

SALEM ZONING BOARD OF APPEALS

REGULAR MEETING

April 24, 2014

Present: K. Bellandese, M. Jensen, D. Orsini, C. Dutch, Alt., S. Kozlowski, Alt

Absent: R. Nortz, T. Salas, Alt., M. Mullin

Guests:

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

SEATING OF ALTERNATES: M/S/C (Jensen/Orsini) to seat C. Dutch and S. Kozlowski for M. Mullin and B. Nortz. **Vote: Approved Unanimously**

PUBLIC HEARING: PUBLIC HEARING(S): 170 Norwich Road-Owner/Applicant-Dennis O'Sullivan.

Requests variance of: Section 4.4.1 required setback of 50 ft. from front road (Music Vale Road) to 32.4 ft.

Attorney Bill Sweeney presented the background on the property at 170 Norwich Road. He stated there are two front road setbacks, Norwich Road and Music Vale. He stated that because of the triangular shape of the property there is only one side yard. He stated the primary residence is on Norwich Road. There is a shed and patio on the property and a dilapidated barn on Music Vale Road which the owner wants to replace.

B. Sweeney stated there are two open areas on the property, one has the leaching field for the septic system and the other is ledge. He informed the members the applicant would like to tear down the existing barn and replace it with another larger, two story barn. The lower floor would be workshop and storage and the upper floor would be storage and a "man cave" or bonus room. The existing barn is 1800 sq. ft. and probably predates zoning regulations.

Sweeney stated the proposed barn would fit in the same footprint, it would be shorter but wider and the setback would be the same as the existing barn He stated there would be a downstairs bathroom with a separate septic per the public health code. Sweeney stated it is a lawfully permitted accessory use for the zone.

Sweeney stated there are two hardships the ZBA needs to consider:

1) The property is narrow and triangular shaped, with two front yards and one side yard. He stated setbacks were mostly intended for rectangular shaped lots.

2) There is a hardship due to the subsurface conditions. He stated there is a leaching field on the east end of the property which is one of the two open areas. On the other open area of the property there is very shallow depth to bedrock. He stated that both of these open areas eliminate options for placement of the proposed barn. Sweeney stated the owner did test pits close to the edge of the existing barn and hit refusal at a shallow depth.

Sweeney stated that because of these two issues the owner met the legal standard for granting a variance. He said the applicant did not have to prove it was impossible to meet the requirements but that it would create a difficulty or hardship to do so. The owner could blast the ledge but he risked damaging the well. He stated the proposed barn was an improvement and in harmony with the neighbors.

The Attorney submitted a letter of support from Dave and Beverly Williams and read it into the record.

He also submitted an amended map for the record.

C. Dutch commented that the building was substantial and asked if it was going to be used as storage for the applicants business.

Sweeney stated it was for residential purposes only and noted that there are no restrictions on the size of accessory buildings in the zoning regulations.

D. O'Sullivan (applicant) stated it will not be used for his business.

D. Orsini thought the new design would help with egress and ingress.

C. Dutch stated he would be more comfortable if he knew exactly where the ledge is.

Sweeney stated the owner was getting refusal at 1-2 feet.

D. O'Sullivan stated he might be able to move the barn 8-10 feet back from the existing setback.

The Board called for comments from the public.

Mark Frausini, 212 Music Vale Road-supports the variance, thought it would improve and beautify the property.

Conrad Thies, Clark Lane-Supports the variance. Stated he owned the property at one time and the well is a pounded well which is only 115 ft. deep.

Jim Shumbo, 220 Music Vale Road-Supports the variance and anything the applicant does is good work.

Arnold Chapell, Music Vale Road-Supports the variance and doesn't see a problem putting a better building in place.

C. Palmer, Salem ZEO stated that even if the back yard were not on a road the setback would still be 50 ft. She stated that the existing building is 1800 ft and the applicant could build in kind. She informed the Board that if the applicant moves the non-conforming structure back another 8-10 ft making it less non-conforming, the law allows that to be used as a variance for a non-conforming use.

Sweeney agreed that it makes it a reduction in the non-conformity.

The Board discussed issues of the bathroom and public health code which are not in the purview of the ZBA.

Sweeney stated that the proposed vertical height request is the reason for the variance.

M/S/C (Kozlowski/Jensen) to close the Public Hearing (8:32). Vote: Approved Unanimously

M/S/C (Dutch/Orsini) to approve minimum front yard setback on Music Vale Road from 50 ft to a minimum of 40 ft. to facilitate reconstruction of a preexisting, non-conforming garage on 170 Norwich Road, Salem CT due to topographical restraints. Vote: Approved Unanimously

RECEIPT OF APPLICATION(S) TO SET PUBLIC HEARINGS: No Applications

APPROVAL OF MINUTES:

1. January 23, 2014 Regular Meeting

M/S/C (Orsini/Dutch) to approve January 23, 2014 regular minutes as presented. Vote: Approved. In favor-Bellandese, Dutch, Orsini. Opposed-none. Abstaining-Kozlowski, Jensen.

OLD BUSINESS-None

NEW BUSINESS-None

CORRESPONDENCE:-None

ADJOURNMENT: M/S/C (Jensen/Dutch) to adjourn at 8:46

Respectfully Submitted

Sue Spang
Recording Secretary

APPROVED