

# DRAFT UNAPPROVED

Note: Please find the following **DRAFT** minutes of the Zoning Board of Adjustment. These **DRAFT** minutes are subject to being amended, extended and approved by the Zoning Board of Adjustment during it's next meeting.

Zoning Board of Adjustment  
Craig Daniels, Chairman  
July 13 2010  
7 p.m.

PRESENT: Craig Daniels-Chairman, Terry Finsterbush, Celie Aufiero, David Dow, Bob Cavalieri, Jim Taylor-Community Development Director.

GUESTS: Richard & Leslie Barrow, Justin & Sarah Jeror, Phil Neily, Building Inspector, Bruce Hettleman, Rex Brown, Kim Quirk, Charlie Hirschberg, CLD Engineers.

Approval of Minutes of May 11, 2010:

Mr. Daniels offered the ...“owner’s” well... in place of “nearest” and typo ... “be” 75’... instead of “by.” Motion to approve as corrected from David Dow, seconded by Celie Aufiero, all voted in favor.

Public Hearings:

I. Independent Property Management will request a Special Exception as provided for under Article IV, Section 401.4V of the Enfield Zoning Ordinance. They wish to construct a first floor apartment in their commercial building (Tax Map 31, Lot 34) located at 59 Main Street in the Community Business (CB) District.

Richard Barrow presented plans to convert north end of laundry building to an apartment. His sister needs at grade access due to an illness. Bruce Hettleman asked about law. Director Taylor answered Section 401.4V of the ordinance allows commercial but at grade residential has to get an exception. The criteria for the Special Exception was read by Chairman Daniels. Celie Aufiero asked if footprint will expand. No. Terry Finsterbusch asked if there was two doors for egress and there are. Kim Quirk asked about the long-term plans for the space. Mr. Barrow answered that would like to rent as commercial space but the market is just not there right now. This will be a one bedroom unit. Bruce Hettleman asked about the rules he was told his

units could not be residential on the first floor. Chairman Daniels stated that they could with a Special Exception. Has the commercial space been advertised? Chairman Daniels asked if Director Taylor would use and research the possibility of a time limit on an approval and that could happen. Director Taylor stated it could be approved as a commercial/residential dual use. There are several other buildings that are approved for both residential and commercial as the market dictates. Chairman Daniels sympathetic to other property owners. The Enfield Master Plan calls for mixed use with first floor commercial in this area. Chairman Daniels asked if the Board was ready to make a motion. Should go through four criteria and all must be true:

Is this an appropriate location: All voted in favor

No harm to property values: All voted in favor

Appropriate Facilities for the use: All voted in favor

Compliance with all Regulations: All voted in favor

There was some discussion regarding time limits and whether or not the Board could establish them. David Dow moved to grant the Special Exception with a Three-Year time limit. Seconded by Bob Cavalieri. All voted in favor.

II. Jay Jeror will request an Equitable Waiver as provided for under Article V, Section 508 of the Enfield Zoning Ordinance. The request involves an issue with a dwelling setback requirement from a wetland that was discovered after the foundation had been constructed. The property (Tax Map 16, Lot 9) is located on Lockhaven Rd. If the Board does not grant this request the applicant will request a Variance to the terms of Article IV, Section 401.3M.

The Board reviewed the letter written by Charlie Hirschberg stating the reasons for the situation. . Jim Taylor read a memo he prepared giving the timeline and the errors made leading up to the construction of a foundation. Mr. Brown stated that there was a well on the site. Should be filled. It is 300' deep and the former owner was going to fill it with concrete. Well was located where the septic system was designed. Phil Neily stated that he made contact with the Well Board and there is no record of this well. They only maintain a five-year history. Mr. Brown will do a test of his own well water to establish a baseline. This lost well is roughly 300' from Mr. Brown's well. It had a casing that was removed. There was some fill placed earlier that 2007. Celie Aufiero stated that there is no setback on plan. Charlie Hirschberg engineer for the applicant stated that there is a very shallow wetland transitional but is dug and meets the State definitions. Celie Aufiero asked to see restoration plan. CLD has been working with the State on the restoration plan. He presented plan showing original wetland and restoration. 70% of fill will be removed from wetland. They will also restore the square footage of

wetland to its original size. 24' will be left between foundation and restored wetland. Ms. Aufiero asked where barn will go and what will it be used for. Storage and maybe animals. Phil Neily stated that Jeror's not responsible for this situation and have acted in good faith from the time they bought the property. Ms. Aufiero asked what is in the back logged lot. Celie would like this to be a Variance hearing. Director Taylor asked the Board to go through the Equitable Waiver criteria first and the hearing was noticed for Variance consideration if the Waiver failed. Chairman Daniels read through.

- A. Substantial completion has occurred: All voted in favor
- B. An error made by an administrative official: All voted in favor
- C. Property value and use will not be harmed in the area: All in favor
- D. Cost of correction exceeds the benefit gained by correcting: All in favor

Celie Aufiero moved to approve the Equitable Waiver with condition that wetland restoration plan presented at the July 13, 2010 be completed in a reasonable time frame to the satisfaction of Enfield Building Inspector. Terry Finsterbusch seconded. All in favor

Business:

David Plumley Motion for Rehearing.

David Plumley rehearing letter presented. The Board discussed whether or not to grant or deny with no representative to explain the letter. Chairman Daniels thought action should be deferred until the next meeting. The Board voted to defer action to next meeting August 10, 2010.

Next Meeting:

Tuesday, August 10, 2010 – nothing has been scheduled yet.

Adjourn:

Motion to adjourn at 8:10pm