

Town of Stafford  
Zoning Board of Appeals  
Regular Meeting  
September 6, 2018 - 7:00 p.m.  
Stafford Senior Center

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5 pages

*Timothy J. Armstrong*  
TOWN CLERK

Members Present: Anthony Guardiani, Chair  
Arlene Avery  
Judith Mordasky, Alternate  
Dennis Kaba, Alternate  
James Greene, Alternate

Also Present: David Perkins, ZEO  
Roy Thomas, applicant  
Patrick Soucy, applicant  
Public

### Public Hearings

Application submitted by Roy Thomas, 77 Handel Road, Map 43, Lot 42.02, Zone AAA to vary Section 4.9 side line from 30 ft. (required) to 12 ft. to construct a 24 x 24 sq. ft. accessory building.

Application submitted by Colburn Enterprises, 74 Wales Road, Map 17, Lot 74, Zone AA to vary Section 4.9: North side line from 30 ft. (required) 8 ft. existing to 8 ft.; South side line from 30 ft.(required) 20 ft. existing to 18ft; Rear line setback from 35 ft. (required) 8 ft. existing to 1 ft. Front line set back from 40 ft. (required) 20 ft. existing to 1 ft.; Lot coverage from maximum 15% to 48% and 3.12D building line setback from 100 ft. (required) to 1 ft. to construct addition to an existing structure.

Anthony Guardiani, Chair, opened the Public Hearing at 7:00 p.m. and read the public notice. Seated for the Public Hearing were Anthony Guardiani, Chair; and regular member Arlene Avery. Alternate members James Greene were seated for Tim Armstrong, Judith Mordasky for Henry DaDalt, and Dennis Kaba for Rich Longmore.

The first applicant, Roy Thomas, of 77 Handel Road attended the hearing. He would like to build a 24 foot by 24 foot garage on a gravel footing in about the same location as an existing 12 foot by 16 foot shed. The existing shed will be moved to the other side of the property. This would be at the end of his driveway, and the most optimum location for the garage. The hardship is that if he placed the garage elsewhere, he would need to build a driveway and put in a curb cut.

Roy Thomas said this would be a pre-fabricated garage built in two halves and would be used primarily to garage his classic cars. He provided a set of the manufacturer's plans. The closest part of the garage would be about 12 feet from his neighbor's property line. He said he plans to put the garage in almost the same footprint as the existing shed, but further up on the property. He indicated on a map the location of his leech field, which has a pump station and the reserve field beside it.

James Donnelly, the abutter at 73 Handel Road said he had no objections to the variance request.

Roy Thomas provided receipts for notifications to neighbors.

Dennis Kaba said he felt the proposed location for the garage was the least intrusive place to locate it. There was a general consensus from the Board in agreement.

James Greene made a motion, seconded by Arlene Avery to close the Public Hearing on the 77 Handel Road application and to open the Public Hearing on the 74 Wales Road application. All were in favor.

Patrick Soucy of 135 Colburn Road attended the public hearing as the applicant. He said he and his wife bought the 3-bedroom home on this small lot in a tax foreclosure sale. This is an undersized lot with an undersized (20 ft. by 36 ft. or 720 square foot) house on the lot. They plan to use it as a retirement home but need to enlarge it to be reasonably useful. The hardship is that the house as it currently stands offers inadequate living space due to the size of the lot. Patrick Soucy said he as well as the town were not aware that the property was essentially landlocked when he purchased it. He has access through a common driveway that is in actuality on a neighbor's property. He noted also that they substantially cleaned up the lot.

Patrick Soucy would like to add a 10 foot by 44.6 foot addition to the south side of the home and to enclose the screened porch, which would add 612 square feet to the house. This would increase the square footage of the home to 1,332 square feet eliminating the non-conformity of an undersized house, but which would create new non-conformities. He would also like to add a 20 foot by 12 foot screened porch on the west side of the house, a 10 foot by 12 foot deck to the south of the porch, and to add a 30 foot by 20 foot garage on the east side of the house.

John Savickas of 72 Wales Road, abutter on the south side of the property, attended the hearing with his wife, Ellen. He said they are opposed to the variance requests. He said the applicant wants to intensify development on the lot with living space that is too big for the lot. He said adding the garage does not leave room for a reserve septic area. He said variances should not be granted on the assumption that a future septic system can be worked out.

Patrick Soucy said there is no driveway on his property and he is essentially landlocked. He said he spoke to the town attorney and expects that he will be granted an easement for the use of the driveway on the neighbor's property. Pam Soucy, also of 135 Colburn Road, explained that the right-of-way went through the neighbor's property. Dave Perkins explained that Mr. Higby, the former property owner, owned both lots at the time, so it didn't really matter at that time. Patrick Soucy said he has also asked the town for a septic easement because their septic field is on town property. He has also asked the town to grant them an easement for parking.

John Savickas said another concern is the increased size of the roof from the addition. He said the runoff from the roof would likely impact the septic system. He said the proposed porch also goes almost to the water line. He said it is not visually appealing and is not good for the environment of the lake. They also feel that the garage, at one foot from their property line, would be too close.

Patrick Soucy asked if John Savickas would be accepting of the other proposed additions to the property if they eliminated the garage. John Savickas said he still felt the proposed deck going up to one foot from the lake would be irresponsible.

Richard Combs of 83 Colburn Road suggested that John Savickas take a look at some of the lakefront properties on Lakeshore Boulevard. He said some of the decks on those properties go right up to the lake and have retaining walls. He said there are two side by side decks that abut the water in one area.

