

1. Call to Order

The Chester Zoning Board of Appeals held its regular meeting on Monday, May 19, 2014, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Borton called the meeting to order at 7:30 PM.

2. Seating of Members

Board members seated were Mark Borton, John DeLaura, Al Bisacky, Caryl Horner and Alex Stein. Lisa Tollefson, non-seated alternate, was also present.

3. Approval of Minutes

Minutes were tabled.

4. Old Business

(a) Public Hearing - Application submitted by Trustees of the Scout Committee (Martin L. Heft, Jeremiah LaMark, Scott Feulner) (owner) and Boy Scout Troop 13 (applicant) for variance of Sections 50D Extension or Expansion of Nonconforming Use and 60B Required Characteristics (front and side setbacks) to construct 10' x 34' front porch addition, at property located at 103 Cedar Lake Road, Chester, CT (Tax Map 7, Lot 117, Zone R2).

Chairman Borton read the Legal Notice of Public Hearing into the record, said notice being published in The Hartford Courant on May 6 and 13, 2014.

Jeff Jacobson introduced himself noting he was assisting Troop 13 in their presentation of the application for variance. He also introduced Steven Merola (Scout Master) and Greg Merola (Eagle Scout and Junior Assistant Scout Master) of Troop 13.

Mr. Jacobson noted the subject parcel is 103 Cedar Lake Road, Tax Map 7, Lot 117. This lot has served as headquarters for Troop 13 since 1926 and pre-dated Zoning Regulations. The lot is pre-existing and nonconforming to front and side yard setbacks as well as lot area. The use is also pre-existing and nonconforming.

Mr. Jacobson noted he met with Zoning Compliance Officer Brown regarding required variances. He reviewed Section 60B, Required Characteristics. The existing building does not conform to front or side setbacks. It does conform to the rear setback. The proposed application is for a front porch addition (10' x 34', 340 square feet). A sketch of the addition was submitted with the application. The existing building is concrete block and very well kept and maintained. He also noted with a front porch the building would be

more in character with the residential neighborhood. Mr. Jacobson explained regardless of whether the addition is on the front, back or side, a variance is required. The front was selected because it is outside the 100' wetlands area.

Mr. Jacobson noted they are also asking for a variance of Section 50D, Expansion of a Nonconforming Use. Section 50D1 allows for expansion of a nonconforming use and if the variance is granted, they will then have to go before Planning & Zoning for a Special Exception. The existing footprint is 1008 square feet with a proposed addition of 340 square feet.

Mr. Jacobson noted if the setbacks were applied to the property lines, that would leave a 2 foot wide strip for an addition. The hardship is that there is no way to conform to current zoning requirements. The lot is not overly developed. The existing building and addition is only half of the coverage allowed.

Mr. Jacobson reviewed surrounding properties. The property to the east is an old existing residence that pre-existed 1926. The property to the west are the A Frame buildings. Across the street is Cockaponsett State Forest.

Chairman Borton asked about the steps to the southeast. Mr. Merola noted those were steps to an area down below they use for a campsite.

Mr. Jacobson noted there is no water supply or septic system on this property. There is a portable toilet out back and they bring in bottled water. The property is used infrequently, one night a week during the school year for a couple of hours. The lot is not intensively used.

Chairman Borton asked about the carport. Mr. Jacobson explained after a fire in 1969 they replaced the building with a concrete block building with a carport on the western side. Shortly after that the carport was closed in.

John DeLaura confirmed the use is exactly the same and there is no expansion or intensifying of use. Mr. Jacobson noted that was correct and reviewed some of the Troop's activities. Mr. Merola noted there are about 40 to 45 scouts.

John DeLaura asked if this was the only property the Troop owns. Mr. Merola replied yes. Mr. Jacobson noted this is a unique structure in that there is a group of Trustees that control the property. This was established that way since 1926 and from time to time the

Trustees change.

Chairman Borton asked about elevations. Mr. Jacobson reviewed the map and how the property slopes.

It was noted there is a gravel parking area across the street owned by the State which they allow the Scouts to park in. Mr. Merola noted he occasionally maintains the area when it gets washed out.

Chairman Borton asked if the area between the front porch and the road was lawn. Mr. Jacobson replied yes, the area is about 22 feet.

It was noted the 3 circles on the plan on either side of the driveway were posts that had been pulled out and replaced with a rock.

Alex Stein asked if any consideration had been given to putting the porch on the back. Mr. Jacobson noted they did discuss that but because of the wetlands they decided to put it on the front. A variance would be required no matter where it is put and the front would enhance the appearance of the building in a residential area. Mr. Jacobson explained when an application goes before the Wetlands Agency, there is the question of "prudent and feasible alternatives" and the front would be a prudent and feasible alternative.

Al Bisacky explained the 100' wetlands review area and that any activity in that area has to come before the Wetlands Agency. Disturbance outside that area could also be subject to regulation if shown to have a detrimental effect. Mr. Bisacky noted he looks as though its flat behind the building. Mr. Jacobson noted the front slopes away from the wetlands. Mr. Bisacky asked how the porch would be constructed. Mr. Merola noted it is on piers and there won't be a lot of excavation.

