

November 19, 2012

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, November 15, 2012 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT, with the following results:

Commissioners in attendance:

Jeff Vita, Chair
Bill Reynolds
Fran Nelson
Elaine Dove
Suzanne Carroll, sitting for Wayne Chorney

Staff in attendance:

Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Holly Masi, Zoning Enforcement Officer
Stacy Shellard, Commission Clerk
Genovieve Bertolini, Stenographer

Mr. Vita called the meeting to order at 7:01 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

A. Public Hearing

- 1) **12-6479** 16 Sebec Street, Requesting variances of the following: Section 220, Table 2.1, to permit 42% impervious coverage where only 30% is allowed; Section 220, Table 2.2, to permit three dwelling units where only one is allowed per 10,000 sq ft of lot area; Section 600, Table 6.1, to permit a 3 family house where only a single family is allowed, R-4 zone.
Kevin Ahern, Applicant

Kevin Ahern, 2528 State Street, unit 3, addressed the Commission and stated that there had been a variance granted for an accessory unit. Prior to his purchasing the property, the previous owner operated it as a boarding house for students and it was foreclosed on. The house is set up as an illegal three family. Mr. Ahern reviewed the location of the property with the Commission and noted that is located in an R-4, but borders a T-4 zone. He explained that he will demolish the existing garage and add additional parking. The building will be renovated within the existing building codes. Mr. Ahern reviewed the existing and proposed floor plan.

Mr. Vita asked what the previous variance was granted for and Mr. Ahern replied that it was for an accessory apartment.

Ms. Dove asked if Mr. Ahern would be consolidating the properties. Mr. Ahern said consolidation of the properties will not be necessary and the changes being made will be mostly to the interior of the building. Ms. Dove asked where the nearest single family home is located and Mr. Ahern replied it is directly across the street.

Mr. Nelson asked if he would be paving the area being added for the parking and Mr. Ahern replied yes. Mr. Nelson asked if pervious material will be used. Mr. Ahern reviewed the parking area with the Commission and stated that he would consider using pavers for the additional parking. The area where the garage is being removed is included in the parking and coverage calculations.

Mr. Ahern reviewed a topographic picture of the area with the Commission.

Mr. Nelson asked what the hardship is. Mr. Ahern discussed with the Commission that the hardship was created when the zoning map was amended in 2010 creating the T-4 zone. Ms. Dove included that the home currently is an illegal three family house.

Mr. Vita asked for comments for and against the application. There were none.

- 2) **12-6480** 70 Cobblestone Drive, Requesting variances of the following: Section 520.8.1 (a) & (b) to permit removal and/or filling of 1,824 cy for a single family residence where no greater than 1,000 cy is permitted for applications requiring only a zoning permit, R-3 zone
Jonathan Clapp & Katharine Lynch, Applicants

Mr. Chris Gagnon, Civil Engineer, addressed the Commission and explained that a subdivision was approved in the 1980's and all but four lots were developed. He reviewed with the Commission the history and the location of the remaining four lots that were consolidated in 2011 into one mega lot. Mr. Gagnon reviewed the topography of the lot which is steep in areas and he noted that there are wetlands on the site. A wetland permit was approved by the IWC. When filing for a zoning permit it was determined that the cut and fill calculations showed there is more earth work required to construct the driveway. Due to the 800 foot driveway it will require more than 1000 cubic yards of earth work.

Mr. Vita asked if alternate locations for the placement of the house had been considered and Mr. Gagnon said yes. He explained that the proposed location of the house has the least impact with the cut and fills that are necessary for a useable driveway. The earthwork that will be needed exceeds the allowable amount in the zoning regulations. Mr. Gagnon reviewed the topography of the driveway with the Commission and stated that the parking area was reviewed by the Fire Department for requirements necessary to allow access by emergency vehicles.

Mr. Nelson feels that the cut and fill being requested is minor for a lot that is 25 acres.

Ms. Kathy Lynch, Applicant, addressed the Commission and stated that the location of the lot is beautiful. The IWC approved the location of the house because it would create the least amount of impact.

Mr. Vita asked for comments against the application:

Mr. Kurt Zilm, 217 Todd Street, addressed the Commission and stated that when the subdivision was being developed he was an intervener. He reviewed the history of the Eaton Brook and the silt that was going down into it. Mr. Vita asked the location of Eaton Brook. Mr. Zilm reviewed the location of Eaton Brook and the wetlands that drain into it. He is concerned that when the work is being done on the site it will affect his property. Mr. Zilm explained that when excavation on Quarry Lane was being done it unearthed springs which resulted in silt and sediment being produced. He is concerned that the work being done is a hydrology and engineering issue that could lead to a wetlands issue and he would like assurance that if any problems are created they will be taken care of.

Mr. Vita closed the public hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

12-6479

Mr. Nelson made the motion to approve Application 12-6479. Mr. Reynolds seconded the motion. Mr. Nelson stated that the hardship is that the property borders the T-4 zone which would allow multi-family houses. The house is adjacent to another property with 6 units and down the street there are other multi-family homes. Due to 2010 change in the zoning regulations and zoning maps they are only three feet away. Ms. Dove said that it is important to keep in mind that this is a unique piece of property that is buffered. This property should have been included in the T-4 when the zoning map was amended in 2010. The fact that there is a buffer makes it easier to grant the applicants request for a variance. *The motion passed unanimously.*

12-6480

Mr. Nelson made the motion to approve Application 12-6480. Mr. Reynolds seconded the motion. Mr. Nelson stated that there is minimal movement of fill on a big parcel that incorporates 4 lots into one. To move the amount of fill being requested will not impact the property. Ms. Dove added that the applicant mentioned that they will incorporate the fill on the property and will not carry it out of the neighborhood with trucks on the street. She would like a condition that states the fill will remain on the property. Mr. Vita stated that the Commission would need to know the amount of fill that would remain on the property and removed from the property.

Mr. Kops said that on SP2 of the proposed plan shows that the applicant is bringing in 1,824 cubic yards of fill and there is a net import of 1,164 cubic yards brought in. Mr. Vita asked if nothing would be leaving and Mr. Kops said yes. The rationale for the zoning regulation was based on the concern of the Planning and Zoning Commission which was that in the past, applicants attempted to use a zoning permit for a house as an excuse to do tremendous excavation and then sell the material. If only a zoning permit is needed, the regulation allows 1,000 cubic yards of material to be imported or exported or a variance would be required. Mr. Vita said that having 4 lots instead of one may create a water issue if four houses were to be built. The proposal is to allow one house which is a less intensive use of the property. Mr. Kops said that the last proposal that the previous owner had was to put four houses on one lot. Ms. Masi stated that the Town Engineer did a thorough review of the Wetlands Application and the Zoning Permit and the applicant has a comprehensive Sediment & Erosion Control Plan.

The motion passed unanimously.

b. Approve Minutes of October 18, 2012

Mr. Reynolds made the motion to approve the minutes of the October 18, 2012 meeting. Mr. Nelson seconded the motion. The motion passed unanimously.

c. Old Business

There was none

d. New Business

There was none

e. Adjournment

Mr. Nelson made the motion to adjourn. Mr. Reynolds seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:40 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission