

**Town of Milford
Zoning Board of Adjustment
August 1, 2019
Case #2019-14
Christine and Charles Gibson
Special Exception**

Present: Steve Bonczar, Chair
Rob Costantino
Michael Thornton
Wade Scott Campbell, Alternate
Karin Lagro, Alternate

Lincoln Daley, Community Development Director
Paul Dargie, Board of Selectmen Representative

Absent: Joan Dargie, Vice Chair
Tracy Steel

Secretary: Peg Ouellette

MINUTES OF 8/1/19 WERE APPROVED AT THE 10/17/19 ZBA MEETING

Steve Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. He asked that Alternates W. Campbell and K. Lagro be seated as regular members. Motion was made by R. Costantino and seconded by M. Thornton. All in favor. W. Campbell and K. Lagro were seated as full voting members. He read the notice of hearing and invited the applicant to present the case.

W. Campbell excused himself from this case, as he had an interest in it, and sat in the audience for this case.

Charles and Christine Gibson came forward.

Charles Gibson said they had been in town since 1990 and wanted to put up a garage on their property. Property had an easement drive back to the abutter's house and easement at Mile Slip Road. They were proposing to put a garage along the easement perpendicular to the house. Would be small box in the front with carport on either end. They had provided pictures. It would face west and then you would be able to look right through the carports and he would be able to drive down and park in either section. They had spoken to neighbors, and there were no objections from neighbors. Most, if not all, neighbors had garages. He felt the building would blend in with the neighborhood. Design would have an old barn type feel. 14 ft. tall in center and slightly smaller on each end.

S. Bonczar asked about the height of the walls.

Charles Gibson said from the back, at 14 ft.

Christine Gibson said the back was just 14 ft. The carport will not have walls. Will be dressed in the front and have barn-type pillars coming down.

Charles Gibson said he didn't have the exact number. Guessed about 12 ft.

S. Bonczar was guessing what the pitch would be. 12 ft. wall would be heavy and large looking with very shallow pitch. Trying to see how this would look being so close to that property.

Christine Gibson said they wanted to be as non-invasive as possible.

Charles Gibson said the same person they wanted to build it put in the porch on the back some years ago. House was a cape. Would not want very shallow roofline which would not match the cape.

S. Bonczar said the less shallow the lower the walls would be – 8 to 10 ft.

M. Thornton said he thought he heard that the carport would be a pull-in building with no sides.

Charles Gibson said that was correct.

S. Bonczar said open front to back.

Charles Gibson said yes.

R. Costantino asked if the stone wall was the property boundary.

Charles Gibson said yes.

R. Costantino asked if the private drive was owned by anyone.

Charles Gibson said yes.

S. Bonczar said on the map it looked maybe 50 ft. wide. If the easement was 50 ft. wide, didn't believe the drive was 50 ft. wide. Looked like the easement which went to the back lot and other to Lot 45-21-5. The right of way.

L. Daley had that. For clarification, it was actually two 25 ft. areas.

S. Bonczar said right. 50 ft. but two separate rights of way or splits.

L. Daley agreed.

R. Costantino said if he was planning to widen that, that could be a problem for snow.

Charles Gibson said it was water. That water had increased to the development across the way.

Christine Gibson pointed it out in the slide.

Charles Gibson said if they were to come to the Board and ask to widen that he would be surprised if it would be allowed due to that waterway.

S. Bonczar said that driveway wasn't paved. Didn't know if it sat in the middle of those two 25 ft. accesses.

L. Daley asked the applicants if construction of this would impact the stone wall or require removal of any trees.

Christine Gibson pointed out in the photo what was left of an old tree because it was lopped off years ago. That would have to come out. Wall would be pulled to remove that and then rebuilt.

Measurements of structure would be 12 ft. for one carport, 16 ft. for enclosed portion, and 12 for the other carport.

L. Daley said two pieces and one in the middle. 2 ft. from the property line.

S. Bonczar knew it was far enough into the setback.

L. Daley asked about the current structure.

Charles Gibson pointed out where the structure would go.

L. Daley asked if they had legal access to use that private right of way. There was a curb cut into that right of way.

Christine Gibson said when the house was built in 1990 they used that to come in and do all the building and work.

L. Daley asked if this structure would impact that.

Charles Gibson said no. They made it so that access past that will be the one carport. Then it will be the enclosed one and then the other carport.

Christine Gibson said they were very careful about setback from Mile Slip Rd. They had spoken to L. Daley first. Will make sure contractor maintains that setback from the road.

L. Daley said re talking with the neighbors, they had letters in the file saying they were okay with it. Did they consider any mitigation to block that structure? Along the 25 ft. right of way.

Charles Gibson said if you looked at the property you would see there were several concerns about the house. Will most likely dress it up with some shrubbery.

