

ZONING BOARD OF APPEALS
February 3, 2014 Meeting Minutes

Board Members Present: Shane O'Connor, Douglas Hamilton, Ronald King,
Howard Aspinwall, and Daniel Merrigan

Town Staff Present: Jennifer Rodriguez,
Town Planner & Certified Zoning Enforcement Officer

The meeting was called to order at 7:03 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the January 6, 2014 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. Mr. King moved to accept the January 6, 2014 meeting minutes, as published. Mr. Aspinwall seconded the motion. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

- a. Continued public hearing on Application #FY13-14-08, Owner: 20-21 Ella Grasso Turnpike Associates, LLC, Applicant: James D'Alessio for a variance for the property located at 20 Ella Grasso Turnpike to reduce the side yard setback to 3 feet, where 15 is required.**

James D'Alessio addressed the Board and withdrew the application. He then asked how soon he could reapply. Ms. Rodriguez stated that if the Board determined that the new application was substantially different from the one that was withdrawn; they could accept the new application within six months.

NEW BUSINESS:

- a. Public hearing on Application #FY13-14-09, Owner/Applicant: Marilyn J. Stratton for a variance for the property located at 77 North Main Street to reduce the minimum required lot frontage to 64.81 feet, where 120 feet are required, and where 129.62 feet is the existing frontage, so that two otherwise fully conforming building lots may be created.**

Attorney Joe Flynn, representing the owners of 77 North Main Street, addressed the Board and noted that they had filed their application with all of the appropriate fees back in early January. He went on to say that he had incorporated Ms. Rodriguez' comments from her memo dated January 31, 2014 and that the required sign had been posted on the property in question on January 23, 2014. He then described the property as follows:

- 1.4 acre parcel;
- the parcel was located on the east side of North Main Street;
- located 250 to 300 feet north of the intersection of North Main Street and Seymour Road;
- the house and driveway on the property were located along the northerly border of the property; and
- due to the size and configuration of the lot, the proposed two lots would not require any variances other than the frontage.

Attorney Flynn stated that the parcel had been purchased as it was now back in 1974 and that the intent had been to have two lots. He then explained that that was why the house and driveway had been built on the extreme northerly side of the property. He went on to say that they had looked at the history of the parcel back to 1894 when it had been one large parcel. Attorney Flynn noted that over time all five pieces along the easterly side of North Main Street had been carved out of that large parcel. He then pointed out that each of those pieces had frontage ranging from 53 feet to 65 feet. Attorney Flynn stated that all of the Seymour parcels along the southerly border of 77 North Main Street had frontages ranging from 48 feet to 60 feet. He then noted that 77 North Main Street was a much larger lot than anything else in the area.

Attorney Flynn stated that they were proposing to create two parcels, by basically cutting the existing parcel in half. He explained that each parcel would have greater frontage than currently existed for parcels in the immediate area and that each resulting lot would also have a substantially greater lot area than the surrounding lots.

Attorney Flynn stated that current regulations did not allow the use of the lot as it was intended to be built in a manner that was consistent with the overall neighborhood. He went on to say that, given where the house had been built, the parcel had been preserved so that if the variance were to be granted it would result in two lots that were much greater in size, depth and width than the lots in the surrounding area. He then reiterated that the resulting lot frontages would be consistent with the other frontages in the area.

Attorney Flynn verified that the Assessor's map, the large map that he had displayed at the meeting and Ms. Rodriguez' January 31, 2014 memorandum were all included in the record.

Attorney Flynn pointed out the following two conditions that were required to be met in order to grant a variance:

- 1 The variance must not substantially, adversely impact the comprehensive zoning plan. Attorney Flynn stated that he had shown that the variance would result in two lots that were consistent with the Plan of Development.

- 2 The strict application of the Zoning Regulations causes unusual hardship which is unnecessary in carrying out the general purpose of the zoning plan. Attorney Flynn pointed out that the variance would not undermine the secure development of community.

