

Chester Zoning Board of Appeals

February 22, 2016

Page 1 of 5

1. Call to Order

The Chester Zoning Board of Appeals held its regular meeting on Monday, February 22, 2016, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Borton called the meeting to order at 7:31 PM.

2. Seating of Members

Members in attendance and seated were Mark Borton, John DeLaura, Alex Stein and Brian Sakidovitch.

3. Approval of Minutes

Motion by DeLaura, second by Stein, to approve November 16, 2015 Minutes as written. Approved with Borton and Sakidovitch abstaining.

4. Old Business

(a) Public Hearing and Consideration of Application

Application submitted by Mary Jane Fisher (applicant) and Carolyn C. Kosswig, Elaine M. Roberts, and Joyce Mahoney (owners) for variance of Section 60B Required Characteristics (minimum lot area, minimum lot width, minimum lot rectangle, front, rear and side setbacks, maximum building coverage) and Section 50D, Nonconforming Uses & Improvements, Extension or Expansion, to build a year round one story house on existing site, at property located at 6 Lakeview Avenue, Chester, CT (Tax Map 12, Lot 141, Zone R2).

Chairman Borton read the Notice of Public Hearing into the record, said notice having been published in the Hartford Courant on February 9 and 16, 2016.

John DeLaura noted there was a lengthy meeting last November in which Mr. Buckley did a good job presenting the application. There was discussion at that time as to whether the boundary line was depicted as actually shown on the plan. There also was discrepancy on the septic system by an abutter. The applicant agreed to a continuation and subsequently withdrew due to time restraints. This is pretty much the same application but a different one.

Chairman Borton noted there were only 4 members present and in order to grant a variance the vote would have to be unanimous. The applicant has the right to delay until 5 members are present or to proceed with 4. Mary Jane Fisher, applicant, stated she wanted to proceed this evening.

Brian Buckley, J. Brian Buckley Design, introduced himself as the applicant's

Chester Zoning Board of Appeals

February 22, 2016

Page 2 of 5

representative. He agreed with Mr. DeLaura's explanation of the previous meeting.

Attorney Ed Cassella introduced himself as the applicant's attorney. He submitted copies of 2 different surveys which the Board identified as Exhibit A. The 1997 survey showed the land of Palme Carezza, portion of land of Palme Carezza to be conveyed to Joyce Mahoney and land of Raphael Carezza. He further noted in 1997 the 25' strip of land was conveyed to Joyce Mahoney as was the existing garage lot.

Attorney Casella explained the conveyance of land that occurred in 2011 didn't show up. The purpose of that conveyance was to undue what was done in 1997. Cassella further noted the neighbor was correct and Mr. Buckley's plans were updated to show that Lot 6 does not contain the 25' strip. Currently Lot 6 is 9,679 sf + 2,433 sf and Lot 8 is 4,840 sf + 3,604 sf. The subject property is now a total of 8,447 sf. #6 and #8 are still 2 separate parcels but it is agreed that will be merged.

Mr. Buckley noted when the 2,433 sf parcel was reconveyed back to Lot 8, it was not recorded on Lot 6. That has now been rectified and shown on the plan. At the end of the previous meeting, it had been decided to continue the hearing. After discussions between the ZCO and the Town Attorney it was decided it would be best to submit another application. The previous application was withdrawn and Mary Jane Fisher is requesting the Board waive the application fee for the second application.

Motion by DeLaura, second by Stein, to waive the application fee. Unanimously Approved.

Brian Buckley next reviewed the buildable area. He also explained Section 40B.1 of the Zoning Regulations governing Pre-existing Substandard Parcels in that it allows an existing lot placed in a different zone to have the lot size divided into 3. A variance is being requested of the area of buildable land and all setbacks. He further explained this application was submitted on the basis that the reduction of nonconformities can be used as a hardship to grant a variance. All septic and well requirements meet the Health Standards. The house is one story, single family, wood frame, 1682 sf, 2 bedrooms, 2 baths with 2 car garage. They don't feel this is a significant size house for the area. The existing seasonal house will be torn down as well as the existing garage and shed. The new house would be a year round residence.

Mr. Buckley reviewed all existing and proposed setbacks as well as building coverage. They are at 19.9% building coverage and requesting a variance. This does not effect the ability to put a septic system on the property. The septic is designed for a 3 bedroom

Chester Zoning Board of Appeals

February 22, 2016

Page 3 of 5

residence. Well and separating distances to neighbor's well was reviewed.