L. Daley said he asked because they were asked for relief from side setback 2 ft. from the property line. Part of that was providing visual mitigation.

M. Thornton said the site lines would be deeper because of the corner lot configuration.

Charles Gibson said one of the reasons they chose carports instead of completely enclosed.

S. Bonczar said he had questioned that at first.

L. Daley asked about the back side.

Christine Gibson said it would be a solid wall. Private drive and neighbor on the other side that had a two-story and it was on that side of the property. When they [neighbors] were in their house they would not see it. Pretty much distance – 50 ft. of road.

L. Daley asked if it was area he pointed out in the slide.

Charles Gibson said yes. They spoke to the neighbors before going to L. Daley.

S. Bonczar said for the record there were three letters – Exhibits A, B, & C. He read from the first one from Delages because they were all the same.

Christine Gibson said they were the ones most affected on the other side of the private drive.

L. Daley asked what alternatives were considered.

Christine Gibson said they considered going in line for the house which would still need a special exception. But thought esthetically for the whole house it would look too long.

Charles Gibson said it would almost look industrial. They talked about outdoor rooms. He pointed out greenhouse and fire pit with sitting area. They tried to create an outdoor living space. Could envision that big outdoor room, the main house, and carport and garage.

K. Lagro said in that spot it was so close.

Charles Gibson said to put closer would be really hard to pull into the drive.

K. Lagro said there was no room in the easement.

S. Bonczar said it was right up the middle of the two 25 ft.

Christine Gibson said there was enough room. Didn't usually get snow in that stone wall.

Charles Gibson said snow usually fell in the waterway.

R. Costantino asked if the town plowed it.

Charles Gibson said he would plow it.

S. Bonczar asked for any other questions from the Board. None. He opened public comment.

W. Campbell of 16 Mile Slip Road came forward, saying he owned the abutting property. Other half of the drive was his. Clarification : He pays for the plowing up to the trees. He didn't have a problem. Whatever the Board decided.

S. Bonczar asked for anything else. Nothing. He closed public comment.

S. Bonczar said they would proceed to discussion of the special exception criteria.

1. Was the proposed use similar to those permitted in the District?

R. Costantino said this was a residential district. Special exception for a setback was allowed in the district.

S. Bonczar agreed. The request was the setback. Reason for the request being a garage not out of character with other houses within the district.

2. Was the specific site an appropriate location for the proposed use?

R. Costantino said it was on the property on the side of the house. Normally setbacks they deal with were with abutter or neighbor. This didn't quite have that, with the road.

S. Bonczar said would be more concern if talking about two rights of way. If it was a more dense neighborhood in other parts of town.

M. Thornton said like a public street.

S. Bonczar said applicant was pushing it far enough off the road behind the 30 ft. so when the owners of the property come out they would have a clear sight.

R. Costantino said no visibility issue.

S. Bonczar said also the fact that it was opened up, which diminished the impact of the size of the structure. Re location, he could see where you could put it along the house but would probably still go into the setback. It was more esthetic than being attached to the house. As the applicants stated, if they turned it around getting in would be a problem.

3. Would the use as developed not adversely affect the adjacent area?

M. Thornton said no.

R. Costantino said they already talked about that.

S. Bonczar didn't think it would. It was on their side of the street and current drive was right up the middle of that 50 ft. – 25 and 25. He thought the consensus of the Board was that that was the case.

4. There will be no nuisance or serious hazard to vehicles or pedestrians.

M. Thornton didn't see a pedestrian walkway to be impacted.

R. Costantino said none of the abutters had an issue. They would usually bring that sort of thing up if so.

S. Bonczar said it was off the road and two properties will not have obstructed view in either direction.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use.

R. Costantino said there was no problem.

S. Bonczar said they had to get the permit to build.

S. Bonczar asked the Board if there was anything else to discuss. No conditions?

L. Daley suggested requiring applicants to restore the stone wall after.

R. Costantino thought if they stated it during the discussion, that was sufficient.

M. Thornton said it was in the record.

S. Bonczar said he had just stated it; assumed that based on the testimony that would remain.

M. Thornton asked L. Daley if he wanted them to have before and after photos.

L. Daley said no.

S. Bonczar said he heard the applicants state they would put it back – based on testimony they had wanted to.

S. Bonczar asked if there was anything else. Nothing.

VOTE: On Special Exception:

1. Is the Special Exception allowed by the ordinance?

K. Lagro – yes

M. Thornton – yes

R. Costantino – yes

S. Bonczar - yes

2. Are all the specified conditions present under which the Special Exception may be granted?

R. Costantino – yes

K. Lagro – yes

M. Thornton – yes

S. Bonczar - yes

S. Bonczar said, based on the vote, the criteria for special exception had been satisfied. The application was unanimously approved. He reminded applicant of the 30-day appeal period.