

RECEIVED
COLCHESTER, CT
2018 NOV 29 PM 1:59
Laura Furman
TOWN CLERK

**COLCHESTER
ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES (AMEDNED)
WEDNESDAY, SEPTEMBER 19, 2018
Town Hall, 127 Norwich Avenue, Colchester, Connecticut
MEETING 7:00 P.M.**

MEMBERS PRESENT: Chairman Laurie Robinson; Patrick Reading; Bob Setschinsky, Michael Solis, and Jason Radachy; Stan Soby, Board of Selectman Liaison; Staff: Daphne Schaub, Assistant Planner/Zoning Enforcement Officer, and Kamey Cavanaugh, Clerk. Members of the Public.

MEMBERS ABSENT:

1. CALL MEETING TO ORDER

Chair Robinson called this meeting to order at 7:03PM

D. Schaub read the legal for the record.

2. LEGAL NOTICE

3. APPLICATIONS / PUBLIC HEARINGS

A. Application of Kathleen Standish (Applicant/Owner), 000 West Road, for a variance of Section Nos. 3.4.1.C and 8.11.7.D of the Colchester Land Development Regulations, to reduce the minimum frontage requirement from 300' to 225'(+/-) and reduce the separation distance between the frontages of flag lots on the same side of the street from 300' to 225'(+/-) (Tax Map 01-10/Lot 012-000 in the RU Zone)

Review of this application took place.

Kathleen Standish was before the board and provided an overview of the property. Ms. Standish stated in 1995 the property was inherited by her parents and at that time the family came before the ZBA to adjust the boundary's lines to allow 200' frontage as that was the minimum for 2 front lots and 2 flag lots was permitted. Since then that regulation has changed and the Standish family was unaware of the change now leaving them not enough frontage to have the 2 front / 2 flag lots without obtaining a variance.

The first cut was discussed and it was determined there was a lot line adjustment and not an actual first cut.

Patrick Reading noted the assessment parcel map verses the application map discrepancy. When corrected the variance would then be a separation of flag lots to 200'.

Jason Radachy asked the applicant to provide the board with what hardship is being faced with subdividing this parcel into 4 lots as opposed to 3. Ms. Standish stated she's having a hard time locating a hardship besides she would like to provide each of her children a lot from the property.

Chair Robinson asked for an explanation for another alternative for this application. Ms. Standish responded another alternative could be putting in a road however that would not be feasible for the applicant. Chair Robinson asked staff asked for clarification for what the limitations are on the current regulations for building on this property. Ms. Schaub stated this property could be further cut from what 4 lots are being proposed with a rough calculation of 10 lots in total. Shared driveway regulation was discussed.

D. Schaub stated she felt at the time of the lot line adjustment it was with all intentions to be in compliance with the existing regulation. Since they did not file for the subdivision at that time and the regulation changed brings it to this scenario.

Chair Robinson asked if there was anyone present that wanted to speak in favor of this application.

Anthony Skut, 174 Haywardville Road, East Haddam, asked when the flag lot separation changed and what the regulation was in 1995. Town Staff needed to review further to respond. Mr. Skut also spoke in favor for this application as he felt they did their due-diligence back in 1995 when they were before zoning and it was approved for the 4 lot subdivision, and then they placed the property in forestry. Moving forward to 2015 and the zoning changed and they were not aware of this change feels their hardship is the zoning has changed.

Mr. Solis stated he feels this property is a unique hardship as the history of the property is unique. When this occurred and the fact of it being family owned makes this is a unique piece or property, whether it meets the hardship is still up for discussion.

Stephen Melingonis, Burlington CT, spoke in favor of this application as he felt the fact that the applicant wanted to subdivide this property into 4 parcels for her children in her family and feels that in itself should provide a hardship.

Chair Robinson asked if there was any present that wanted to speak in opposition of this application.

Brendan Deane, 331 West Road asked for clarifications of the setbacks for any single family homes that might be constructed if this application is approved so he could have a clear understanding as to the distance a new home might be in relation to his existing home. D. Schaub provided Mr. Dean with a clear breakdown of the setbacks for this zone. Mr. Dean also expressed his discomfort with the closeness to his home.

Chair Robinson asked for an alternative for the property owner to subdivide this property without the need for a variance. D. Schaub responded by putting a road in; by placing a cul-de-sac on this lot, all zoning regulations would be met.

Chair Robinson would like more of a clarification on the previous regulations.

Robert Judge, 341 West Road, stated his concerns of the existing stone walls being disturbed and the possibility of disturbance to his well and septic when homes are constructed on the property in question. Mr. Judge was not in opposition of the homes being built.

