

**Town of Chaplin, Connecticut
Zoning Board of Appeals**

Minutes of April 23, 2014

These unapproved Zoning Board of Appeals meeting minutes are forwarded to the Chaplin Town Clerk in a draft format. These minutes are unofficial until they have been read and approved by a majority vote of the Board. Should edits be necessary, they will be made at the next regularly scheduled meeting, voted upon and noted in the meeting minutes.

Public Hearing

The Chaplin ZBA held a continuation of the public hearing on Wednesday, April 23, 2014 at 7:00PM in the meeting room of the Chaplin Public Library on the application for a variance by Sarah Zimmerman and Allen Olsen, 13 North Street, Lexington, MA 02420 concerning property owned by Virginia Wayne Talbot Harbaugh Trust at 46 Chaplin St. Chaplin CT. They are requesting a variance seeking relief from CZR 6.1C and 6.2 i.e. lot size, frontage requirement and side and front setback requirements.

The hearing was called to order at 7:14PM. Members Present: Susan Peifer-Chair, Helen Weingart, Rosalie Gifford and William Jenkins. Others Present: Dennis O'Brien-Chaplin Town Attorney, Sarah Zimmerman, Allen Olsen, Sharon Churchill-Attorney, Members of the Public and Betty Urban-Clerk. The hearing was recorded by voice recorder. The Legal Notice and hearing protocol were read.

Susan Peifer-Chair read several letters in the order that they were received. Letters have been added to the public hearing records. John Herzan of New Haven Preservation Trust sent a letter in support of the variance. Bruce Raymond submitted a letter and documents on the zoning and subdivision regulations regarding the property. Atty. Sharon Churchill submitted her analysis of zoning issues and subdivision issues. Steve and Cathy Smith submitted a letter of concerns about their well and use of 46 Chaplin St. as a residence with pictures of other non residential properties on Chaplin St. Steve Smith submitted a letter regarding his conversation with Richard DeBoer, well driller. Bruce Clouette of 484 Woodland Rd, Storrs, Ct submitted a letter in support of the variance.

Bruce Raymond, 35 Chaplin Street summarized his letter. He believes the property at 46 Chaplin Street is not a legal parcel of land and was done without the approval of The Planning Commission.

Sarah Zimmerman presented photos and information on historic buildings similar to the one at 46 Chaplin Street showing how their reuse was integrated into their communities. She submitted maps and lists showing history of business use on Chaplin St. along with several aerial photos of the Street 1934-2000.

Sharon Churchill, Attorney submitted a letter in which she answered questions that were asked at the first session of the public hearing on March 26, 2014. Also, she presented an illustration explaining the division of the parcel of land in question. She contends 46 Chaplin St. is a "non-conforming lot of record" because deeds were recorded into the Chaplin Town records. She stated due to the size and configuration of this

lot and building and the interplay of the historic district regulations on the building, a unique hardship is created for this property.

Attorney Dennis O'Brien questioned Ms. Churchill about Ct. General Statute 8.13a and what affect this statute has on this situation such as whether a variance is even needed. Discussion followed on whether the building was in a business or residence district.

Paul Peifer, 63 Bedlam Rd answered the Chair's question that RAR was a continuous zone on zoning maps and the business zone was a separate zone without spot zoning.

Bruce Raymond, 35 Chaplin St. concurred with Mr. Peifer.

Irene Schein, 95 Miller Road stated that in the early 1980's according to Planning and Zoning the only business zones are located on Route 6.

Catherine Smith, 44 Chaplin Street said the Harbaugh's were allowed to use her driveway for many years to get to the back of their property. Also, at this time the property owned by Dan Cowles at 50 Chaplin Street is landlocked. She feels by not including the property at 46 Chaplin Street in the sale of 50 Chaplin Street a hardship was created for the Cowles. She submitted a map and photos of the site.

Sarah Zimmerman said that access to the back property could be allowed.

Bruce Raymond, 35 Chaplin Street is concerned about the illegal subdivision. He believes that this property should be for agricultural purposes only. He feels that the land is tainted and that 8.13A does not apply. He feels that this is not a zoning problem. It is a subdivision problem.

Attorney Dennis O'Brien questioned the legal issue that Raymond raised.

Sue Peifer questioned how the lot at 46 Chaplin Street could be illegal if it is recognized by the town and was sequentially numbered on the Town map as a separate taxed property.

Steven Smith, 44 Chaplin Street said he was on the Zoning Board of Appeals in the past and nonconforming uses were not handled by the Board at that time.

