

Thomaston Zoning Board of Appeals
Meeting Minutes of June 21, 2016

Members Present: Jamie Wilson, Chairman, Bob Flanagan, Tom Langlais, Becky Skinner,
Matt Kamens, Christine Yoos

Others Present: Pat Santa Maria, Jeff Russo, Jim O'Neil

The meeting convened at 7:01 pm.

Election of Officers:

A nomination of J. W. Wilson for Chairman was made by B. Flanagan and seconded by B. Skinner.

No other nominations were made and the nominations were closed.

The Board voted J. W. Wilson as Chairman 4-0-1 abstention by J. Wilson.

A nomination of R. F. Flanagan for Vice- Chairman was made by T. Langlais and seconded by J. Wilson.

No other nominations were made and the nominations were closed.

The Board voted R. F. Flanagan as Vice-Chairman 4-0-1 abstention by B. Flanagan.

A nomination of B. Skinner as Secretary was made by C. Yoos and seconded by B. Flanagan.

No other nominations were made and the nominations were closed.

The Board voted B. Skinner as Secretary 4-0-1 abstention by B. Skinner.

PUBLIC HEARING:

J. Wilson recused himself from being seated for both of tonight's public hearings.

Members Seated: B. Flanagan as Chairman, M. Kamens, T. Langlais, B. Skinner, C. Yoos

B. Flanagan read the proceedings of tonight's public hearings for the public in attendance.

Agenda Item #1 - Application #2016-06-02-01 for a variance of 26 feet to allow a 14 foot rear yard setback and a lot coverage variance of 25.6% to allow for 40.6% lot coverage for construction of an exterior staircase for second story access at 140 River St.

Agent(s): J. Russo

J. Russo explained that he would like to convert the house to a two family dwelling so he can live on the first floor and rent out the second floor, that it is the only single family dwelling in the immediate area and feels it is the best use for the property, that he needs the variance in order to construct stairs for the access to the second floor, and that he also needs a lot coverage variance because it is currently at 40.2% and will go to 40.6%.

The Board reviewed the survey of the property.

B. Skinner noted that the property is already non-conforming.

B. Flanagan commented that the house can be used now as a single family dwelling and that he is struggling with the hardship because it can't be financial in nature. Discussion ensued.

Staff confirmed that no written or verbal communications were received regarding this application.

A motion was made by B. Skinner and C. Yoos to close the Public Hearing. Motion unanimously passed.

Members Seated: B. Flanagan as Chairman, M. Kamens, T. Langlais, B. Skinner, C. Yoos

Agenda Item #2 - Application #2016-06-07-01 for a variance of 35 feet to allow a 5 foot front yard setback and a variance of 5 feet to allow a 35 foot rear yard setback for construction of a deck addition at 175 Litchfield St.

Agent(s): J. O'Neil

B. Flanagan noted that the survey is showing that a less front yard variance and a less rear yard variance will be required than what is stated in the legal notice.

Staffed explained that the survey was not fully completed when the legal notices had to be published.

J. O'Neil explained that he did not realize a permit was required because he replaced a deck that was removed several years ago, that he built it to code causing it to be bigger than the previous deck, and that his hardship is an undersized lot and the shape of the lot.

The Board reviewed the survey of the property. Discussion ensued.

J. O'Neil amended his application to read a 24'7 foot variance is required from the front setback and a 4'6 foot variance is required for the rear setback.

A motion was made by B. Skinner and seconded by C. Yoos to close the Public Hearing. Motion unanimously passed.

REGULAR MEETING:

Old Business:

Members Seated: B. Flanagan as Chairman, M. Kamens, T. Langlais, B. Skinner, C. Yoos

Agenda Item #1 – Deliberation/discussion on Application #2016-06-02-01 for a variance of 26 feet to allow a 14 foot rear yard setback and a lot coverage variance of 25.6% to allow for 40.6% lot coverage for construction of an exterior staircase for second story access at 140 River St.

B. Skinner commented that a 2 family dwelling will conform to the neighborhood with regards to the use and feels that the increase to the non-conforming lot is minimal.

B. Flanagan read the definition of a hardship to the Board and commented that it would be an advantage to the owner if the variance is granted.

