

TOWN OF WILTON

ZONING BOARD OF ADJUSTMENT

JULY 10, 1991

Vice Chairman Grayson Parker called the meeting to order at 7:30 p.m. Members present were Tom Mitchell, Arlene Laurenitis, Jim Tuttle, Joanna Eckstrom.

Case No. 6-12-91-2 - Special Exception - Continuance  
Craig & Melanie Morse, Lot K-153, Pine Valley Street

Mr. Parker pointed out the Morses' had prematurely sought a special exception prior to building. The addition is currently framed and closed in and they are, therefore, appearing before the Board seeking this exception from Section 5.3.1 of the Zoning Ordinance..

Mr. Morse explained they would like to use the family room as a hair salon. It is attached to the house, there is a door leading from the kitchen into the room. The salon could easily be converted back into a family room. It would be a part time operation - hours Monday and Wednesday 6:00-9:00 p.m. and Saturday 8:00 or 9:00-3:00 p.m. They anticipate not more than 15-18 customers per week and it would be by appointment only. Parking would be one vehicle at a time. The size of the addition is 180 square feet 10'8" x 13' and they anticipate completion by the second week in August.

Mr. Mitchell cited the parking ordinance and asked Mr. Morse to comment. There is a garage for one car along with a truck and there is also room for two additional vehicles, said Mr. Morse. There is an established clientele, the customers will know to park in the driveway not on the street. A portion of the driveway was ruined because of construction and there are plans to construct a new drive.

In answer to Mr. Parker's question, Mr. Morse explained he could widen the drive, possibly add another foot at the end of the addition by coming over eighteen feet and up nine feet and still remain within the setback. This would add one more spot. Mr. Mitchell felt this was a better situation since it would not block anyone in.

Mr. Morse said he would have a small sign (unsure of the size) attached to the building - while he would rather not have a sign, by State law it is a requirement.

A motion by Mr. Mitchell on granting the special exception with a provision on additional parking was not seconded.

The Board discussed extra parking in the front yard; the driveway not being an issue with the setback as defined in the regulations; the pictures Mr. Morse presented showed three parked vehicles, was it necessary to add onto the drive? Should an applicant be requested to add a space when additional parking is not suppose to be in the front? The issue

of keeping green space. Adequate parking was demonstrated and it was up to the Morses' to police their clientele.

Mrs. Eckstorm moved to approve the special exception based on the information given along with the fact that adequate parking was demonstrated. The operation be by appointment only and that should be evident on the sign. Mr. Tuttle seconded the motion with the stipulation on the driveway improvements that there be an addition of one foot to the right side along with a small flare at the entrance.

After a brief discussion on the motion, Mr. Morse indicated he would use the sidewalk as the flare and then come off at right angles. The motion was duly seconded by Ms. Laurenitis with all members in favor.

Mr. Parker reminded Mr. & Mrs. Morse that written notification would be received shortly; there is 20 days for an appeal and that if they do not hear anything within this time frame, they can be assured no one will contest the special exception.

Case No. 7-10-91-2 - Special Exception  
Harry E. Trow, Lot D-52, Holt Road

Mr. Parker explained the applicant was seeking a special exception from Section 5.3.1 of the Zoning Ordinance for a home occupation. It would be a 24' x 24' two car garage to be used for small engine repair.

Mr. Trow told the Board he does not propose any great changes - he will operate out of the existing building; move the wood pile to permit more parking; he will have no employees and he does not intend the business to expand.

Mr. Mitchell stated the regulations prohibit exterior storage of materials and wondered what Mr. Trow might do with them. Mr. Trow said he had a shed in which he plans to clean out and will use.

The Board discussed what constituted "small engines". Would it include tractors and motorcycles? How to define "small engines" - could the limitations be by cubic centimeters (which would be difficult to maintain) or the wording "air cooled engines".

Mr. Trow explained he is not familiar with automotive engines and does not plan on repairing them.

Selectman Draper pointed out the Board should just say "no automobiles" since Mr. Trow is trying to make a living and stay off welfare. He is surrounded by many acres and his family is not present to complain about it. Mr. Draper personally "could not see putting on a lot of restrictions".

Mr. Tuttle moved to grant Harry Trow's request with the stipulation

that no automotive repairs be done but not excluding tractors, lawn mowers or machinery of this type. The motion was seconded by Mrs. Eckstrom. Ms. Laurenitis amended the motion to include "any motorcycle repair be incidental to the business". The amended motion was duly second with all members voting in favor.

Mr. Parker reminded Mr. Trow that written notification would be received within several days; there is 20 days for an appeal and that if they do not hear anything with this time frame, Mr. Trow could be assured no one will contest the granted special exception.

Case No. 7-10-91-1 - Variance

Larry D. Martel (Applicant) & Paul Martel (Owner) Lot L-35 17A Island Street

Vice Chairman Parker explained Larry Martel is seeking a variance from Section 5.2.3 of the Zoning Ordinance to put in a shed less than fifteen feet from the side lot line. A framed and closed-in shed is in existence and is four and one half feet too close to the side lot line.

