

MANSFIELD ZONING BOARD OF APPEALS – REGULAR MEETING
MINUTES
MAY 14, 2008

Chairman Pellegrine called the meeting to order at 7:00 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building.

Present: Members – Fraenkel, Katz, Pellegrine, Wright

Alternate – Accorsi, Clauson, Gotch

Absent: Member – Singer-Bansal

JEFF WEBSTER (CONTINUANCE) – 7:00 PM

To hear comments on the application of Jeff Webster, 54 Fern Rd, for a Variance of Art VIII B.4.c – Non-conforming lots of record – side yard, for a variance of 7' from the required 25' side yard setback, to construct an addition to a single-family residence.

Jack Clauson recused himself from this hearing. Accorsi acted as regular voting member.

A Neighborhood Opinion Sheet was received, signed by abutter, Donna Clauson, showing no objections.

Mr. Webster reiterated that his hardship is caused by his septic, ledge and wetlands.

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Katz made a motion to approve the application of Jeff Webster, 54 Fern Rd, for a Variance of Art VIII B.4.c – Non-conforming lots of record – side yard, for a variance of 7' from the required 25' side yard setback, to

construct an addition to a single-family residence, as shown on submitted plan.

All in favor: Accorsi, Fraenkel, Katz, Pellegrine, Wright

Reasons for approval:

- Severe constraints due to wetlands, ledge and septic area
- Not a very significant variance request

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- Topography is a hardship
- Property on side of addition will not be affected

At this time, Clauson rejoined the Board.

APPROVAL OF MINUTES FROM APRIL 9, 2008

Fraenkel moved to approve the minutes of April 9, 2008 as presented.

All in favor.

4/1/08 PROPOSED ZONING BOARD OF APPEALS FEE SCHEDULE

This was passed by the Town Council on April 28, 2008, as proposed.

NORMAN & MEGAN MEIKLE – 7:30 PM

To hear comments on the application of Norman & Megan Meikle, 98 Depot Rd, for a Variance of Art VIII, Sec B.4,b&c, Exceptions to the Schedule of Dimensional Requirements, to erect a 24' above ground pool within the required setback lines, 10' for side yard and 35' for rear yard.

Gotch acted as regular voting member for this hearing.

Mr. Meikle wants to install a 24' diameter pool and is requesting a 10' side and 35' rear yard variance. The location was chosen to preserve old trees on the property and to allow direct sunlight to the pool. The septic system prevents the pool from being placed directly behind the house. There is an existing fence between their property and the abutters plus an additional fence will be installed around the pool.

A Neighborhood Opinion Sheet was submitted, showing no objections.

Parking for Thompson's Store is to the rear of the property and should not be adversely affected by the pool. Fraenkel asked if the pool could be moved further from the side yard so as not to disturb their abutter, making a side yard variance unnecessary. The applicant agreed to this suggestion.

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BUSINESS MEETING

Fraenkel moved to approve the application of Norman & Megan Meikle, 98 Depot Rd, for a Variance of Art VIII, Sec B.4,b, Exceptions to the Schedule of Dimensional Requirements, to erect a 24' above ground pool within the required setback lines, 35' for rear yard, as shown on submitted plan.

All in favor: Fraenkel, Gotch, Katz, Pellegrine, Wright

Reasons for approval:

- Septic location is a hardship
- No negative impact on neighborhood
- Non-conforming lot

ROSS LJ&G PROPERTIES LLC – 8:00 PM

To hear comments on the application of Ross LJ&G Properties, LLC, South Bedlam Rd (west side), for a Variance of Art VIII, Sec A, Schedule of Dimensional Requirements, to construct a single-family house on a lot having 110.57' less than the required frontage and 11,130 sq ft less than required lot area.

