

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 23, 2011

The Wethersfield Zoning Board of Appeals held a public hearing on May 23, 2011 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Chairman
Daniel Logan
Frank Dellaripa, Alternate
Eugene Ziurys, Jr., Alternate

ABSENT: George McKee, Vice Chairman
Matthias DeAngelo, Clerk
Mark Rudewicz
Morris R. Borea

Also Present: Brian O'Connor – Chief Building Official

Chairman Vaughan, Jr. opened the meeting at 7:00PM. There was no one from the audience who wished to speak.

Chairman Vaughan, Jr. informed the Applicants that when only four Members vote then the vote must be unanimous to pass. He stated that because there are only four Members voting then the Applicant will have the choice of returning next month to be heard at no additional charge.

Chairman Vaughan, Jr. confirmed that this applicant wanted to be heard tonight with four (4) members.

APPLICATION NO. 6063-11 Keith B. Waterhouse, seeking a special exception to park a commercial vehicle in excess of 12,000 GVW, at 442 Prospect Street, south side, A1 Zone. (§3.5.5).

Keith B. Waterhouse, 442 Prospect Street, Wethersfield, CT appeared before the Board seeking a special exception to park a commercial vehicle in excess of 12,000 GVW at 442 Prospect Street.

Mr. Waterhouse stated that he did not know that he was in violation until he received a warning from the Building Department.

Mr. Waterhouse stated that this truck is 13,000 GVW, which is 1,000 GVW over what is allowed. He stated that the length, height and logo all meet the regulation.

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 23, 2011

Mr. Waterhouse informed that Board that when he found out that this truck was in violation he put up 9 ½ panels of vinyl fencing to cover the vehicle. He stated that he now parks the truck behind a double wide gate. He submitted pictures to the Board of the fencing.

Commissioner Dellaripa questioned if he owns this vehicle. Mr. Waterhouse stated that he does not. He stated that he works for Connecticut Water which is a public utility. He stated that he needs this truck when he is on call. He submitted to the Board a letter from his Employer.

Commissioner Logan questioned how often he is on call. Mr. Waterhouse stated that he is maybe on call 20% of the year; explaining that he is on call for seven (7) days then is not on call for roughly six (6) weeks.

Chairman Vaughan, Jr. questioned if the fencing was specifically put up to allow the vehicle to be hidden. Mr. Waterhouse stated that this was correct; adding that he also put in stone so that it can be turned around in the driveway.

Commissioner Dellaripa confirmed that if this vehicle was 12,000 GVW then it would not need a special permit. Mr. O'Connor stated that this is correct; the vehicle meets all other regulations.

Commissioner Dellaripa questioned if it is a diesel truck. Mr. Waterhouse stated that it is.

Chairman Vaughan, Jr. confirmed that the gate is closed at night. Mr. Waterhouse stated that it is. He also stated that as a courtesy to his neighbors he has turned off the back up signal so as not to wake up anyone because he can get called out at any time.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of this application.

The following audience members wished to speak in opposition to this application:

1. Dave Klapatch, 41 Clarkridge Road, Wethersfield, CT – questioned where the location of the driveway is; asking if it is on Clarkridge or if it is on Prospect. Mr. O'Connor informed him that it is on Prospect. Mr. Klapatch looked over the pictures that were submitted. He stated that he is neither in favor nor against this Application.

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 23, 2011

2. Larry Gagnon, 436 Prospect Street, Wethersfield, CT – stated that this vehicle also has a crane that sticks up over the fence. He submitted letters from neighbors that are opposed to this vehicle being parked in the front of the house.
3. Don McCall, 461 Prospect Street, Wethersfield, CT – read the petition letter that was sent around to neighbors to sign if they were opposed to this Application. He explained about problems that they are having with a home down the street where commercial vehicles are parked all the time. He stated that he does not want Prospect Street to begin looking commercialized. Chairman Vaughan, Jr. questioned how he feels about this application, knowing that it is only over the GVW by 1,000 and seeing that this applicant has gone out of his way to hide the vehicle from public view. Mr. O'Connor explained that the zoning regulations state that if it was 12,000 GVW then this vehicle would not be in violation, but because it is 13,000 GVW he needs an exception to park it on his property. Mr. McCall looked over the pictures; and stated that if this is approved he is afraid that it may set a precedent. Mr. O'Connor explained that regarding the house he was speaking about he has spoken to the owner and he will be cleaning up the area.
4. Vic Petrus, 448 Prospect Street, Wethersfield, CT – questioned if this variance is for this particular vehicle only. He questioned if he can bring home a 17,000 GVW if this is approved. Chairman Vaughan, Jr. stated that this exception would be for 1,000 GVW only; meaning that the vehicle cannot be over 13,000 GVW.

Chairman Vaughan, Jr. confirmed that this applicant wanted to be heard tonight with four (4) members.

APPLICATION NO. 6064-11 Benjamin D. & Marjorie J. Congdon, seeking a variance to demolish, reconstruct and enlarge a detached garage on the same footprint, not having the required side yard setback, at 315 Church Street, South side, A Zone. (§3.6).

Benjamin D. Congdon, 315 Church Street, Wethersfield, CT appeared before the Board seeking to demolish, reconstruct and enlarge a detached garage on the same footprint at 315 Church Street. Mr. Congdon submitted a packet to the Board for their review.