Attorney Flynn reiterated that Mr. Stratton had purchased the property in 1974 and that Marilyn Stratton and his children now owned the property. The configuration was not caused by the currently owners.

Chairman O'Connor asked the Board members for any questions. Mr. Hamilton commented that he was trying to understand the hardship. He went on to say that under its current design the parcel would easily allow for one house on the property. He then stated that he saw the hardship as self-imposed. Attorney Flynn replied that the current owners did not create it nor had they purchase it; the parcel had been that way since 1974. He went on to say that the previous owners had just peeled off lots from one large parcel and that the parcel in question was what was left of that large parcel.

Mr. Hamilton again commented that the owners were creating the hardship by attempting to take a parcel intended for a single dwelling and trying to build two homes on it. Attorney Flynn stated that, based upon the testimony of Mr. Stratton, the intent was not to have one house on the property. The discussion continued briefly and Attorney Flynn reiterated that all of the lots in the area were much smaller than the two lots that were being proposed.

Attorney Flynn referred to paragraph 9 of Ms. Rodriguez' January 31, 2014 memorandum and stated that they would have no objection to her recommendation that, if granted, the variance be conditioned on a site plan review.

Chairman O'Connor asked the Board members for any further questions. They had none.

Chairman O'Connor asked Ms. Rodriguez for any comments. Ms. Rodriguez noted that there was a proposed building envelope and a proposed drive, but that if the Board were to approve the variance that building envelope and drive not be included in the approval. She went on to say that any approval should be specific to the frontage reduction only.

Chairman O'Connor asked for any public comments either in favor or against the application.

Malcolm Hamilton of 41 South Elm Street addressed the Board and stated that he was not sure if he was for or against the application. He went on to say that after reading the meeting agenda he had thought that two houses were going to be built on the lot. He then stated that he now understood that there would only be Marilyn Stratton's house and one new home built on the property. Attorney Flynn confirmed that that was correct. Mr. Hamilton then stated that he had no problem with the one additional building lot.

Chairman O'Connor asked for a motion regarding Application #FY13-14-09. Mr. Hamilton moved to accept Application #FY13-14-09, Owner/Applicant: Marilyn J. Stratton for a variance for the property located at 77 North Main Street to reduce the minimum required lot frontage to 64.81 feet, where 120 feet are required, and where 129.62 feet is the existing frontage, so that two otherwise fully conforming building lots may be created with the exception that the rendering drawings and driveway be removed from the approval and that they must go before the Zoning Official. Mr. Hamilton stated that he accepted the hardship based upon the submitted plan. Mr. King seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

- b. Public hearing on Application #FY13-14-10, Owner: Richie Doane, Applicant: Christopher Halpin for a Department of Motor Vehicles' General Repairer's License for the property located at 477 Spring Street.**

Chris Halpin addressed the Board and stated that he was applying for a Department of Motor Vehicles' License. He explained that he was putting a repair garage where there had already been a repair garage; he would be keeping the same use. He went on to say that there was already another repair garage in the building as well as a dealer.

Chairman O'Connor asked the Board for any questions. Mr. Hamilton asked why the application was before the Board. Ms. Rodriguez explained that it was a statutory requirement that any new license go before the Zoning Board of Appeals.

Ms. Rodriguez noted that there were some previous violations for the property and that she had spoken to the applicant about them. She went on to say that some of the necessary changes had already been made, but that some of them needed to wait until the spring. She then stated that she would be happy to follow up on them as a separate enforcement issue.

Chairman O'Connor asked the Board for any further questions. They had none.

Chairman O'Connor asked for any public comments either in favor or against the application. There were none.

Chairman O'Connor asked for a motion regarding Application #FY13-14-10. Mr. King moved to approve Application #FY13-14-10, Owner: Richie Doane, Applicant: Christopher Halpin for a Department of Motor Vehicles' General Repairer's License for the property at 477 Spring Street as submitted. Mr. Hamilton seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Hamilton moved to adjourn the meeting. Mr. Merrigan seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:34 pm

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.