Mr. O'Connell, 346 West Road stated his concern with the southern front lot as it appears to have a blind spot as you approach a corner. D. Schaub stated that lot is on a straight away and would be required to have 300' of site line.

Kathleen Standish provided the board with an extension of the application in order for staff to provide additional information regarding the regulations in 1995.

Patrick Reading moved and Michael Solis seconded to continue the Public Hearing of ZBA 2018-002 application of Kathleen Standish (Applicant/Owner), 000 West Road, for a variance of Section Nos. 3.4.1.C and 8.11.7.D of the Colchester Land Development Regulations, to reduce the minimum frontage requirement from 300' to 225'+/- and reduce the separation distance between the frontages of flag lots on the same side of the street from 300' to 225'+/- (Tax Map 01-10/Lot 012-000 in the RU Zone), until the next regular scheduled meeting, October 16, 2017.

- *In order for town staff to review and provide clarification of the zoning regulation from 1995 and*
- *The applicant provide a revised site plan showing the corrections discussed*

Motion carried 4-0-1 – Jason Radachy Abstained

Chair Robinson moved to recess for 5 minutes. Motion was seconded by Michael Solis. Recess began at 8:32pm.

Motion carried 5-0-0

Chair Robinson moved to reconvene the meeting. Motion was seconded by Michael Solis. Meeting reconvened at 8:39pm.

B. Application of Town of Colchester/Colchester Public Schools (Applicant/Owner), 360 Norwich Avenue, for a variance of Section No. 11.5 to permit internally illuminated sign in the SU Zone (Tax Map 28-00/Lot 021-000).

Jason Radachy asked staff if being on the Zoning Board of Appeals for the Town of Colchester created a conflict of interest in hearing this application. D. Schaub asked if anyone had any direct contact with the Board of Education, hearing no, it was decided there was not a conflict for the members to hear the application before them.

D. Schaub advised the board of Ken Jackson, Director of Operations, approached the office expressing their wanting to have an internally lit sign that is capable of changing its message. The current regulations do not allow for internally lit signs in the Suburban Use Zone. Municipal signs are exempt from zoning permits, however the application before you is for an internally lit sign, which are only allowed in Commercial Zones.

Stephen Melingonis, Project Architect, before the board on behalf of the Board of Education to request an internally illuminated sign and changing message board at the William J Johnson Middle School. Mr. Melingonis stated the school project had always intended on having this type of sign and when before the Planning and Zoning Commission at their request asked for a non-illuminated sign and the plans were approved contingent on the externally illuminated sign and instructed the Board of Education to bring their request for the illuminated sign to the Zoning Board of Appeals. Mr. Melingonis stated the BOE feels this would be a very effective way to communicate messages to the students, parents, and residents of the town. The BOE understands and recognizes the concern for the light being a distraction at night and would make sure it met the capability to be turned on and off at dusk and dawn.

Chair Robinson asked for an explanation of the hardship for this sign. Mr. Melingonis stated this is a sign that the school would like and feels it will affect their ability to effectively communicate with the community if they do not have the sign.

The board discussed in detail what defines an internally illuminated sign and if the digital display would be considered internally illuminated.

Discussion occurred that the Planning and Zoning Commission already had approved the plan for the school with an externally lit sign.

Patrick Reading stated the Planning and Zoning had the approval of the application this be a non-illuminated sign, does the Zoning Board of Appeals have the authority to overrule their call. Staff confirmed that is the exact purview of the Zoning Board of Appeals.

Michael Solis has concerns with over riding a decision made by the Planning and Zoning Commission.

The board discussed the hardship and nature / intent of the surroundings of the sign.

***Patrick Reading moved and Jason Radachy seconded to close the public hearing.
Motion carried unanimously***

Patrick Reading moved and Jason Radachy seconded to deny Application of Town of Colchester/Colchester Public Schools (Applicant/Owner), 360 Norwich Avenue, for a variance of Section No. 11.5 to permit internally illuminated sign in the SU Zone on the grounds of lack of hardship.

Motion carried unanimously

4. MINUTES OF PREVIOUS MEETING - Minutes of Regular Meeting, November 21, 2017

Patrick Reading moved, and Jason Radachy second, to approve the minutes of November 21, 2017 with corrections.

Motion carried unanimously

5. APPLICATIONS RECEIVED – None

6. OLD BUSINESS – None

7. CORRESPONDENCE –

8. ADJOURNMENT

Jason Radachy made a motion and Patrick Reading seconded to adjourn the September 19, 2018 Zoning Board of Appeals meeting at 9:52p.m.

The motion carried unanimously.

Respectfully Submitted,

Kamey Cavanaugh
Recording Clerk