Arlene Avery said she was concerned about the runoff from the roof, and asked if Patrick Soucy might consider adding to the house vertically, rather than building out. Patrick Soucy said he would have considered that if he was just flipping the house, but because they want this for themselves as a retirement property and due to mobility issues as they age, he wants to have a one-level living space.

Dave Perkins referred Board members to his report on the property which is included in their packets. He noted that the property owner would need to get some variances to utilize the lot no matter what, and said the Board needs to consider whether the expansion of the house is the least amount that the applicants can reasonably be expected to request to be able to enjoy their property.

James Greene asked Pat Soucy if he considered placing the additions in other locations off the house or making smaller configurations. Pat Soucy said he is not opposed to doing a screen room off the south side of the house, but that after a lot of considerations, they felt the plan presented was the best choice.

There were no further questions or comments. Arlene Avery made a motion, seconded by Dennis Kaba to close the public hearing on 74 Wales Road. All were in favor.

#### REGULAR MEETING AGENDA

1. Call to order
2. Establish a Quorum.
3. Approval of August 2, 2018 regular meeting minutes.
4. Discussion and possible action – Public Hearing items
5. Adjournment

**1. Call to order.**

Anthony Guardiani, Chair, called the regular meeting to order at 7:30 p.m.

**2. Establish a Quorum.**

Anthony Guardiani, Chair, established a quorum with regular members Anthony Guardiani, and Arlene Avery, seating alternate members Judith Mordasky for Henry DaDalt, Dennis Kaba for Rich Longmore, and James Greene for Tim Armstrong.

**3. Approval of August 2, 2018 regular meeting minutes.**

Arlene Avery made a motion, seconded by Judith Mordasky to table a discussion of the minutes to the next regular meeting. All were in favor.

**4. Discussion and possible action – Public Hearing items.**

The Board discussed the 77 Handel Road application. There was consensus that the applicant considered his options and the requested variance reflects a minimal intrusion on the property.

James Greene made a motion, seconded by Arlene Avery to approve a variance of Section 4.9 to allow construction of a 24 foot by 24 foot accessory building at 77 Handel Road to be 12 feet from the side property line where 30 feet is required, the hardship due to the location of the septic system and the driveway on the property. All were in favor.

The Board discussed the 74 Wales Road application. Dennis Kaba expressed concern that the location of the proposed garage being only one foot from the property line would encroach on the neighbor's property and any attempts to maintain that side of the garage or roof by putting up a ladder would require going onto the neighbor's property. James Greene said he was concerned with both encroachment on the neighbor's property as well as the deck coming up too close to the lake. Arlene Avery shared James Greene's concerns.

Judith Mordasky said she shared the concerns about the proximity of the garage to the neighbor's property but felt the deck's closeness to the lake was not a large issue. She said this has been handled well with retaining walls on Lakeshore Boulevard. She added that most people who live on the lake are good caretakers of the lake. She added that it appears Patrick and Pam Soucy cleaned up the property well and their work has been good for both the property and the surrounding community.

Dennis Kaba said that in the past the Board has approved improvements on small lots on Lakeshore Boulevard that are close to neighbors.

Dave Perkins noted that the Board is free to modify the requested variances if they so choose. He reiterated that the Board needs to determine what the least amount of variance should be allowed so that the property owner can reasonably enjoy their property.

Arlene Avery suggested that there would be more parking area available if the garage plans were eliminated. James Greene said the garage could also be reduced in size to 20 feet by 30 feet.

Dave Perkins noted that the issue with the proximity to the lake will need to be addressed by both himself and the Inland Wetlands Commission. He said the Health Department will also need to approve any septic system, adding that the easement will also need to be worked out with the town. He said he felt the addition seems reasonable to him because it is wrapped around an existing porch so the setbacks will not change. However, there has never been a garage on the lot.

The Board discussed various possibilities such as reducing the size of the garage to lessen the setback or eliminating it, eliminating or relocating the screened porch, or allowing a deck instead of a screened porch. There was consensus that the garage was too large and that it would be better to consider a smaller one that might result in it being 11 feet off the side property line instead of just one foot.

Anthony Guardiani said he felt comfortable with the proposed addition but as he had not visited the property, felt it would be helpful if he visited it first to get a better picture of how it would look. The Board discussed the possibility of tabling a decision to their next meeting to allow members who had not visited the property to do so. Judith Mordasky said she would prefer not to do this as it puts off the applicant a month further in their plans. Dave Perkins reminded Board members if they choose to do this, that they could individually visit the property but not

as a group as that would constitute a meeting. They also cannot discuss the application with anyone in the meantime.

Arlene Avery made a motion, seconded by Dennis Kaba to table a decision on this public hearing to their next regular meeting on October 4, 2018. Arlene Avery, Dennis Kaba, Anthony Guardiani, and James Greene voted in favor. Judith Mordasky was opposed. Motion carried.

James Greene asked how the meeting would run if any one of the regular members not here this evening attended the October meeting. Dave Perkins explained that those Board members would need to review the tape of the meeting so they were familiar with the discussion. Dave Perkins said based on the discussion this evening, he would also draw up some possible motions to consider during deliberations at the next meeting.

**5. Adjournment.**

James Greene made a motion to adjourn, seconded by Arlene Avery. All were in favor. The September 6, 2018 meeting of the Stafford Board of Appeals was adjourned at 7:55 p.m.

Respectfully submitted,



Annie Gentile  
Recording Secretary