the south and west yard setbacks.

J. Bernardo submitted the following exhibits:

Exhibit 6 – SCCOG, dated 12/4/14, map for reference only

Exhibit 7 – Letter from Susan and John McGuire, dated 10/5/14 signed by one abutter expressing support for the variance request.

Exhibit 8 – Google maps (3 pages) of the property dated 11/22/14

J. Bernardo continued stating the property has existed since 1934 and is a pre-existing, non-conforming with regards to setbacks, width and lot area. Section 3.14 allows development on rear lots, strict conformance with setback requirements would not allow development of this parcel.

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

John Moran of 7 Westwood Drive came forward and stated has no objection to the variance request.

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

No one came forward.

The public hearing for this application closed at 7:07 PM.

3. APPROVAL OF THE NOVEMBER 6TH, 2014 MEETING MINUTES

MOTION: Motion made by Chairman Friedman, seconded by J. Filippetti to amend the agenda for the vote on approving the 11/6/14 minutes from #2 to #3.

VOTE: 5-0

MOTION: Motion made by F. Ribas, seconded by T. Malley to approve the 11/6/14 minutes as written.

VOTE: 4-0-1

Chairman Friedman abstained as he was not in attendance of the public hearing.

4. APPLICATION REVIEWS

Application #ZBA-Z-14-8. Appeal of John & Susan McGuire, applicants and owners at 21 West Strand Road, RU-120 zone. Variances are requested from zoning regulation 3.14.6, land development on rear lots, minimum yard setback required 30 feet; existing on westerly side 16 feet, on southern side 22 feet; proposed west 16 feet and south 27 feet. Variances are needed to rebuild a residential structure on the property.

MOTION: Motion made by P. Bendfeldt, seconded by T. Malley to approve the variance request.

VOTE: 5-0

REASON: The parcel is an existing non-conforming lot and approval of the variance request will reduce the non-conformity of the parcel.

5. ELECTION OF OFFICERS

MOTION: Motion made by Chairman Friedman, seconded by T. Malley to hold the election of officers at the January 8th, 2015 meeting due to members being absent at tonight's meeting.

VOTE: 5-0

6. OLD BUSINESS

Adjustment in the 2015/16 budget postage line item from \$218 to \$279.

C. Libby explained to the members there is an increase in postage due to correspondence from the Zoning Board of Appeals being sent by certified mail rather than certificate of mailing.

MOTION: Motion made by Chairman Friedman, seconded by F. Ribas to approve the increase in the postage line item.

VOTE: 5-0

7. ADJOURNMENT

MOTION: Motion made by T. Malley, seconded by F. Ribas to adjourn the public hearing at 7:17 PM.

VOTE: 5-0

Respectfully submitted,

Carol Libby
Secretary