

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
PUBLIC AND REGULAR MINUTES

September 21, 2015

Present were Acting Chairman Carrier and Commissioners Callahan, Giannaros, Llewellyn, Perry and Alternate Commissioners Brockelman, Palumbo and Robair and Assistant Town Planner and Clerk. Chairman Mazzochi opened the meeting at 7:30 p.m.

Acting Chairman Carrier explained the process of the meeting and appointed Commissioner Llewellyn as Acting Secretary.

Alternate Commissioner Brockelman was appointed to vote on behalf of Commissioner Mazzochi.

Acting Secretary Llewellyn read the legal notice into the record.

PUBLIC HEARINGS

Chris Hurlock – 81 Forest Street

Request for variance to reduce minimum area from 40,000 sq. ft. to an area less than 40,000 sq. ft. in C1 zone to create new lot at 81 Forest Street. Chris Hurlock explained his parcel is zoned R20 and C1. He would like to subdivide his parcel and create two lots. Although the residential parcel will conform to the zoning regulations area requirement, the commercial parcel will be short approximately 10,000 sq. ft. of the area requirement. Mr. Hurlock believes all or most of the commercial lots on Depot Place are non-conforming. Access to the commercial parcel will be on Depot Place. The Commissioners asked for clarification on access and lot line between the proposed residential and commercial lots.

Attorney John Febroriello, represented Heidi Tuttle, 111 Forest Street, asked for the hardship. Mr. Hurlock explained the lot was split zoned by the Town before he purchased it and to make the property easier to market he would like to split the two zones into two parcels. Attorney Febroriello asked for clarification on access to the commercial lot. Town Planner Warner explained the Town obtained a permanent easement over the railroad right-of-way and the Town road, Depot Place will be extended beyond this commercial parcel providing access to the site.

Howard Sussdorff, 47 Depot Place, commented this is a self-created hardship, the lot is for sale before it is a legal lot and this property owner will benefit from the work and money the lot owners on Depot Place put into the existing roadway. Mr. Sussdorff also commented on required buffer area to a residential neighborhood stating there is insufficient room to comply with this requirement. Acting Chair asked for clarification on the buffer requirement. Town Planner explained the difference buffer zones and noted the requirement referenced by Mr. Sussdorff was for the CR zone. Mr. Hurlock responded the lot has two zones and the zoning designation was created prior to his ownership of the parcel.

The hearing closed at 7:48 p.m.

Upon a motion made and seconded (Brockelman/Llewellyn) it was unanimously

VOTED: To grant the variance to reduce the minimum area from 40,000 sq. ft. to an area less than 40,000 sq. ft. in C1 zone to create a new lot at 81 Forest Street as presented and generally described on plan on file in the Planning Office.

Members voting in favor of the application agreed the split zoning designation of the lot by the Town created a hardship and the subdivision of the parcel to formally create one residential and one commercial parcel was in keeping with the character of both Forest Street and Depot Place.

Cellco Partnership d/b/a Verizon Wireless – 2 School Street

Variance to reduce side yard setback from 25 feet to 1.5 feet for addition of enclosure for backup generator at 2 School Street, Unionville, UC zone. Attorney Ken Baldwin briefly reviewed the history of the installation of the cell tower in the church steeple. This tower does not have emergency backup power and they would like to install it. Due to the uniqueness of this parcel they are limited to an area on the west side of the church facing the playground. The playground is located on a separate parcel adjacent to 2 School Street and is also owned by the church. The proposed generator will be installed next to existing air conditioning units and screened with a stone wall and wooden gate. Commissioners asked for clarification on the proposed location, if the project will affect the large pine trees on the site and when testing will be conducted. Attorney Baldwin reviewed the location and stated the pine trees will not be affected. He added they generally schedule routing test cycles to occur late morning on a weekday but will coordinate a time that works best for the church.

There was no public comment in favor or in opposition to the application.

The hearing closed at 7:56 p.m.

Upon a motion made and seconded (Callahan/Giannaros) it was

VOTED: To grant the variance to reduce side yard setback from 25 feet to 1.5 feet for addition of enclosure for backup generator at 2 School Street, Unionville, UC zone, as presented and on file in the Planning Office.

Members voting in favor of the application agreed that the configuration of this lot and the location of the church on the lot do not provide a location to install the backup generator that can conform to the setback requirements of the zoning regulations. Additionally, the proposed location and screening will not impact the character of the neighborhood.

MINUTES

Upon a motion made and seconded (Llewellyn/Callahan) it was

VOTED: 5 in favor and 1 abstention (Giannaros) to approved the minutes of the March 23, 2015 meeting.

The meeting adjourned at 8:01 p.m.

SJM