Chairman Borton read into the record a letter from Lee Vito, Sanitarian dated February 22, 2016 indicating suitable soils and design for a 3 bedroom dwelling and new water well met the State Health Department requirements. He also had 3 conditions attached to his approval. There was discussion regarding the survey. Chairman Borton noted the survey should take into consideration the neighbor to the north. The submitted survey was not signed or dated. It was unclear whether the Sanitarian had requested a certified copy. The Board indicated it would be wise to have the applicant submit a certified up to date survey.

Mr. Buckley reviewed the 2 car garage, interior of the dwelling and access to the full basement (except garage) was through the interior of the house. Actual size of the rooms were very tight, not extravagant. It is a ranch style house with relatively low roof pitch. It is in keeping with the neighborhood as a one story with minimal attic space. Elevations and street view were reviewed.

Chairman Borton asked if anyone wished to speak in favor of the application. Patrick Fisher, 21 Lakeview, son of the applicant, spoke in favor of his mother moving into the neighborhood. They just rebuilt their home, as well as others on the street, which is enhancing the neighborhood.

Chairman Borton asked if anyone wished to speak in opposition to the application. William and Laurie Cobb, 29 Cedar Lake Road, noted they weren't in opposition but had some concerns. Drainage was a concern if the full basement had no curtain drains. Mr. Buckley noted they would excavate and put in sump pumps. The distance of the storm drain to the septic was a concern. Mr. Buckley noted it meets code. Attorney Cassella pointed out a lot of times the edge of the road is not the edge of the property. Well distances were reviewed. There was a concern about maple tree roots near the property line being disturbed during excavation for the new foundation. Mr. Buckley noted the Sanitarian has to give final approval of the distances. Attorney Cassella pointed out the property to the north is mainly wooded to the south which abuts the Cobb and Mahoney property. It was noted well issues do not fall under the purview of this Board.

Elaine Roberts and her daughter, Andrea were also present but did not have any comments.

The public hearing was closed at 8:20 PM.

Chester Zoning Board of Appeals

February 22, 2016

Page 4 of 5

Consideration of Application -

Brian Sakidovitch noted Section 40B.1 allows for a reduction in requirements to 10,000 sf. John DeLaura explained there is a trade off in building coverage offsetting the reduction of non-conformity. Dimensions and building coverage were briefly reviewed. Mr. Sakidovitch noted there is no hardship. Mr. DeLaura explained the main goal of zoning is to bring properties more into conformance. There is case law that if an applicant is moving to a more conforming situation that can be used as a substitute for a hardship.

Alex Stein had a concern about no bilco door as a second means of egress from the basement. John DeLaura noted the basement was not habitable space. Mr. Stein noted it seems common sense to have a second means of egress for reasons of safety, utility and mechanical issues.

John DeLaura noted the nonconformities are being reduced and the issues raised at the last meeting have been straightened out.

Chairman Borton noted this is a pre-existing nonconforming lot. The upgrade of the property is to a more desirable structure. The general reduction of nonconformities is also good.

Motion by DeLaura, second by Sakidovitch, to approve the variance as submitted with the following conditions -

- 1) Provide a certified site survey plan with signature and date of survey.**
- 2) Merge two parcels prior to obtaining a certificate of zoning approval for a building permit.**

Unanimously Approved.

5. New Business -

- (a) Receipt of New Applications – none.

6. Any Other Business

It was noted the Board is short staffed and needs more members.

John DeLaura also noted he would like to see the upcoming budget include funds for training of members. There is a training class in March of 2017 at Wesleyan and probably one hosted by UCONN at the Extension Center in Haddam next year.

Chester Zoning Board of Appeals

February 22, 2016

Page 5 of 5

7. Audience of Citizens

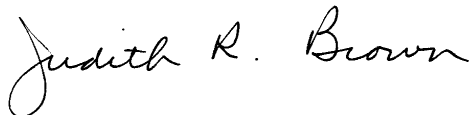
William Cobb noted he didn't receive the notice of this meeting until February 19th and didn't really have any time to respond. The notices to neighbors need to be done on a more timely basis. Board members agreed.

Elaine Roberts had a question as to merging the properties. The Board advised her it was the buyer's responsibility to merge the properties.

8. Adjournment

Motion by Sakidovitch, second by Stein, to adjourn at 8:45 PM. Unanimously Approved.

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 text "Respectfully submitted,".

Judith R. Brown, Recording Secretary