Mr. Martel told the Board he has placed the shed in that location because there is no other place. He had already put in cement so it would not rot the wood along with a ramp. He further explained he did not know the Zoning Ordinance and he was unaware he need a building permit and it was "an error on my part". He has since applied for one. The neighbors, Mr. Martel said, didn't mind the shed and he needed it for the storage of his equipment.

Building Inspector Frank Millward told the Board this case is before the Selectmen and presented them with photos of the area. He stated he did not see any great problem except that it is not fifteen feet. However, the situation of the house makes this impossible. He further explained Mr. Martel did not understand the Zoning Ordinance but was very willing to make a permit which had to be denied and brought before the Board of Adjustment. The building is well constructed, blends in well and it is needed to keep valuable equipment under cover.

In answer to the Board's questions, Mr. Martel said he did not know what the wall was for. The shed would be in the public interest because his equipment would be placed inside and not an eyesore as it is now. The shed is unfinished because the Building Inspector asked him to stop--it will be finished with clapboards and match the house.

The Board felt it would be an improvement to the Island if finished properly. Also there are other homes in the vicinity less than fifteen feet from the line. The shed would give the owner a place to store the items that are now an eyesore. The shed would be in line with the house and not any closer than the house to the lot line. It will not infringe on the open space and it will be an accessory to the residential

property.

Mr. Mitchell's motion to grant the variance was duly seconded by Mrs. Eckstrom. Discussion was held on whether the Board should stipulate that the shed be finished to resemble the house. Mr. Millward reminded the Board that the reason it was unfinished was because he had asked Mr. Martel to stop.

Mr. Mitchell moved to amend the motion to grant the variance with the finished shed to resemble the house. Seconded by Mrs. Eckstrom with all in favor.

Mr. Parker reminded Mr. Martel that written notification would be received within several days; there is 20 days for an appeal and that if they did not hear anything within this time frame, Mr. Martel could be assured no one will contest the granted variance.

The Board wrote the following "Findings of Fact":

1. The proposed use would not diminish the surrounding property value because other homes in the area are also less than the required setback. The shed is aligned with the edge of the house and keeps the present line.

2. Granting this variance would be in the public interest because the appearance of the neighborhood would be improved since personal equipment would be removed from the side yard and stored out of the public eye.

3. Denial of the variance would cause unnecessary hardship because of the following special circumstances which make the property unique from other properties in the same zone: The presence of an existing wall and home within the 15 foot setback makes placement of the shed difficult. Its current location is the most logical and fits well with the home.

4. Granting the variance would do substantial justice because it will give storage space for equipment that is currently an eyesore.

5. The use is not contrary to the spirit of the ordinance because the shed, as an accessory to the residential property, is in line with the house and does not infringe on open space.

Case 7-10-91-3 - Variance  
Wilton Falls Associates (Applicant) & The E.J. Abbott Memorial Trust,  
Inc. (Owner) Lot J-104, Route 31

Vice Chairman Parker explained the applicants were seeking a variance from Section 8.2.4 of the Zoning Ordinance to construct a parking lot within 20 feet of the setback instead of the required 75 feet. He read



a letter received from Stephen and Gail Proctor (see the file).

Mr. Parker stated he was sitting but not voting as he did not want anybody "pointing fingers at him".

Because of this, Attorney William Sullivan requested a continuance and a full five member Board because he could not take the risk of a 2-2 vote.

The Board briefly discussed an impact study which the Planning Board requested last month. Mr. Tuttle said everyone recognized the fact that it was a congested area and they asked the Chief of Police and Highway Agent to look at the situation along with the yield signs. There were concerns about the trucks he said, however, if the railroad is running, it will eliminate some of the tractor trailers. There was not much concern about side walks, but consideration should be made about seasonal maintenance. Some of the improvements might be more of a maintenance problem. The Board felt that all the items in the letter should be addressed.

Mr. Draper pointed out that the Chief of Police could only remember four accidents in the area. As far as traffic is concerned, the railroad will eliminate a lot of it. He felt when the Mill was in operation, the area was more congested than at the present time since the by-pass is now accessible. It was his understanding, he said, that to get the setback was to have more parking closer to the main road. It will be town parking and benefit the town. It will be more of a weekend situation rather than during the week. The parking lot, Mr. Draper said, will make the building more valuable and should raise more taxes for the town.

Mr. Parker agreed that everything said had validity and should be discussed in open forum.

David Glines of the Planning Board said they intended to address the issue of traffic on the local level with the Police Chief and Road Agent and then a decision will be made as to whether it will be professionally surveyed. In answer to Mrs. Eckstrom's question, Mr. Glines said there are two separate cases the Planning Board is looking at - a subdivision of E.J. Abbott Memorial Trust and a site plan for Wilton Falls.

The case will be continued Wednesday, August 14, 1991.

Mr. Mitchell moved to table the approval of the minutes since only two members present this evening were present at the last meeting.

Upon motion made and duly seconded, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

*Sharon Frydlo*

Sharon L. Frydlo  
Acting Recording Clerk