

SALEM ZONING BOARD OF APPEALS

REGULAR MEETING

January 23, 2014

Present: K. Bellandese, D. Orsini, T. Salas, M. Mullin, C. Dutch, Alt.

Absent: M. Jensen, S. Kozlowski, Alt, R. Nortz, Alt.

Guests: None

CALL TO ORDER: K. Bellandese called the meeting to order at 7:30

SEATING OF ALTERNATES: M/S/C (Mullin/Bellandese) C. Dutch was seated for M. Jensen

PUBLIC HEARING: PUBLIC HEARING(S): 9 Rathbun Hill Road. Richard Vadnais, applicant. John Coleman, owner.

Requests variances of:

Section 4.1- required lot size minimum 80,000 sq.ft. to 44,373 sq.ft.

Section 4.4.1 required setback of 50 ft. from front road (RT 354)to 38.7ft.

Section 4.4.1 required setback of 50 ft. from front road (Rathbun Hill Road)to 28.3ft.

Section 4.6 Net Buildable area, required 40,000 sq.ft. to 10,100 sq.ft.

Assessor Map #14; Lot #23-9 Rathbun Hill Road

K. Bellandese read the rules of the Public Hearing. K. Bellandese informed the applicant and the members that M. Mullin has done research of the application on his own and that information may not be available to the applicant or the other members. M. Mullin stated he researched the regulations, the application, easements, maps, and deeds.

Stuart Norman attorney for the applicant explained the lot has been in existence since before the 60s, and at one time has had a well and a mobile home on it. There is an existing driveway. The plans call for new well and septic as well as a four bedroom house. He stated he asked for a variance on the square footage for the lot and the net buildable area. He understands that he may not need to ask for a variance for those two issues. The plan has been laid out to best avoid the wetlands. The plan calls for an 1800 sq ft home with a value of approximately \$200,000. The

home will be consistent with the area. The variance for the setbacks is still needed.

Candy Palmer submitted her report. (See File Copy). She explained that the property has two front yards therefor requiring a 50 foot setback for both sides. She included two letters, one from the Resident Trooper and one from the Town Clerk to the owners of the property and mobile home. She stated it appeared the town put some pressure on the owner to remove the trailer/mobile home therefore, taking away the ability of the Board to claim any self-imposed hardship. A letter from the Town Sanitarian states the plan meets the requirements of the CT health code as they pertain to a subsurface sewage disposal system.

M. Mullin asked about the possibility of a garbage disposal and noted there were limitations as to excessive water use on the plan.

Is there sufficient space for a reserve septic?

C. Palmer stated that was the jurisdiction of the sanitarian.

The applicant was willing for the record to withdraw the requested waivers for the reduction in square footage and the net buildable area due to the fact that both preceded zoning in the town of Salem.

M. Mullin asked if there was due diligence in designing the house and if a smaller house was looked at so it would preclude the need for a variance.

The applicant stated that it was looked at but thought it would not be a positive impact on the neighborhood.

The attorney stated the regulations do not require them to come in with various house designs.

C. Palmer stated the buildable area in proximity to the wetlands is not very deep and should be considered.

C. Dutch inquired about the wetlands permit and the order of approvals from ZBA and wetlands.

C. Palmer stated the applicant applied for both wetlands approval and ZBA at the same time. She stated that if the Board approves the variances then she could sign off administratively on the wetland application. She informed the members that a wetlands permit is not required for a ZBA approval.

K. Bellandese asked for comments from the public.

Sue Coffee was concerned about the wetlands and asked if the septic system was engineered.

Joe Tardiff, 3 Rathbun Road. Is concerned about the runoff and stated the road does freeze when there is runoff.

It was noted by M. Mullin that rights were sold to the state for unconditional discharge onto the property.

Sue Coffee stated there should not be something large put there.

C. Palmer stated that if the waivers are approved on the plan as presented then she will approve the wetlands permit.

The Board discussed the wetlands and placing possible restrictions on the waiver request.

Attorney Norman stated that the ZBA should not act as a wetlands commission and the WEO already stated she would sign the wetlands application.

It was noted the P.E. signed off on the plan but the soil scientist did not.

C. Palmer submitted exhibit I, report from the soil scientist which was in the wetlands application.

John Hummel thought the house was situated too close to the road.

Discussion of size of structure that is proposed and what had previously existed took place.

C. Dutch stated that he is comfortable approving the variance request considering the WEO is set to approve the wetlands application if ZBA approves the variance as presented. He stated it would be for the betterment of the neighborhood. If the Board asked for a structure that is compliant then you may get a cracker box that would not be good for the neighborhood. He stated people have a right to utilize their property.

M. Mullin submitted a list of concerns and questions as exhibit II.

S. Coffee asked when the soil scientist did the testing and thought the house would be out of nature with other surrounding houses.

C. Palmer stated the soil borings were done in June but it does not matter what time of year they were conducted because Connecticut goes by soil types.

M/S/C (Dutch/Mullin) to close the public hearing. Vote: Approved Unanimously

M/S/C (Mullin/Dutch) to approve the variance request as shown on map dated September 12, 2013 titled Boundary Survey Prepared for Richard Vadnais 9 Rathbun Hill Road Salem CT. which shows a setback of 38.7 ft setback from RT 354 boundary line to the corner of the proposed four bedroom house and a 28.3 setback from Rathbun Hill Road to indicated corner of same house.

M/S/C (Orsini/Dutch) to amend the motion to add:

- 1. Whereas; the subject property is a pre-existing lot of record.**
- 2. Whereas; the subject property is unique in configuration due to the two front yards**
- 3. whereas; the location of the Inland Wetlands on the subject lot severely limits the buildable area.**

Vote: Approved Unanimously

A roll call was taken to confirm 4 affirmative votes.

RECEIPT OF APPLICATIONS(S) TO SET PUBLIC HEARING DATE(S): NONE

APPROVAL OF MINUTES:

- 1. November 21, 2013 Regular Meeting**

M/S/C (Mullin/Salas) to approve the November 21, 2013 Regular Meeting Minutes as presented.

Vote: Approved Unanimously

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE:-none

ADJOURNMENT: M/S/C (Dutch/Salas) to adjourn at 9:14

Respectfully Submitted

Sue Spang
Recording Secretary