

**ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING
HADDAM TOWN HALL
21 FIELD PARK DRIVE
Thursday, 19 December 2013
UNAPPROVED MINUTES
*Subject To Change By The Commission***

ATTENDANCE

A	Thomas Berchulski
X	Margo Chase-Wells
X	Marjorie W. DeBold, Vice Chairman
X	Robin Munster, Chairman
X	Jen O'Neal, Secretary
A	Mary Hickish, Alternate
A	Helen Reeve, Alternate
X	Kenneth Wendt, Alternate - Seated
X	Liz West Glidden, Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mrs. Munster, chairman, called the meeting to order at 7:34 p.m.

2. Attendance/Seating of Alternates

Attendance was taken and regular and alternate members were seated.

Mrs. Munster read the Legal Notice, as printed in the Middletown Press, into the record.

3. Election of Officers for Chairman and Vice Chairman

Mrs. Munster reported that under Section 4-6 of *The Haddam Charter* the Board needs to elect officers.

MOTION: Margo Chase-Wells made a motion to nominate Robin Munster for chairman. Mrs. Munster accepted. Jen O'Neal seconded. Motion carried unanimously.

MOTION: Marge DeBold made a motion to close the nominations for chairman and cast one ballot for Robin Munster. Jen O'Neal seconded. Motion carried unanimously.

MOTION: Jen O'Neal made a motion to nominate Margo Chase-Wells for vice chairman. Mrs. Chase-Wells declined. The motion was withdrawn.

MOTION: Jen O'Neal made a motion to nominate Marjorie DeBold as vice chairman. Mrs. DeBold accepted. Margo Chase-Wells seconded. Motion carried unanimously.

MOTION: Robin Munster made a motion to close the nominations for vice chairman. Jen O'Neal seconded. Motion carried unanimously.

MOTION: Margo Chase-Wells made a motion to cast one vote for Marge DeBold as vice chairman. Jen O'Neal seconded. Motion carried unanimously.

MOTION: Robin Munster made a motion to nominate Jen O'Neal as secretary. Mrs. O'Neal accepted. Margo Chase-Wells seconded. Motion carried unanimously.

MOTION: Marge DeBold made a motion to close the nominations for secretary and cast one ballot for Jen O'Neal. Margo Chase-Wells seconded. Motion carried unanimously.

Election results are as follows: Robin Munster, chairman; Marge DeBold, vice chairman; and Jen O'Neal, secretary. Congratulations, ladies!

4. PUBLIC HEARING

a. A Variance to Allow a Shed to be Located 14 Feet from the Rear Property Line Where 20 Feet is Required for Property Located at 20 Lt. Shubael Road and Show on Tax Map 6, Lot 32-4

John and Diane Seamon, owners/applicants, were present.

Mr. Seamon submitted the mailing receipts (Exhibit A) into the record.

Mr. Seamon stated that the hardship is a result of the peculiar topography – hilly and swaley. Requesting to place a 20 foot by 14 foot shed in the northwest corner of the property (due to a hill, this will insure good drainage and at the same time would prevent the cutting of mature oak trees). Mr. Seamon stated that there is only one corner of the shed that the variance is being requested for – 14 feet as opposed to the required 20 feet – and that all other corners are beyond the minimal requirements.

Mrs. Munster asked if there had been any response from the neighbors who received notification of the proposed variance request (Attachment #5 with the application). Mr. Seamon reported that no one responded to the letter. Mrs. Munster noted that the area appears to be wooded by the photos (Attachments #2, 3 and 4 with the application) and driving by the property.

Using a map (Attachment #1 with the application), Mr. Seamon pointed out the location of the homes of the abutting property owners and stated that in an attempt to not be invasive to the neighbors the proposed shed site was selected.

Mrs. DeBold asked if the shed would have a foundation. Mr. Seamon stated no, however, there will be a crushed rock pad and the shed will be situated on pressure treated timbers. Mrs. Munster asked if there were regulations regarding this. Mrs. Glidden stated there may be something within the building codes, but not within the regulations.