Hal Ridgeway, 318 Phoenixville Road said if a way to use or occupy the building at 46 Chaplin Street is not found it will deteriorate and become a liability for the town in the future.

Jean Givens, 35 Chaplin Street feels this issue became a problem when the property was split up to be sold as two units.

Johanne Philbrick, 107 Chaplin Street feels there is no good choice. She has sympathy for the Smiths and Cowles, but agrees if nothing is done the building will continue to deteriorate.

Catherine Smith, 44 Chaplin Street said this is not a privacy issue. Her concern is the hardship to the Cowles and the land locked condition.

Sarah Zimmerman said they started the process In October 2013. They spoke to the Town and questioned what had to be done in order to purchase the property and convert it to a residence. They did what was advised. It has been an expensive process, but their concern is to preserve the building and convert it to a two bedroom residence.

Allen Olsen said it was good to see so many people who are concerned about the building and the property. They do not plan to do any external changes. Their only wish is to conserve the building and do the right thing for the Community.

Catherine Lynch, 96 Chaplin Street is in favor of the Variance. She feels that the building is essential to the history of Chaplin, and needs to have a real use in the future. She doesn't want it to fall into ruin and be demolished. This is a good opportunity to see the building carry on into the future.

Bruce Raymond, 35 Chaplin Street said it is the role of the applicant to prove a hardship. He doesn't feel this was done. This was not shown as a unique hardship. The issues talked about are the general characteristics of many of the buildings on Chaplin Street.

Peggy Mckleroy, 5 Chaplin Street agrees with Hal Ridgeway. She feels that Sarah Zimmerman and Allen Olsen would do a good job and the building would be preserved.

Peifer closed the hearing at 9:00PM.

Regular Meeting

1. Call to Order

The meeting was called to order at 9:04PM.

2. Roll Call, Seating of Alternates

Members Present: Susan Peifer-Chair, Helen Weingart, Rosalie Gifford and William Jenkins Others Present: Attorney Dennis O'Brien and Betty Urban-Clerk

3. Approval of Minutes

a. 26 March 2014 Regular Meeting

Motion was made by Rosalie Gifford and seconded by William Jenkins to approve the minutes from March 26, 2014 with the following amendment. Under Public Hearing, correct the address for Robert Mott to read 29 South Bedlam Road. Motion passed unanimous.

4. Old Business

a. Consider variance request by Zimmerman/Olsen re: 46 Chaplin ST.

Motion was made by Helen Weingart to delay a decision on the application for a variance by Sarah Zimmerman and Allen Olsen regarding the property at 46 Chaplin Street until such time as the Board has adequate opportunity to review all documents and submitted comments such decision to be rendered not later than 65 days after the completion of the hearing held this day of April 23, 2014. No one seconded the motion.

Motion was made by William Jenkins to approve the variance as presented. No one seconded the motion.

Motion was made by Helen Weingart and seconded by Sue Peifer to delay a decision on the application for a variance by Sarah Zimmerman and Allen Olsen regarding the property at 46 Chaplin Street until such time as the Board has adequate opportunity to review all documents and submitted comments such decision to be rendered not later than 65 days after the completion of the hearing held this day of April 23, 2014. Discussion followed. Attorney O'Brien recommended tabling the decision to allow him time to research legal issues. Motion carried. Peifer, Weingart, Gifford in favor and Jenkins against. The decision is tabled until the next regularly scheduled meeting on May 28, 2014.

Sue received a letter of resignation from a Board member. She requested a motion to add 5a to the agenda to fill the vacancy.

Motion was made by William Jenkins and seconded by Helen Weingart to add item under New Business to receive resignation of ZBA member and fill vacancy. Motion passed unanimously.

5. New Business

a. Resignation of Zoning Board of Appeals Member

A letter of resignation was received from Guy Ricklin dated April 21, 2014. Lisa Courcier, ZBA Alternate has agreed to become a regular Board Member. **Motion** was made by William Jenkins and seconded by Helen Weingart to appoint Lisa Courcier as a regular member of the Zoning Board of Appeals for the term ending November 2019. Motion passed unanimously.

6. Citizens Having New Business Before the ZBA None

7. Correspondence None

8. Other Items None at this time

9. Items Pro re nata

Sue Peifer attended another CLEAR workshop on zoning.

10. Adjournment

Motion was made by William Jenkins and seconded by Helen Weingart to adjourn the meeting. The meeting was adjourned at 9:20PM.

Respectfully Submitted,

Betty G. Urban-Clerk
Chaplin ZBA