

**TOWN OF BROOKLYN
ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES
SEPTEMBER 8, 2021**

Call to Order: Meeting called to order at 6:30 pm

Members Present: Bruce Parsons, Stephen Mylly, Lucien Brodeur & Bill Macnamara

Staff Present: Lisa Lindia, Recording Secretary, Margaret Washburn, Zoning Enforcement Officer, Rick Ives, First Selectman.

Also Present: Brad and Heather Oatley, Theodore Stever and Anne Hunter, Brian Therrien.

Call to Order: The meeting was called to order at 6:30 pm.

Seating of Alternates: None

Approval of Minutes: Special meeting minutes June 7, 2021.

A motion was made by Lou Brodeur to approve the special meeting minutes of June 7, 2021 as written. Bill Macnamara seconded this this motion. No discussion held. All in favor. The motion passed unanimously.

Election of Officers: Lucien Brodeur nominated Bruce Parsons to be Chairman; Bruce Parsons accepted; Stephen Mylly 2nd; all in favor; motion passed. Lucien Brodeur volunteered to be Vice Chairman, seconded by Stephen Mylly. All in favor; motion passed.

Reading of Legal Notice: Bruce Parsons read the legal notice into record.

Public Hearings:

1. **ZBA-21-003** Brad and Heather Oatley, 268 Allen Hill Road, Map-33, Lot-88-7, Acres 2.15, RA Zone. Construct 32-ft x 30-ft two-car garage with second story storage area with log siding. Requesting variance of section 3.C.5.2.1 from the minimum front yard setback.

Heather Oatley met with the Ms. Washburn who informed Heather that the proposed project cannot comply with the Zoning Regulations because it cannot meet the minimum front yard setback. The owners did not know where their front property line is located.

The map that was provided was not clear. Discussion ensued regarding the location of the house on the lot. Heather came to the table to clarify where the house sits on the lot. Chairman Parsons asked if the lot was lot #7 on the Salmon subdivision. Heather Oatley stated they have the rear lot and explained the placement of the house in relation to the septic and well. The house is oriented such that the side of the house faces the front yard property line.

Chairman Parsons asked what is the encroachment on the property line? Heather stated the setback is 50' they would need to move in 40'. They are looking for a 10' variance. The sketch submitted for the variance showed the house extending 12 feet into the front yard setback.

Additional discussion amongst the commission regarding the lot lines pursued. In addition, they discussed the location of the septic and well.

Ms. Washburn commented that the Subdivision Map prepared for Clarence J. & Donna L. Salmon, prepared by Normandin & Associates, dated 7/7/1999, shows the proposed location of the house, not the as-built location, and that the owners do not know where the front yard property line is. In order to give a specific variance an as-built plan would be required to know where the lot lines are. As it stands right now, the sketch submitted with the application represents a guess of where the house stands in relation to the front yard property line.

Mr. Macnamara commented they looked at Google Maps and that it seemed that the house is close to the proposed location shown on the Subdivision Map. Margret was asked if the measurements she gave were correct; she stated that she did not take any measurements because the owners did not know where the front property line is. The only measurements that were estimates from the Oatleys.

Ms. Washburn reference the NECCOG Map; no one actually know where the line is in the middle of a 30-foot swath of trees, bushes, vines and leaves. She estimates that the existing house is 20' from the front yard setback based on the NECCOG GIS map. The map is not to scale.

2. **ZBA-21-004** Brian and Christine Therrien, 286 Cherry Hill Road, Map-11, Lot 1-2, Acres 0.5, RA Zone. Construct a farmer's porch with roof including handicap-accessibility ramp. Requesting variance of section 3.C.5.2.1 from the minimum front yard setback.