Atty. Samuel Schrager represented Ross LJ&G Properties, LLC. A variance is being sought for lot area and road frontage. The Chaplin Zoning Board of Appeals granted a variance for the small parcel in Chaplin, .275 acres, to create a legal building lot at the town line. They have since received a legal opinion that states that a town line does not constitute a property line for purposes of zoning regulations. They are now proposing to put the house on the Mansfield side with the septic on the Chaplin side. If the house was built in Chaplin, it would be right on the road. There are no setback requirements due to the nature of the lot. The applicant is prepared, if this variance is granted, to put restrictions so major portion of Mansfield property would be put in a conservation easement or restricted in terms of use. Mr. Schrager stated that this situation is not without precedence and cited lots in the area that he feels are similar. Mr. Schrager was advised by Mansfield's zoning agent to first seek this variance and then go to planning for resubdivision. Their hardship is the existence of the town line.

This parcel was created in 2005 with the Aurora Estates subdivision.

A Neighborhood Opinion Sheet was submitted showing objections from neighbors, Robert Lennon, Joseph Cerreto, & Jeffrey Bouchard.

Mr. Tom Smith, owner of Lot #4 of Aurora Estates, voiced his opposition of this plan due to concerns regarding the cutting of trees and feels that the applicant does not have a true

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hardship. He suggested that if Mr. Ross receives approval for this plan, that deed restrictions be put in place to restrict the location of the house and to create a "no development" buffer zone to provide privacy screening. He submitted a letter expressing his views.

Mr. Robert J. Lennon, owner of 20 Jackson Lane, objected to the requested variance. He believes the proposed plan would disrupt the character of the neighborhood, affect wildlife, and disrupt the historic

value of the land – all for financial gain. He pointed out that there is a town conservation easement on the properties along South Bedlam Road, including this particular lot. He feels the house should be of similar value to surrounding houses and is concerned that the common driveway, used by Aurora Subdivision land owners, would be impacted. He believes that this is a self created hardship. He submitted a letter expressing his views.

Mr. Joseph Cerreto, 6 Jackson Lane expressed his opposition to the proposal.

Mr. Jeffrey Bouchard, 81 South Bedlam Road, agreed with his neighbors and opposes the proposed plan. His property is in both Chaplin and Mansfield, with the house on the Chaplin side.

Mr. Brian McCarthy refuted Attorney Schrager's claim that lots in this area, notably the lot on the corner of Shuba Lane and South Bedlam Road, were similar in nature.

Attorney Schrager disagrees that this is a self-created hardship. He believes the hardship is created by the location of the town line and requests that the Board seek the town attorney's opinion.

Mr. Larry Ross has lived and worked in this town for many years. He has worked in real estate since about 1998 and feels that he has taken into consideration environmental issues and would like to work with his neighbors to address their concerns.

This hearing was recessed until after the next hearing which was scheduled to begin at 8:30 p.m.

BECKY & SCOTT LEHMANN – 9:10 PM

To hear comments on the application of Becky & Scott Lehmann, 532 Browns Rd, for a Variance of Art VIII, Sec A – Schedule of dimensional requirements, to construct a 14' x 18' addition onto an existing residence that will encroach 9' into the required rear yard.

A Neighborhood Opinion Sheet was received, showing no objections.

Mr. Scott Lehmann said they would like to add an addition to include a first-floor bedroom and bath. This is the only location to put an addition due to the septic system on one side and access to the back yard on the other side.

BUSINESS MEETING

Wright made a motion to approve the application of Becky & Scott Lehmann, 532 Browns Rd, for a Variance of Art VIII, Sec A – Schedule of dimensional requirements, to construct a 14' x 18' addition onto an existing residence that will encroach 9' into the required rear yard, as shown on submitted plan.

All in favor: Clauson, Fraenkel, Katz, Pellegrine, Wright

Reasons for approval:

- No other place for addition
- Well and septic creates hardship
- Topography
- Addition will be a good distance from property line
- There are no neighbors that will be affected

ROSS LJ&G PROPERTIES, LLC (CONTINUED)

It was decided that Chairman Pellegrine will seek legal counsel from the town attorney. The hearing was continued until the June 11, 2008 meeting.

ADJOURNMENT

Meeting was adjourned at 9:45 p.m.

Respectfully Submitted,

Julie Wright
Secretary