T. Langlais commented that right now it is a single family dwelling and he is adding a way to the second floor.

M. Kamens agreed that it is a minimal increase.

C. Yoos referred to the definition of a hardship and commented that it isn't causing harm to the neighborhood or to property values and that he isn't enlarging the house or moving it closer to the road.

Staff reported that no verbal or written communications were received regarding this application.

A motion was made by B. Skinner and seconded by T. Langlais to approve Application #2016-06-02-01 based on the following information;

Whereas the Thomaston Zoning Board of Appeals (ZBA) has received Application 2016-06-02-01 from Jeff Russo of 61 Perritt Dr., Thomaston, which is an application for a variance of 26 feet to allow 14' rear yard setback and a lot coverage variance of 25.6% to allow for a 40.6% lot coverage for construction of an exterior staircase for a second story access at 140 River St., Assessor's Map 40 Block 12 Lot 08 in an RA-15 Residential Zone.

Whereas the ZBA held a public hearing and deliberations and has reviewed all of the documents associated with Application #2016-06-02-01 on June 21, 2016.

The map submitted with the application is entitled:

Zoning Location Survey

Plot Plan For House Addition (Deck)

Assessor's Lot 40-12-08

Owned by Jeffrey Russo

140 River St.

Prepared by Robert C Green

Reason for Approval – This approval is based on the map submitted with the application and referenced above. The granting of the variance will be in harmony with the purpose and intent of the Thomaston Zoning Regulations and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare of the community.

Hardship – The undersized lot, which is already not conforming to the Thomaston Zoning Regulations, the regulation varying is Schedule B Table of Bulk Regulations

The motion unanimously passed.

Agenda Item #2 - Deliberation/discussion on Application #2016-06-07-01 for a variance of 35 feet to allow a 5 foot front yard setback and a variance of 5 feet to allow a 35 foot rear yard setback for construction of a deck addition at 175 Litchfield St.

The Board discussed the survey showing a limited buildable area on the property, that the variance for the rear setback is very minimal, and that the request for the front setback is less than what was published.

A motion was made by B. Skinner and seconded by T. Langlais to approve Application #2016-06-07-01 based on the following information;

Whereas the Thomaston Zoning Board of Appeals (ZBA) has received Application #2016-06-07-01 from James O'Neil Application #2016-06-07-01 for a variance of 24.7 feet to allow a 15.5 foot front yard setback and a variance of 4.6 feet to allow a 35.6 foot rear yard setback for the construction of a deck addition at 175 Litchfield Street, Assessor's Map 39 Block 03 Lot 12 in an RA-15 Residential Zone.

Whereas the ZBA held a public hearing and deliberations and has reviewed all of the documents associated with Application #2016-06-07-01 on Jun 21, 2016.

The map submitted with the application is entitled:

Zoning Location Survey

As Built Plot Plan for Deck Addition

Assessor's Lot 39-03-12

Land Owned By James J. O'Neil and Paula A. O'Neil

175 Litchfield St., Thomaston, CT

Scale 1" = 20'

Prepared by Robert C. Green

Reason for Approval – This approval is based on the map submitted with the application and referenced above. The granting of the variance will be in harmony with the purpose and intent of the Thomaston Zoning Regulations and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare of the community.

Hardship – The shallow depth of the lot from front to rear, which pre-dated Zoning Regulations, plus the topography of lot from front to back, which also pre-existed Zoning Regulations.

The motion unanimously passed.

J. Wilson was reseated as Chairman.

Minutes:

A motion was made by B. Flanagan and seconded by C. Yoos to approve the Special Meeting minutes of March 29, 2016 as amended to read (Pg. 3 Item #2 2nd paragraph) T. Langlais commented that the footprint already exists. Motion unanimously passed.

New Business: None

Communications and Bills:

The CFPZA Spring 2016 quarterly newsletter was distributed to the Board. J. Wilson referred to an article in the newsletter entitled "Quorum Not Needed To Continue A Hearing".

Reports of Officers, Staff, and Committees: None

B. Flanagan informed the Board that he, J. Wilson, and J. Leifert discussed meeting next month to move into Executive Session with the Town Attorney to discuss legal matters even if there isn't any other business to conduct.

Adjournment:

A motion was made by C. Yoos and seconded by B. Skinner to adjourn at 8:43 pm. Motion unanimously passed.

Respectfully submitted,

Pat Santa Maria,
Recording Secretary