John DeLaura asked what the hardship was. Mr. Jacobson noted there is no way to configure any type of addition to conform to required setbacks. He reiterated the existing and proposed coverage of 7.2% conforms to the allowed 15%.

The question was asked why the porch didn't go all the way across the front. Mr. Merola noted there is a sidewalk and handicap access and because of aesthetics.

Motion by DeLaura, second by Bisacky, to close the public hearing at 8:02 PM. Unanimously approved.

(b) Consideration of Application - Application submitted by Trustees

of the Scout Committee (Martin L. Heft, Jeremiah LaMark, Scott Feulner) (owner) and Boy Scout Troop 13 (applicant) for variance of Sections 50D Extension or Expansion of Nonconforming Use and 60B Required Characteristics (front and side setbacks) to construct 10' x 34' front porch addition, at property located at 103 Cedar Lake Road, Chester, CT (Tax Map 7, Lot 117, Zone R2).

Mr. Stein noted there is obviously very little buildable envelope and a drop off in the back. He noted he was less concerned about the regulated area in the back, but he really couldn't comment on wetlands matters. There is no conforming space for an addition. The question is does the Board feel the front is better than the back or side or something else.

Ms. Tollefson agreed with Mr. Stein. The properties at the Lake just don't have feasible buildable areas. Putting the addition on the west side would wipe out parking. She noted aesthetically it makes more sense to be in the front and it will be look more like a residence. She noted she would be in favor of granting the front porch as they have shown a hardship.

Mr. DeLaura noted that whole area should be looked at by Planning & Zoning and rezoned. It is an R2 area and if anyone wants to do anything they have to get a variance. That could be remedied by changing the regulations. There is no buildable area on this lot. He indicated he would have no qualms about granting a variance. The hardship is pre-existing 1926 and there is no viable place to do anything. This is less obtrusive than going in the back where the wetlands are. Mr. DeLaura noted he would support the application.

Ms. Horner noted she was familiar with the outside of the building. This would enhance the activity of the Scouts. It would make the building look more attractive. She noted had some trepidation about Section 50D. Ms. Horner noted she would lean toward supporting the addition as drawn.

Mr. Bisacky noted none of these lots in this area meet zoning. It would be helpful to know what the properties are to the east and west. He would encourage future applicants to provide that information. He further noted he would recommend something better than plexiglass, but wasn't sure that was within this Board's purview. He reiterated that current zoning just doesn't fit. He stated he was more in favor than opposed to it.

Alex Stein noted it is rather close to the road. He suggested some kind of a barrier at the edge of the property line as the road is

narrow.

Chairman Borton echoed a couple of points already stated. He indicated there is no question there is a hardship. There is no buildable area. Alex's idea of a barrier is an interesting one. He stated he was not convinced the front was the best solution. On the question of use, he noted public service is an area where an exception could be made. Chairman Borton noted he would grant the variance but preferred the addition be in the back.

Mr. Bisacky noted the front setback is more valuable than the back or side. It was noted the addition would have to be reconfigured if done in the back or the oil tank would have to be removed.

Chairman Borton noted the front setback has the most impact on the community. Its more aesthetic, but also a safety issue.

Chairman Borton noted it seemed the consensus of members was to grant a variance because of the lot and use. The remaining question is where. If the addition is done in the front, should there be a physical barrier at the property line by the road.

Mr. Bisacky asked if that wouldn't change the application. Mr. DeLaura noted the Board can condition an application with some sort of physical barrier. If the addition moves to any other location, that would require another application. Mr. DeLaura noted the application can be denied, approved as is or approved with conditions.

Mr. Bisacky noted if the addition were any other location than where shown, it would be subject to wetlands approval. Mr. Stein asked if the ZBA had to consider that. Mr. Bisacky replied no.

Mr. DeLaura noted he was happy to approve this application as submitted with a hardship of no buildable area, pre-existed 1926 with some kind of barrier along the property line between Cedar Lake Road and the new porch.

Mr. Stein asked what the purpose of the barrier would be. He noted his intent was to keep people out of the street, but people driving down the road would also have a visual of the road. Mr. Stein noted he would suggest the applicant consider a physical barrier, but would not condition the application as it may be an unreasonable expectation.

Mr. DeLaura suggested a site walk might be a good idea. There was

further discussion regarding the distance to the road from the addition. It was agreed there was cause to grant a variance.

After further discussion, it was agreed to table the application and schedule a site walk before the next meeting.

5. New Business

(a) Receipt of New Applications - none.

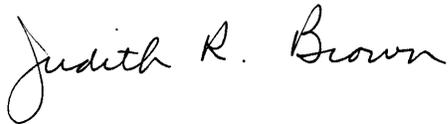
6. Any Other Business - none.

7. Audience of Citizens - none.

8. Adjournment

There being no further business, the meeting adjourned at 8:43 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink and is positioned below the typed name.

Judith R. Brown, Recording Secretary