

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS

September 21, 2020

Present for the online web conference was Chair Callahan, Commissioners Carrier, Nadim, Phillips, Schoenhorn and Alternate Commissioner Brockelman, Marsh and Walsh. The Interim Town Planner and Clerk were also present. The meeting was called to order at 7:00p.m.

Secretary Schoenhorn read the legal notice into the record.

Secretary Schoenhorn stated he was approached by a neighbor of one of the applicants while visiting the various application sites. This person received notice via certified mail, which was a copy of the legal notice. Secretary Schoenhorn questioned whether this was sufficient notice because at the bottom of the notice a phone number was provided to contact the Planning Office but there was not a link on how to join the meeting. Chair Callahan felt the notice provided was sufficient and met the requirement of the regulations and statute and indicated the meeting could proceed. He added the legal notice is created in advance of having the link information for the online meeting. The individual could have called the office for further information. The Town posts meeting agendas with details on how to connect to the online meeting and posts the applications on its website in advance of meetings.

PUBLIC HEARING

Amy Blades – 36 Redcoat Lane

Chair Callahan appointed Alternate Commissioner Brockelman to vote on behalf of Commissioner Llewellyn.

Application for variance to reduce side yard setback from 15 feet to 7 feet for addition to rear of house located at 36 Redcoat Lane, R30 Open Space zone. Ms. Blades stated she would like to add onto the rear of her home, expanding an existing bedroom and bathroom. The existing home was constructed over the side yard setback line. The proposed plan extends the side wall of the house back an additional 16 feet and does not extend closer to the side lot line. An aerial photo was provided for clarification of the proposal. The Commission discussed the fact that the variance request would fall to the current setback regulations and thus is a variance request from 10 ft to 7 ft. Correspondence in support of the application dated August 24, 2020 from Edward Mongeon, 32 Redcoat Lane, was included with the application packet and is part of the record.

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

The public hearing closed at 7:15 p.m.

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

VOTED: To approve the Amy Blades application for variances to reduce side yard setback from 10 feet to 7 feet for addition to rear of house located at 36 Redcoat Lane, R30 Open Space zone, as presented and on file in the Planning Office.

Members voting in favor of the application felt the applicant sufficiently demonstrated a hardship and the proposed addition will not adversely impact the neighborhood.

John Pensa – 7 Taine Mountain Road

Chair Callahan appointed Alternate Commissioner Walsh to vote on behalf of Commissioner Llewellyn.

Application for variance to reduce front yard setback from 50 feet to 25 feet for location of new house at 7 Taine Mountain Road, R40 zone. David Whitney, P.E., represented the applicant and reviewed his narrative dated September 17, 2020 for the record. He stated the lot was created as a result of a free split and it meets the requirements for a buildable lot in this zone. The lot contains a 150-foot utility easement shown on a feasibility study submitted at the time of request for the free split to demonstrate a home could be placed on the lot without a variance. At the time the property owner planned to construct a small house without a garage for a family member. The applicant proposes to construct a slightly larger house with a garage. Mr. Whitney reviewed the types of homes in the neighborhood and that they were predominantly colonial; Mr. Pensa would like to construct a colonial house. The hardship stated is the 150-foot utility easement and that this parcel is most effected by the easement. Mr. Whitney color-coded a site plan to demonstrate the easement area, front property line and location of the proposed house. He stated the utility company will allow some activity within the easement area likely but no structures. The Commissioners sought clarification on whether a detached garage could be placed on the property outside the setback area of the attached garage; and photos taken of the sight by a Commission member was presented for general clarification of the proposed home location. Mr. Whitney also provided a Plan B showing a variance to reduce the front yard setback from 50 feet to 30 feet instead of 25 feet.

Christopher Carello, 14 Taine Mountain Road, spoke in opposition to the application.

Michael Marino, 9 Taine Mountain Road, spoke in opposition to the application.

A petition and other correspondence in opposition to the application was sent to the Planning Office and is part of the record. These are also part of the video recording of the public hearing.

Mr. Whitney responded to concerns about property values and changing the neighborhood. He stated a home will be constructed on the lot at some point.

The public hearing closed at 8:08 p.m.

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

VOTED: 0 in favor to 6 opposed to approve the John Pensa application for variance to reduce front yard setback from 50 feet to 30 feet for location of new house at 7 Taine Mountain Road, R40 zone. The motion failed and the application was denied.

Members voting in opposition of the application felt the applicant insufficiently demonstrated a hardship and stated the property owner was aware of the utility easement when they split the property.

Neeraj & Jennifer Gupta – 70 Woodpond Road

Chair Callahan appointed Alternate Commissioner Brockelman to vote on behalf of Commissioner Llewellyn.

Application for variance to locate detached garage in other than required yard at 70 Woodpond Road, R20 zone. Mr. Gupta stated they would like to construct a two-car detached garage in the front yard approximately five feet from the front property line. Mr. Gupta reviewed the renovation/expansion of the home. The rear yard slopes toward the lake and they are not able to place a detached garage behind the house. Mr. Gupta also stated the area has been a “hot spot” for break-ins and vehicle theft. It is unsafe to leave their vehicles outside. The hardship stated was they have no other location to place the detached garage.

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

Upon a motion made and seconded (Brockelman/Nadim) it was

VOTED: 0 in favor to 6 opposed to approve the Neeraj & Jennifer Gupta application for variance to locate detached garage in other than required yard at 70 Woodpond Road, R20 zone. The motion failed and the application was denied.

Members voting in opposition of the application felt the applicant insufficiently demonstrated a hardship.

MINUTES

Meeting Minutes

07-13-20

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

VOTED: To approve the July 13, 2020 Zoning Board of Appeals meeting minutes with the recommended amendment to the minutes proposed by Commissioner Schoenhorn in an email dated July 22, 2020.

The meeting adjourned at 9:02 p.m. (Carrier/Brockelman)

SJM