

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
MINUTES

March 13, 2017

Present were Acting Chairman Carrier, Commissioners Callahan, Llewellyn and Alternate Commissioners Forster and Schoenhorn and Assistant Town Planner and Clerk. Acting Chairman Carrier opened the meeting at 7:07 p.m.

Acting Chairman Carrier explained the process of the meeting.

Commissioner Callahan was appointed Acting Secretary and read the legal notice into the record.

Alternate Commissioner Forster was appointed to vote on behalf of Commissioner Mazzochi and Alternate Commissioner Schoenhorn was appointed to vote on behalf of Commissioner Giannaros.

PUBLIC HEARINGS

Tinasha Amunugama – 315 Plainville Avenue

Variance to locate accessory structure in other than required yard or rear half of lot for property located at 315 Plainville Avenue, R12 zone. Ms. Amunugama, Director of the Farmington Montessori Children's Room at 315 Plainville Avenue, explained she is at full capacity and would like to offer more services. She is currently leasing the site and is not able to add onto the existing building. As an alternative she would like to install portable classroom space. The portable classroom is proposed to be in line with the existing building with a separation distance of ten feet. The zoning regulations require an accessory structure be located behind the primary structure or in the rear half of the lot. The existing playground area is located behind the existing building and Ms. Amunugama did not want place the structure in this area. She also did not think it would be appropriate to create a play space next to the building because safety and privacy concern given the proximity to Plainville Avenue. Ms. Amunugama said she has pretty much spoken to all the neighbors and that they have not really expressed an issue with the proposal.

Alternate Commissioner Schoenhorn asked if the Town has any policies or restrictions regarding portable classrooms. Assistant Town Planner responded not that she is aware of. The Building Official and Fire Marshal will review for code compliance and safety. He next asked for clarification on the exterior façade/placement of doors, windows, a/c unit and how power will be run to the classroom. Ms. Amunugama explained the wall of the portable classroom facing Plainville Avenue will have an entry door, the rear wall is where the a/c unit will be located and the sides will have windows. Power will be run underground.

Commissioner Callahan asked which neighbor will be most impacted by the installation of the portable classroom and if there was any screening between the properties. Ms. Amunugama said the neighbor to the south is directly impacted by the proposal and there is currently a chain link fence between the properties. She added she spoke with them about the application and they asked if a taller fence could be installed. Ms. Amunugama said she would install a taller fence if they request one.

Alternate Commissioner Forster asked about current capacity and how many the portable classroom will hold. Ms. Amunugama said she can have up to twenty-one on a given day now and would like to have ten in the new space. She has a total of 28 students now but they do not come to the Children's Room every day.

Acting Chairman Carrier asked for clarification on the hardship. Ms. Amunugama responded she cannot add onto the building because she does not own it and she cannot afford to add onto the building; she cannot locate the portable classroom space to the rear of the building and move the playground area to the front closer to Plainville Avenue for privacy and safety reasons. Acting Chairman Carrier asked if the structure is permanent in nature or does she plan to expand at some point. Ms. Amunugama hopes to expand at some point.

Commissioner Callahan asks for clarification on the property owner and who the lessee of the site is. Ms. Amunugama responded that she and her husband have an LLC. Discussion about owner/applicant on the application form. Commissioner Callahan asks Ms. Amunugama to confirm she is comfortable representing the LLC in this application.

Acting Chairman Carrier asks for confirmation for the record that the property owner is aware of the application. Written confirmation that the property owner is aware and consents to the application is in the file.

Alternate Commissioner Schoenhorn asks for clarification on the height of the proposed classroom compared to the existing building and the adjacent house. Ms. Amunugama explained the classroom is about nine feet tall. When asked if she showed the neighbor the photo of the classroom Ms. Amunugama responded no. She said she explained it to them. Alternate Commissioner Schoenhorn asked for clarification on the chain link fence along the southerly property line closest to the proposed classroom; location and distance from the adjacent residence. Ms. Amunugama responded this is the fence she offered to replace with a taller fence if the southerly neighbor requests. She estimated the fence to be about three feet from the property line but she has not measured the exact distance.

Acting Chairman Carrier asked for clarification on setback requirements for an addition versus an accessory structure. There was discussion on whether the unit will be leased or purchased. There was discussion about the special permit that grants the existing use and if there were any limitations to that approval.

Andersson Espinoza, 307 Plainville Avenue, said the proposed classroom is not closest to his property but he has concerns with additional traffic in/out of the site; trash left outside garbage bins; and the lack of privacy of his home and pool area due to the traffic/capacity of the business. He asked if arrows could be used to help the flow of traffic into/out of the site. Mr. Espinoza stated he has trouble entering and exiting his driveway because of the traffic flow at 315 Plainville Avenue. He also asked if something could be done to provide more privacy for his property.

Ms. Amunugama responded to concerns. She explained the parking layout and where the staff parks versus parents and that she will speak to parents about parking and traffic flow into/out of the site concerns. Regarding privacy concerns from the pool area she explained a fence and shed are located between his pool and the playground area to buffer his pool from the playground area. She also makes sure the trash is picked up and placed in trash bins at the end of every day and likes to keep the site picked up.

Assistant Planner Rutherford asked if the applicant could dedicate an entrance and exit to help with the traffic conflict with neighboring residences. Ms. Amunugama responded yes.

The public hearing closed at 7:50 p.m.

Upon a motion made and seconded (Schoenhorn/Forster) it was

VOTED: 0 in favor to 5 opposed to approve the application of Tinasha Amunugama for variance to locate accessory structure in other than required yard or rear half of lot for property located at 315 Plainville Avenue, R12 zone.

Members voting in opposition to the application expressed concern with: the lack of hardship written on the application and lack of substantial hardship voiced by the applicant at the public hearing; impact to the neighborhood by the proposed location and size of the large structure; increase in traffic into/out of the site due to increased capacity of the business; site drawing does not appear to be to scale to compare the size of the proposed structure to the existing building and neighboring residence; lack of written verification from the neighbor to south confirming their understanding of the proposal and that there is no issue; and the lack of info regarding the requirement to place the proposed structure in the location proposed (fire marshal requirement). The Board also felt it may be more appropriate for the property owner to add onto the existing building to provide a larger space for tenants so that the concerns of increased capacity and traffic can be reviewed by the Plan & Zoning Commission. Additionally, the Board recommended the applicant work with neighbors closely on concerns voiced at the meeting.

Allison Cheffer – 30 Waterville Road

Variance to reduce side yard setback from 10 ft. to 5 ft. for addition to north side of house located at 30 Waterville Road, R80 zone. Ms. Cheffer introduced the proposed project for a 10' x 34' covered porch addition to the north side of the house connecting to an approved addition to the front of the house. The Commissioners asked for some clarification on the drawing submitted but no other concerns with the proposed addition.

There was no public comment in favor or in opposition to this application.

The public hearing closed at 7:55 p.m.

Upon a motion made and seconded (Llewellyn/Callahan) it was unanimously

VOTED: To approve the application for variance to reduce side yard setback from 10 ft. to 5 ft. for addition of covered porch to north side of house located at 30 Waterville Road, R80 zone as per plan submitted and on file in the Planning Office.

Members voting in favor of the application commented the proposed covered porch addition would not alter the character of the neighborhood.

OTHER BUSINESS

No Other Business.

MINUTES

December 19, 2016 Minutes

Upon a motion made and seconded (Callahan/Llewellyn) it was unanimously

VOTED: To approve the minutes of the December 19, 2016 meetings.

The meeting adjourned at 8:08 p.m.

SJM