

Zoning Board of Adjustment

May 14, 2020

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Willis Wood, Todd Hindinger, James Cahill, John Broker Campbell, and Chris Widden, land use administrator.

Paul Tillman and Carl Wyman were in the audience.

2. Call to order

Willis Wood called the meeting to order at 7:04 PM.

3. Agenda Review – There were no additions.

4. Public Hearings: Change of use by Carl Wyman for converting his one apartment/one office to a two bedroom/one office building (Parcel #030207, located at 7409 Route 131 Weathersfield)

Willis Wood opened the hearing at 7:06 PM. The Board members have no conflict of interest or exparte communication. Carl Wyman is interested party status and affirmed.

Carl Wyman stated that currently it is a one-bedroom apartment with office approval up to ten employees. The use of the office is diminishing. The office would be divided into spaces to allow the one-bedroom apartment. Then there would be two one-bedroom apartments and a smaller office. The office would continue to have two to three employees.

Exhibit #1 is the zoning permit application which is two pages. Exhibit #2 is the schematic of the building. Exhibit #3 is the Zoning Board Notice of Decision received April 10, 2007 which is five pages. Carl Wyman stated that the landscaping requests were completed and remain in effect. Exhibit #4 is the site plan which was completed February 28, 2007. Exhibit #5 is the lot configuration dated February 28, 2007. Exhibit #6 was the email from Carl Wyman. Exhibit #7 was the sign off sheet from the Town authorities (highway department, West Weathersfield Fire Department, and school principal).

Carl Wyman stated that he checked with Brian Rapanotti in regards to waste water and existing septic. It requires no changes. He thinks that the State will want a storage tank in the cellar which will hold eight gallons. He is working on designing a water storage tank.

Chris Whidden stated that it is a prepared use within the Bylaws. He would support the Board's approval. It does comply with the Town Plan. The Town is in need of more rental units. Willis Wood asked if he was looking for a person or a couple. Carl Wyman stated that it will only be a one bedroom. He is hoping for a long-term rental. The tenant in the other apartment has been there for 9 years. James Cahill asked if there would be any parking issues. Carl Wyman stated that there would no issues.

Willis Wood asked if the principal use is an office with the apartment being an accessory use. Carl Wyman stated that it was built as an office. John Broker Campbell stated that this could change principal use to residential. The accessory use comes with home industry as an office. Willis Wood stated that to have home industry it needs to be in the highway district. They can have an existing single-family dwelling and convert to two family, but cannot have new construction. Chris Whidden stated that in 2007 it was granted as a single-family use and office. He read Bylaw 4.32F. John Broker Campbell stated that it is an office building with one-bedroom apartment with an accessory use. Willis Wood referred to highway commercial on page 18 in the Bylaws. He stated that Carl Wyman cannot make it into a three bedroom because it is prohibited. John Broker Campbell discussed other uses in the Bylaws. Carl Wyman stated that he hopes this works out. He stated that this is direction of the Town Plan. Chris Whidden agreed with him. John Broker Campbell wanted to know if the office would remain an office. Carl Wyman stated that it would. It would just have less employees.

Carl Wyman stated that he is going from six offices down to two offices, keeping the 400 square feet entrance, lobby area, a conference room, one bathroom and the two offices. The office kitchen will be the kitchen for the proposed one-bedroom apartment. He showed Willis Wood on the plan where the fire wall will be located that will divide the office for the proposed one-bedroom apartment.

Todd Hinderger stated that on the Notice of Decision dated April 10, 2007 there were to be some evergreens. He stated that there are no evergreens on this site and there is no screening. The building can be seen. Carl Wyman stated that the vegetation has been completed. deForest Bearse, a previous Zoning administrator, signed off as it was adequate. There are holly bushes along the fence line. There are trees around the lamp posts with some of them struggling. There is a hedge now along the split rail fence. The building was not supposed to be hidden, but shaded. The landscaping softens the building. Todd Hinderger noted that on the left between you and your neighbor, there were supposed to be evergreens.

Carl Wyman stated that deForest Bearse signed off on it in 2007 because it was considered to have met the conditions. There have been no issues with the neighbors. He has not changed the outside of the building since 2007 and to add more vegetation would be the Board acting against the project.

Paul Tillman had no comments in regards to this hearing. He was only here to help in the future with the Bylaws and anything that might come up.

John Broker Campbell made a motion to close the hearing at 7:40 PM. James Cahill seconded it. All were in favor of closing the hearing.

5. Approval of Minutes – 15 October 2019; April 29, 2020

Willis Wood made a motion to approve the minutes of October 15, 2019 as corrected. James Cahill seconded it. All were in favor of approving the minutes with the corrections.

Willis Wood made a motion to approve the minutes of April 29, 2020 as corrected. James Cahill seconded it. All were in favor of approving the minutes with the corrections.

6. Discussion on monitoring and enforcement of conditions put on conditional use approvals

Willis Wood stated on conditional use, the Board would like to make sure that conditions are being met. The Zoning administrator should check that the conditions have been met and then check off on it. An example of this would be Jeff Spurr. He is putting up a third storage building, but one of the conditions was that there be plantings between his property and the Villagers. He needs a condition of occupancy to open that storage unit. Willis Wood wants to make sure that conditions are being followed and checked upon. He asked Chris Whidden to check before a certificate of occupancy is approved that the applicant has completed what needs to be completed.

Todd Hinderger stated that there are rules that the Board has to follow. He would like to see the Reed property followed up on. James Cahill stated that before a permit is issued is when things need to be completed, not after the permit is issued. John Broker Campbell stated that Chris Whidden could get an update and if the Board needs to act on something then they could. Todd Hinderger stated that the Board goes above and beyond to make sure something can happen, but it has to fall into place. Chris Whidden thanked the Board for the comments and confidence.

7. Discussion on affirmation of attorneys at hearings

Willis Wood stated that during a hearing, the applicant and interested parties are affirmed. He wanted to know if an applicant brings an attorney, should the attorney be required to affirm too. Todd Hinderger stated that anybody who provides testimony needs to be sworn in. The Board has not been doing that for attorneys. The attorney can do or say anything for their client. Willis Wood stated that the Board discussed at a meeting that if an attorney is not sworn in, his/her testimony would not be considered fact. Chris Whidden stated that he has been doing some research on this. He cannot find anything that is consistent. The Board is in charge of the meeting. It is the Board's policy in regards to who to swear in, or who not to.

Willis Wood stated that some applicants are not versed, or comfortable with public speaking. Therefore, their representative, or attorney is allowed to speak on their behalf. Chris Whidden stated that the attorney is under oath in an official hearing and cannot present falsehood.

8. Any other business

Paul Tillman stated that he wants to find better ways to communicate among the Boards/groups whether it is once a year, or monthly. He just wants to be aware of any issues the Zoning Board is running into with the Bylaws. Todd Hinderger stated that it would be good to have a better definition for junkyard. As chair of the Planning Commission, Paul Tillman stated that there is a spreadsheet of the Town Plan now. He wants to see what sections have been looked at, what ones need to be addressed, etc. Willis Wood stated that it would be nice to have a separate flood section, an index, and separated into sections. Paul Tillman stated that he is working on a table of contents for the Bylaws.

9. Adjournment

Todd Hinderger made a motion to adjourn at 8:10 PM. John Broker Campbell seconded it. All were unanimous to adjourn the meeting.

Respectfully submitted,

Diana Stillson