Mrs. DeBold read into the record Mrs. Glidden's memo, dated 12.19.2013, which indicated the following: property is slightly over one (1) acre and zoned R1; setbacks for R1 are ten feet on each side and a minimum of 20 feet to the rear; proposed shed location is 14 feet from rear property line requiring a six (6) foot variance; shed is modest in size and will be sited over 75 feet away from any other residence; existing vegetation will aid in screening; shed will be located 14 feet from the rear property line which will allow care/maintenance on all four sides; and while hardship is somewhat self-created, the Land Use Dept. finds that it is the minimum to provide relief from the Zoning Regulations (Exhibit B).

MOTION: Robin Munster made a motion to close the public hearing at 7:48 p.m. Jen O'Neal seconded. Motion carried unanimously.

b. A Variance to Allow the 150 by 150 Buildable Square to Lie within 31 Feet of Wetlands Where 50 Feet is Required Per Section 4.2 of the Town of Haddam Zoning Regulations – For a Proposed Lot to be Created South of the Existing House Located at 178 Old Chester Road and Shown on Tax Map 66, Lot 5-3.

Mrs. DeBold asked if everyone received copies of an amended agenda, as her computer was down and she was unaware as to whether she had received it. Everyone else had received the amended agenda. Mrs. Glidden noted that she had mailed an amended agenda to Mrs. Marshall and that she had meet with Mrs. Marshall and her engineer. Mrs. Glidden explained options available to the Commission in how to handle the matter. After a brief discussion, the Board felt it best to table the matter until Mrs. Marshall was present.

MOTION: Marge DeBold made a motion to table the application until the January meeting. Jen O'Neal seconded. Motion carried unanimously.

Mrs. Marshall arrived at the meeting.

MOTION: Marge DeBold made a motion to rescind her previous motion. Jen O'Neal seconded. Motion carried unanimously.

Virginia (Ginny) Marshall, owner/applicant, was present.

Mrs. Marshall submitted the mailing receipts (Exhibit A) into the record.

Using a map and a small overlay (overlay not submitted into the record), Mrs. Marshall pointed out a number of gates and fence lines and explained that she would need to move the property line so as not to create a 30 foot "dead zone". Mrs. DeBold asked what Mrs. Marshall intended for the far parcel. Mrs. Marshall explained that she has an individual who is interested in the farm, that she plans to build a new house, and assist in running the farm.

Mr. Chase-Wells asked why the property line needs to be moved. Mrs. Marshall stated that if she doesn't receive a variance, the only way to keep the minimum rectangle out of the wetlands is to bring it right up to the fence line. Mrs. DeBold asked if the proposed variance would affect anything else on the property. Mrs. Marshall stated no. Mrs. Glidden stated that the proposed variance is for the remainder lot. Discussion followed in regard to the requirement to show a buildable square on the remainder lot.

Mrs. DeBold asked if the new property owner will be able to divide his portion of the farm. Mrs. Marshall stated no, because he doesn't have sufficient acreage; and the remainder lot will be undividable (hoping that the new owner will be able to buy the lot to add back to the existing farm; otherwise, the lot will remain in agricultural or conservation purposes only).

Mrs. DeBold asked how far into the wetlands the Board previously approved. After review of the October minute, the variance was to allow the 150 by 150 buildable square to lie within 20 feet of wetlands where 50 feet is required.

Mrs. O'Neal asked if there was any response from the neighbors. Mrs. Marshall stated yes, a phone call from Mr. Langhammer to inquire about the activity and John Kirn to inquire about a possible property line adjustment to his property. A brief discussion followed in regard to abutting property owners' responses not coming directly to the Board.

