

TOWN OF WILTON
ZONING BOARD OF ADJUSTMENT MINUTES
APRIL 11, 1990

VOTING BOARD: Joanna Eckstrom, Neil Faiman, Tom Mitchell, Grayson Parker and Roger Wellington.

SECRETARY: Diane Nilsson

AGENDA: Robert Kushlis, Robert Levesque & Suzy SanSoucie.

Chairperson Tom Mitchell called the meeting to order at 7:30 p.m.

Case # 1-90 (1/9/90-1) KUSHLIS

Robert Kushlis, Forest Road, Lots B-1 & B-2 requested a Special Exception to put a driveway and culvert over a designated wetlands. Continued from February 13, 1990.

John Sennott of Tom Moran's Engineering firm summarized Mr. Kushlis' project, proposing a 12' wide gravel driveway across a wetland area in order to access two building lots. He also stated that all the wetlands were mapped by a soil scientist from Moran's office.

Mr. Mitchell read into the minutes a letter from the Town of Wilton's consultant, Marty Wilson, project engineer, Weston Co. Mr. Wilson recommended twin 18" culverts rather than the proposed 12" culverts.

Abutter Richard Bertrand stated that he hopes that the Moran firm will follow the suggestion in the Weston letter because the recommendation is sound.

Mr. Sennott did not feel that the double 18" culverts were necessary but was willing to install them.

Mr. Parker stated that although the two 18" culverts might be "over-kill", he would feel better with the double culverts.

Mr. Bertrand again stated that the recommendation from Weston is important because of the impact to the wetlands, and he felt that \$750 is relatively a small price to pay to protect wetlands.

MOTION: Ms. Eckstrom moved to approve the Special Exception unconditionally.
Mr. Faiman seconded the motion.
Mr. Parker amended the motion to include the recommendation of Weston to provide two 18" culverts. Mr. Faiman seconded the amended motion.

VOTE: Yes - Mr. Faiman, Mr. Mitchell & Mr. Parker.
No - Ms. Eckstrom & Mr. Wellington.

The Special Exception was granted.

Mr. Mitchell stated that Mr. Kushlis must now go before the Planning Board for a Subdivision Plan Review and stated to the audience that an appeal may be made by an affected person within 20 days by stating in writing, to the ZBA, the reasons why the Board should re-hear this case.

The case ended at 7:55 p.m.

Case # 4/11/90-1

Robert Levesque, Gray's Corner, Lot F-143, 4.2 acres in the Industrial zone, requested a Special Exception (8.2.6) to put a seasonal food take-out stand (a commercial use) in an Industrial zone.

Mr. Levesque presented the Board with a map of the site and explained his proposed commercial use. The bldg. size is 16' X 20' on cement blocks. The stand would be open from 11 a.m. - 8 p.m., March through October. There will be no bathroom and no septic system.

There were no abutters present who wished to speak.

Building inspector Frank Millward expressed concern about the lack of bathroom facilities and felt Mr. Levesque would be in violation of State requirements. He said he would check with the State.

Mr. Levesque stated that he would provide what the Health Dept. requires.

Mr. Faiman read the buffer requirements for the Industrial zone and stated that the commercial use must comply with the requirements of the Industrial zone.

The Board discussed the issue of whether the Industrial zone lot & buffer requirements must apply since there is no buffer on this property at all. The ordinance states that requirements must apply to Industrial zones.

Mr. Faiman felt that a variance must be granted in order to bypass the buffer requirements. This would be a variance to section 8.2.5.

MOTION: Mr. Faiman moved to continue the Special Exception hearing until May 9, 1990 in order to allow for a variance hearing. Mr. Wellington seconded the motion. Motion passed unanimously. Hearing is continued until May 9, 1990.

MOTION: Ms. Eckstrom, after reading Section 8.6.1 in the zoning ordinance, moved to not continue the previously continued Special Exception to Section 8.2.6. The motion failed for lack of a second.

The case ended at 8:55 p.m.

Case # 4/11/90-2

Suzy SanSoucie, Maple Street, Lot K-018, Lot size, 10,800 sq. ft. in the Residential zone, requested a Special Exception (5.3.7) to add a third dwelling unit on less than $\frac{1}{2}$ acre.

Mr. Mitchell explained that the SanSoucie's have received a variance for 5.3.7b and now want a Special Exception. The Board must look at the criteria of the ordinance.

Mr. SanSoucie stated that the total of the bldgs and parking area is 3,020 sq. ft. That leaves 7,780 sq. ft. of open space which includes the driveway. The open space = 72% of the lot.

There was confusion over the two sets of measurement figures for the buildings. Mr. SanSoucie stated that his figures were taken from the Town's tax assessment drawing. The Board decided to use the tax map dimensions in making their decision.

Mr. Mitchell asked Mr. SanSoucie if the turn-around area is counted in with the parking figure. Mr. SanSoucie answered that it was not.

Mr. Faiman stated that the other issue to decide is whether or not the driveway is considered open space.

Mr. Mitchell pointed out that the zoning ordinance does not contain a definition for open space.

Mr. SanSoucie, reading from the ordinance, stated that the ordinance refers only to parking areas and buildings. It does not refer to driveways at all.

Mr. Faiman, reading from the ordinance, pointed out that roadways are mentioned in other sections of the ordinance, and that if the Planning Board meant to include driveways in this section, they could have said that.

Mr. Mitchell summarized the decision to be made. If the Board considers that open space applies to anything that is not a building or parking area, then the Special Exception should be granted. If the driveway and turn-around area is not considered open space, then the Special Exception should be denied.

MOTION: Mr. Wellington moved to accept the application as submitted.
Ms. Eckstrom seconded the motion.

VOTE: Yes - Ms. Eckstrom, Mr. Faiman, Mr. Mitchell, Mr. Wellington.
No - Mr. Parker.

The Special Exception was granted.

Mr. Mitchell reminded the SanSoucie's that they must, as required by the ordinance, go before the Planning Board for a Site Plan Review. He also reminded them to procure the proper building permits before beginning construction. He then stated to the audience that an appeal may be made by an affected person within 20 days by stating in writing, to the ZBA, the reasons why the Board should re-hear this case.

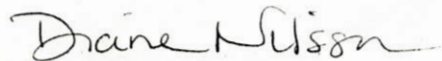
The case ended at 9:15 p.m.

MINUTES - March 14, 1990 meeting

MOTION: Mr. Parker moved to accept the minutes of 3/14/90. Mr. Faiman seconded the motion. The motion passed unanimously.

The meeting was adjourned at 9:27 p.m.

Respectfully submitted,



Diane Nilsson, Secretary

Posted: 4/17/90