East Haddam Zoning Board of Appeals

Municipal Office Complex
1 Plains Road, Moodus, CT

REGULAR MEETING MINUTES
May 4, 2021

1. CALL TO ORDER

Chairman Daigle call the meeting to order at 7:00 pm.

2. ATTENDANCE

Commission Members Present: J. Gregory Daigle (chairman), William Smith, Laurie Alt, Richard Fiala, and James Fennema.

Commission Members Absent: Diane Quinn

Mr. Daigle appointed Mr. Fennema to vote for Ms. Quinn.

Others Present: James Ventres – Land Use Officer, Carrie Brown, Jason Rogers, Marissa Payne, Matthew Payne, Carol Trapp, Jeffrey Bender, and Judy Bender.

3. PUBLIC HEARING

a. New - Appeal #1134 – 45 Shanaghan Road, Carrie Brown, requesting a variance to Section 10.1 of the East Haddam Zoning Regulation to construct an addition 23' from the side property line where 25' are required. Assessor's Map 28, Lots 40.

Mr. Ventres noted the property has a very unique feature on the side yard, as it is not a straight line but a curve, which was done when the lot was sub-divided. There is a vernal pool near the property that is outlined on the map. The recommendation is to have a 100' buffer for wetlands, and the person who sub-divided the property did not straighten out the property line based on the buffer. It's very unusual, but this application does not need to go before the East Haddam Inland Wetlands and Watercourse Commission (IWWC) as the changes are not in the upland review area.

Ms. Brown showed Mr. Daigle where the shed will be on the property map. It will be attached to the house and be the same level as the main floor. It is one story.

Mr. Daigle opened the hearing to the public. There were no public comments.

A motion was made by Mr. Fiala to close the public hearing. The motion was seconded by Ms. Alt and unanimously approved.

A motion was made by Mr. Smith to grant Appeal #1134 – 45 Shanaghan Road, Carrie Brown, requesting a variance to Section 10.1 of the East Haddam Zoning Regulation to construct an addition 23' from the side property line where 25' are required, due to the unique property line configuration. The motion was seconded by Ms. Alt and unanimously approved.

b. New – Appeal #1135 – 57 Shore Road, Matthew Payne, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations for construct a deck 15'6" from the front property line where 25' are required. Assessor's Map 67, Lot 44.

Mr. Smith asked for clarity on where the deck will be located.

Mr. Ventres noted that the map provided is not the correct one, so the map cannot be referenced. The deck is building out toward the road, not toward the lake. The lake can be seen from the front of the house, which is why the applicant wants to build the deck on the front, and not the back. The corner of the house is about 22' from the property line.

Mr. Ventres provided some history as to the unique lot configuration. The house was built prior to zoning regulations being put into place. In the 1950s, Shore Road was 50 feet closer to the lake, and the developer's plan was to fill the lake to build out the road as he constructed houses. The State of CT got involved and noted the State owns the dam and has a 700 year lease on the water that runs underneath, so the developer had to stop filling in the lake. Because of mis-deeds and other decisions made prior to zoning, the house is now closer to the road than the regulations require.

Mr. Daigle opened the hearing to the public. There were no public comments.

A Motion was made by Mr. Smith to close the public hearing. The motion was seconded by Ms. Alt and unanimously approved.

A motion was made by Mr. Smith to grant Appeal #1135 – 57 Shore Road, Matthew Payne, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations for construct a deck 15'6" from the front property line where 25' are required, based on the angle of the lot and that it is not near the water. The motion was seconded by Ms. Alt and unanimously approved.

c. New – Appeal #1136 – 6 Forest Way, Jason Rogers (applicant), Jeffrey & Judi Bender (owners), requesting a variance to Section 10.1.5 of the East Haddam Zoning Regulations to construct an addition 19' from Lake Hayward where 50' are required. Assessor's Map 80, Lot 338

Mr. Daigle asked Mr. Rogers to outline where the addition would go.

Mr. Rogers stated that the main structure's screened-in porch is 12' from the lake, as this is another house built pre-zoning. He outlined why the addition is being added, which is to add another bathroom and create a larger bedroom. Given how the house is laid out, the addition makes the most sense on the side currently proposed to be built on, given a large field stone fireplace and how the house is configured. The lots were combined when the septic system was installed a few years back.

Mr. Ventres noted that East Haddam Inland Wetlands and Watercourse Commission (IWWC) will be reviewing the application as well.

Mr. Rogers stated that the house was built in the 1940s.

The addition will include a secondary bathroom and replace a bedroom that is being removed to provide access to the new addition. A full basement will be put under the new addition.

Mr. Ventres noted that they worked with the Chatham Health District to ensure the new addition is a proper distance from the septic system.

Mr. Ventres read into the record May 2, 2021, letter from Mr. and Mrs. Bender's neighbor, Lisa and David Telier, who reside at 84 Lake Shore Drive, directly across the street. The Teliers' outlined several concerns related to approval reducing the "teeth" of the zoning regulations, the lack of engineering diagrams to mitigate run off, etc., potential erosion along the shoreline, expansion of the house from 3 bedroom to 4, reduction in the neighboring views and reduction of property value.

Mr. Ventres outlined where the neighbor's house is in relation to the addition, to the commissioners.

As asked by the commissioners, Mr. Ventres provided information related to each of the concerns in the letter.

1. He outlined ZBA must look at each application as a unique item, there is no precedence set with any of prior approvals granted. Case law requires ZBA to review each application individually.

2. There was a diagram with a side view presented in the application submitted to the Land Use Office, although engineered drawings are not required for additions.

3. The IWWC will be reviewing the application for storm water run-off.

4. The house is considered a four bedroom house, and the septic has been designed for a four bedroom house. The Chatham Health District approved the septic already and will review this application as well.

5. Regarding the concern about the homeowners making the cottage an Air B-n-B; Mr. Ventres noted that there are no regulations related to this and therefore it cannot be regulated.

Mr. Bender noted that making the property a rental property is not in their plan, and the house is within the owners' wills to be passed down to future generations.

Mr. Daigle asked for clarification on the hardship. He outlined that DEEP is endorsing a 100' buffer from the late. The Town has reduced that to 50'.

Mr. Ventres noted that DEEP put out guidelines on wetland buffers, which had quite a bit to do with nutrient uptake. The buffer is related to the upland review, and the IWWC is required to review the application. The IWWC will review if the proposed activity has any negative impact to the waterways. They will want to ensure there is some type of system to address the additional runoff. ZBA reviews the application from a zoning regulation perspective, while IWWC must review the impact to wetlands and their statutory regulations related to those impacts.

Mr. Daigle requested that this application be put before IWWC first. Mr. Ventres noted that he does not have the legislative authority to make the decision to have IWWC review the application first.

Mr. Daigle asked what the hardship is; Mr. Smith noted it looked like the hardship is because there is no other spot to put the addition. Mr. Ventres noted the hardship is given the location of the new septic system, the topography of the land, the location of the house to the lake, and the existing layout of the land, there is a very limited place to put the addition on the property. The application meets the coverage part of the regulation but not the distance from the lake.

Mr. Daigle opened the hearing to the public. There were no further public comments.

A motion was made by Mr. Smith to close the public hearing. The motion was seconded by Mr. Fiala and unanimously approved.

A motion was made by Mr. Smith to grant Appeal #1136 – 6 Forest Way, Jason Rogers (applicant), Jeffrey & Judi Bender (owners), requesting a variance to Section 10.1.5 of the East Haddam Zoning Regulations to construct an addition 19' from Lake Hayward where 50' are required, based on the hardship of where the septic is, the land topography, and the layout of where the addition is going. The motion was seconded by Ms. Alt and unanimously approved.

d. New – Appeal # 1137 – 37 Leesville Road, Carol Trapp, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations for construct a shed 2' from the side property line where 10' are required. Assessor's Map 55, Lot 177.

Ms. Trapp outlined that the two houses were originally family homes. One of the two properties has been sold, with a fence separating the two properties. Ms. Trapp would like to put a shed next to the fence since the rest of the yard is occupied by the septic system and a pool. All the neighbors has been notified and made aware of where the shed is going to be.

Mr. Daigle opened the hearing to the public. There were no public comments.

A motion was made by Mr. Fiala to close the public hearing. The motion was seconded by Mr. Smith and unanimously approved.

A motion was made by Ms. Alt to grant Appeal # 1137 – 37 Leesville Road, Carol Trapp, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations for construct a shed 2' from the side property line where 10' are required, based on the location is the only spot available due to existing facilities. The motion was seconded by Mr. Smith and unanimously approved.

4. MINUTES

A motion was made by Mr. Smith to accept the minutes from the March 2, 2021 meeting as presented. The motion was seconded by Ms. Alt and unanimously approved.

5. BILLS

No bills.

6. ADJOURNMENT

A motion was made by Mr. Fiala to adjourn the meeting at 8:08 pm. The motion was seconded by Mr. Smith and unanimously approved.

Respectfully submitted,
Shannon A. Goyette
Recording Secretary