Mrs. Munster read into the record Mrs. Glidden's memo, dated 12.19.2013, which indicated the following: applicant seeks to subdivide property to allow for a second lot; current property zoned R2 and consists of 7.5 acres more or less; variance, if approved, would entitle the applicant to a "free split" as this is an original parcel prior to 03.17.1958; cites Section 4.2 of the Zoning Regulations; due to extensive wetlands and upland review area for the wetlands, a buildable rectangle for the remainder parcel cannot be accommodated without a variance to either the wetlands or the setbacks; due to ledge, wetland soils, and upland review area, a buildable square cannot be accommodated elsewhere on the property; unlike the buildable square for the proposed lot that ZBA approved in October, this buildable square on the remainder lot does not need to contain the existing buildings or septic; applicant need only demonstrate that a buildable square can be accommodated somewhere on the property; large amount of wetlands and upland review area, the stream that bisects the property, and the existing barns and fence lines could constitute a hardship; however, the question is whether or not the hardship is self-created; and the intent of any variance is to allow for development to occur on properties where strict adherence to the Regulations would deny the resident of reasonable use or enjoyment of the property (Exhibit B).

MOTION: Marge DeBold made a motion to close the public hearing at 8:05 p.m. Ken Wendt seconded. Motion carried unanimously.

4. PUBLIC MEETING

a. A Variance to Allow a Shed to be Located 14 Feet from the Rear Property Line Where 20 Feet is Required for Property Located at 20 Lt. Shubael Road and Show on Tax Map 6, Lot 32-4

John and Diane Seamon, owners/applicants, were present.

Mrs. Munster stated she had no objection to the variance based on the intentions (retain trees; consideration of neighbors; site location) of the applicants and there being no objections from the neighbors. Mr. Wendt stated that the Board listened to a very contentious matter a few years ago, that lessons were learned, and this matter has gone smoothly.

MOTION: Margo Chase-Wells made a motion to approve a variance to allow a 20 by 14 foot shed to be located 14 feet from the rear property line where 20 feet is required per Table 1, Section 4 of the Town of Haddam Zoning Regulations. Conditions: 1. Standard Permit Conditions. 2. Special Conditions/Modifications – No. Jen O’Neal seconded. Motion carried unanimously.

b. A Variance to Allow the 150 by 150 Buildable Square to Lie within 31 Feet of Wetlands Where 50 Feet is Required Per Section 4.2 of the Town of Haddam Zoning Regulations – For a Proposed Lot to be Created South of the Existing House Located at 178 Old Chester Road and Shown on Tax Map 66, Lot 5-3.

Virginia (Ginny) Marshall, owner/applicant, was present.

MOTION: Marjorie W. DeBold made a motion to grant a variance to allow the 150 by 150 buildable square to lie within 31 feet of wetlands where 50 feet is required per Section 4.2 of the Town of Haddam Zoning Regulations. Margo Chase-Wells seconded. Motion carried unanimously.

5. Approval/Corrections of Minutes

MOTION: Margo Chase-Wells made a motion to approve the minutes of 29 October 2013 as submitted. Jen O’Neal seconded. Motion carried with Mrs. DeBold abstaining.

6. Open Discussion

Agriculture Committee - Mrs. Munster read a letter from the Lower Connecticut River Valley Council of Governments in regard to the establishment of an agriculture committee that will meet on the third Thursday of the month, 7:00 p.m., at 145 Dennison Road, Essex. Mrs. Glidden reported that John Halfinger, Halfinger Farms, is Haddam’s representative; and that anyone who may be interested in attending these meetings is welcome.

WFS Earth Materials, LLC, Cedar Lake Road – Mrs. O’Neal asked for an update. Mrs. Glidden reported that the new administration has hired Michael Wells as new town counsel; however, Attorney Mark Branse, who specializes in land use law, will be the attorney on this matter.

7. Adjournment

MOTION: Robin Munster made a motion to adjourn. Jen O’Neal seconded. Motion carried unanimously.

The meeting was adjourned at 8:17 p.m.

Respectfully Submitted,
Bunny Hall Batzner
Bunny Hall Batzner, Recording Clerk

The next scheduled meeting is Thursday, 30 January 2014, 7:30 p.m.