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TEST: David L. Lopez
TOWN CLERK

Zoning Board of Appeals
Waterford Town Hall

September 8, 2021
6:30 PM

Members Present: Joshua Friedman, Catherine Newlin, Michelle Kripps,
Warren Mackenzie
Members Absent: Anne Darling
Alternates Present: Danielle McCarty
Alternates Absent: Jason Maryeski, Darcy Van Ness
Staff Present: Jill Pisechko, Zoning Official; Dawn Choisy, Recording
Secretary
Also Present: Town Attorney Avena

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Friedman called the meeting to order at 6:37. D. McCarty was appointed to sit for A. Darling.

2. APPROVAL OF MINUTES

MOTION: Motion made by C. Newlin, seconded by W. Mackenzie to approve the minutes of the August 4, 2021 meeting amended to note that the home was not built in 1920, but was part of a 1920 subdivision.

VOTE: 5-0

3. RECEIPT OF APPLICATIONS

No new applications were received.

4. PUBLIC HEARING

Application #ZBA-21-6 - Appeal of Mehak Realty, LLC, owner and applicant; and Tristan Wallace, Loureiro Engineering Associates, Inc., agent at 118 Boston Road, C-G zone. Variances are requested from zoning regulations: **8.4.1- Front Yard Setback** – 73' reduction from 75' to 2' (min.) for proposed canopy; **8.4.1- Front Yard Setback** – 11' reduction from 75' to 64' (min.) for proposed building; **8.4.2 Side Yard Setback** - 23' reduction from 30' to 7' (min.); **8.4.3-Rear Yard Setback** - 45' reduction from 50' to 5' (min.); **20.3- parking spaces** - 3 space reduction from 19 to 16 spaces; **20.8 b-Distance of Parking Along Access Drives** - 11' reduction from 40' to 29'(min.) to the street line; **20.17.1 b-Landscaping of Parking Areas** - variance from requirement that the 5' side buffer be landscaped. Existing side yard occupied by abutting property's drive. Variances are requested to redevelop the site in accordance with basic industry practices and to provide parking, landscaping and other improvements as shown on the plan entitled: "Variance Plan, Convenience Store and Fueling Station Additions, 118 Boston Post Road, Waterford, Connecticut, Prepared for Mehak Realty, LLC", dated July 16, 2021.

The following exhibits were previously added to the record:

- EXHIBIT 1. Application and Support Material; List of Owners within 150 feet, Deed, Dated August 2, 2021
- EXHIBIT 2. Variance Plan, dated July 16, 2021
- EXHIBIT 3. Property Survey, dated May 28, 2021
- EXHIBIT 4. Application Submittal, revised through August 23, 2021
- EXHIBIT 5. Property Survey, dated May 28, 2021 revised through, August 23, 2021
- EXHIBIT 6. Notice of Public Hearing Letter sent to Applicant dated August 18, 2021, and USPS tracking delivery confirmation
- EXHIBIT 7. Comments to Agent from Zoning Official, dated August 17, 2021
- EXHIBIT 8. Comments to Zoning Official from Fire Inspector, dated August 26, 2021
- EXHIBIT 9. Comments to The Zoning Board of Appeals to from Town Planner, dated September 1, 2021
- EXHIBIT 10. Certified Mailing, dated August 24, 2021

Project Engineer Tristan Wallace, presented this application. The applicant is proposing to construct a new convenience store and canopy on the site. He reviewed the variance plan (Exhibit 2), and the requested variances outlined in Exhibit 1. He stated that all variances requested are driven by the size and configuration of the lot.

Attorney Avena reviewed the requested variances, noting that 2 of the requests will increase the current non-conformity.

J. Pisechko reviewed comments received from the Fire Inspector (Exhibit 8). T. Wallace stated that the applicant will meet all requirements outlined in the Fire Inspector's comments.

Chairman Friedman asked if there were any members of the public who wished to speak either for or against this application. No public comments were received.

MOTION: Motion made by C. Newlin, seconded by D. McCarty to close the public hearing at 7:23.

VOTE: 5-0

5. OLD BUSINESS

Application #ZBA-21-5 - Appeal of Matthew Scott McNeil, owner and applicant; and James Bernardo, LS, agent at 42 Myrock Avenue, R-20 zone. Variances are requested from zoning regulations sections 4.4.1 – Front yard setback variance of 13 feet to allow a front yard setback of 37 feet and 4.4.3 – Rear yard setback variance of 11 feet to allow a rear yard setback of 39 feet. Variances are requested to construct an addition to the existing non-conforming house as shown on the plan entitled: "Zoning Location Survey Property of Matthew Scott McNeil, for property located at 42 Myrock Avenue, Waterford, Connecticut" revised through July 15, 2021.

Chairman Friedman stated for the record that although he was not present during the public hearing, he has reviewed the record and is able to vote on this application.

MOTION: Motion made by C. Newlin, seconded by D. McCarty, to approve Application #ZBA-21-5 for the following reasons:

1. The lot was part of a subdivision that was created prior to the Zoning Regulations;

2. The proposal is in keeping with the neighborhood;
3. The variances requested are not substantial.

Chairman Friedman noted that the applicant has options to construct an addition on this house without increasing the non-conformity. Attorney Avena reviewed the options with the Board.

VOTE: 4-1, Chairman Friedman voting against approval.

6. NEW BUSINESS

Calendar year 2022 schedule

This item was tabled until after the November municipal elections.

7. CORRESPONDENCE

No correspondence was submitted.

8. ADJOURNMENT

MOTION: Motion made by M. Kripps, seconded by C. Newlin, to adjourn the meeting at 7:44.

VOTE: 5-0

Respectfully Submitted,



Dawn Choisy
Recording Secretary