Mr. Congdon stated that he has been in the process of remodeling the first floor to accommodate an 87 year old woman that lives with them. He stated that he has received a previous variance from this Board. He added that construction was delayed due to major flaws in the rear of the home; he stated that if they were to construct the handicap

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 23, 2011

bathroom in the rear of the home they would no longer have access to the right side of the garage.

Mr. Congdon submitted the sketch of the remodeled garage for the Board to review. He stated that because he has problem with standing water it is safer to demolish the old garage and rebuild to eliminate the water problem.

Chairman Vaughan, Jr. confirmed that the existing garage is non-conforming and the new garage will be put on the same footprint and will also be non-conforming. Mr. Congdon stated that this was correct.

Chairman Vaughan, Jr. questioned if this needs to go before the Historic District Commission. Mr. O'Connor stated that it does not; he is on the west side of Silas Deane Highway.

Commissioner Logan questioned if this will affect the rear yard setback. Mr. O'Connor confirmed that the rear yard setback is fine.

Mr. O'Connor stated that basically what Mr. Congdon wants to do is take down the old garage rebuild a new garage starting at front going back 33'; the depth of the garage being 24' and the width 23'.

Chairman Vaughan, Jr. confirmed that it was non-conforming before and will continue to be non-conforming. Mr. O'Connor stated that this is correct; adding that he could add on to the garage but because of drainage problems he would like to take it down and rebuild.

Commissioner Ziurys, Jr., questioned if any of his neighbors have a problem with this application. Mr. Congdon stated that he has spoken with one of his neighbors who is concerned about debris. He stated that he informed this neighbor that they will be taking the garage down by hand and does not foresee a problem with debris. He stated that this neighbor was also concerned about the height.

Mr. O'Connor stated that the height cannot exceed 18' and on the plan it is at 17' 5" so that is fine.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of this application.

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 23, 2011

The following audience member wished to speak in opposition to this application:

1. Peter Hinks, 311 Church Street, Wethersfield, CT - stated that he is not necessarily opposed to the plans, however he does have concerns. He stated that he is very concerned with the proximity of his neighbor's garage to his property. He stated that it is literally no more than 3' from his garden that he is trying to rebuild. He is concerned about debris coming onto his property and wants to know if there are any assurances that it will be taken care of by his neighbor if it does. Chairman Vaughan, Jr. confirmed that he is concerned with the demolition and construction and not the finished product. Mr. Hinks stated that this was correct and wanted to know if there were some type of stipulation they can impose on the demolition and construction. Mr. O'Connor stated that the Engineering Department can make sure that there is fencing put up so as not to have debris go onto your property. Mr. Hinks questioned if this could be put in the stipulations. Commissioner Logan stated that they cannot impose that type of stipulation. Mr. Hinks stated that he has concerns for the integrity of his property during construction and would like some type of stipulation protecting his property. Mr. Congdon stated that as far as he can tell the 3' should be more than adequate and there should not be a problem during demolition. Chairman Vaughan, Jr. stated that Mr. Hinks would like some type of assurance that if something did arise it will be taken care of. Commissioner Dellaripa suggested taking before pictures. Mr. O'Connor suggested a 4' high mesh construction fence be put up during construction and that would help impede any debris going over onto the neighbor's property. Chairman Vaughan, Jr. stated that they can put a stipulation to have an erosion control fence put up.

WETHERSFIELD ZONING BOARD OF APPEALS
Chairman Thomas Vaughan, Jr.

Commissioner Logan, Acting Clerk

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Matthias DeAngelo, Clerk
Mark Rudewicz
Morris R. Borea

Also Present: Brian O'Connor – Chief Building Official

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 6063-11 Keith B. Waterhouse, seeking a special exception to park a commercial vehicle in excess of 12,000 GVW, at 442 Prospect Street, south side, A1 Zone. (§3.5.5).

Upon motion made by Commissioner Dellaripa seconded by Commissioner Logan and a poll of the Board it was unanimously voted that this application **BE APPROVED** with the following stipulations:

1. Special exception is for this owner only
 2. No more than 90 days in a calendar year
 3. Must park vehicle within the enclosure
 4. For a period of one year
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APPLICATION NO. 6064-11 Benjamin D. & Marjorie J. Congdon, seeking a variance to demolish, reconstruct and enlarge a detached garage on the same footprint, not having the required side yard setback, at 315 Church Street, South side, A Zone. (§3.6).

Upon motion made by Commissioner Ziurys, Jr seconded by Commissioner Logan and a poll of the Board it was unanimously voted that this application **BE APPROVED** as presented with the following stipulations:

1. Must put up erosion fencing
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**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC MEETING**

May 23, 2011

APPROVAL OF MINUTES

Approval of the minutes of December 27, 2010 was **TABLED**.

Approval of the minutes of January 24, 2011 was **TABLED**.

Upon motion made by Commissioner Dellaripa, seconded by Commissioner Logan and a poll of the Board it was unanimously voted that the minutes of March 28, 2011 **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 8:10 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN VAUGHAN, JR.

Commissioner Logan, Acting Clerk

I hereby certify that the above is a true copy of the minutes of the Zoning Board of Appeals on

Commissioner Logan, Acting Clerk