The porch will be close to the existing grade. The ramp will be inlaid in the concrete. Mr. Therrien states that his daughter will lose her ability to walk in the next three to five years. Ms. Washburn measured from the staked porch to the center of the stone wall that represents the front property line; another six feet past the center of the wall is the edge of pavement. Mr. Therrien feels that he needs at least four feet and ten feet to be able to turn into the door. Mr. Macnamara states there should be some type of code for minimum handicap accessibility. The question was proposed who owns the abutter Pomfret property line, Mr. Therrien also owns that property. He would like to put the ramp on the stone side of the driveway.

3. **ZBA-21-005** Theodore R. Stever, 82 South Main Street, Map-47 Lot 012, Acres .43, NB Zone. Construct living space on third floor, convert space to a one-bedroom apartment. Requesting variance of section 6.E.3.8 for living quarters above the second story.

Chairman Parsons asked if there was a previous apartment located on the third floor. Lucien Brodeur asked if there would be a second egress installed to code. Mr. Stever responded yes. Pictures were reviewed showing that there was an apartment there prior, that was damaged by a fire.

Discussion ensued about when did zoning change for third floor apartments. The answer was not available at the time of the meeting.

Margaret explained to the ZBA members that variances needs to be specified. Reasons for the ZBA's decisions need to be stated for the record.

Which section(s) of the zoning regulations are being waived?
What is the specific extent of the variance being granted?
What is the specific hardship on which the decision is based?
Are there any other findings?

The Public Hearings Close

Lucien Brodeur motioned, seconded by William Macnamra. All in favor, motion carried.

Unfinished Business:

1. **ZBA-21-003** Brad and Heather Oatley, 268 Allen Hill Road, Map-33, Lot-88-7, Acres 2.15, RA Zone. Construct 32-ft x 30-ft two-car garage with second story storage area with log siding. Requesting variance of section 3.C.5.2.1 from the minimum front yard setback.
 - The members stated that the challenge is that we do not have a specific measurement from the proposed garage to the front yard property line. We need an as-built plan in order to get an accurate location of the property line.
 - Provisional approval is granted; the garage is not to extend further than 13' into the front yard setback. The Oatleys must present an as-built plan to the town.
 - The hardship is stated to be the position of the house relative to the lot, the location of the driveway and the location of existing well and septic. We hereby grant the variance for application ZBA-21-003 with the condition that the garage is not to extend further than 13' into the front yard setback. The variance is granted due to the specific which is the position of the house relative to the lot, the location of the driveway and the location of existing well and septic.

William Macnamara motioned, seconded by Lucien Brodeur All in favor; motion carried.

2. **ZBA-21-004** Brian and Christine Therrien, 286 Cherry Hill Road, Map-11, Lot 1-2, Acres 0.5, RA Zone. Construct a farmer's porch with roof including handicap accessibility ramp. Requesting variance of section 3.C.5.2.1 from the minimum front yard setback.
 - The house is located unusually close to the front yard property line. The variance is granted with the condition that the farmer's porch is not to be closer than 44 feet from the front yard property line. The hardship is based on the location of the house relative the front yard property line as well as the impending handicap accessibility for the family.

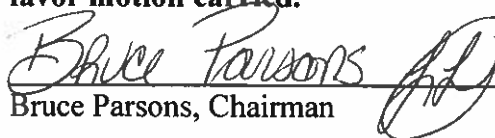
William Macnamara motioned, seconded by Steve Mylly. All in favor; motion carried.

3. **ZBA-21-005** Theodore R. Stever, 82 South Main Street, Map-47 Lot 012, Acres .43, NB Zone. Construct living space on third floor, convert space to a one-bedroom apartment. Requesting variance of section 6.E.3.8 for living quarters above the second story.
 - Based on that it was a third-floor apartment prior and that it will be updated with a second egress that will be up to code. The hardship was based on they have a taxable property that they are being taxed on and are not being able to use.

Lucien Brodeur motioned, seconded by Steve Mylly. All in favor; motion carried.

Other Business: At the October meeting a regular meeting schedule for 2022 will be discussed.

Adjourn: Meeting closed at 7:22pm motioned by William Macnamara seconded by Steve Mylly all in favor motion carried.


Bruce Parsons, Chairman