

**REVISED**

**ZONING BOARD OF APPEALS  
Durham Town Hall  
Durham, CT 06422**

Minutes of the April 9, 2015 Regular Meeting

Mr. LaFlamme opened the meeting.

Attendance:

Members		Alternates	
A	David Heer	x	Michael Geremia
A	David Slight	x	Mark Jungels
A	John Hogarth	x	Eric Francis
x	Chris DiPentima		Others
x	William LaFlamme*		Colegrove, Geoffrey

A=Absent

X=Present

**Seating of Alternates**

Michael Geremia, Mark Jungels, and Eric Francis were all seated.

**Amendments to Agenda**

None

**Approval of Agenda**

A motion was made by Mark Jungels, seconded by Mike Geremia, to approve the agenda. Motion passed unanimously.

**Payment of Bills**

A motion was made by Eric Francis, seconded by Mark Jungels, to pay \$90.00 for the yearly membership dues for the Connecticut Federation of the Planning and Zoning Agencies. Motion passed unanimously.

**Minutes of Previous Meeting(s)**

A motion was made by Chris DiPentima, seconded by Mike Geremia, to approve the minutes from the previous meeting. Motion passed unanimously.

**Public Session**

None

**Public Hearing**

A motion was made by Eric Francis, seconded by Mike Geremia, to close the regular meeting and open the Public Hearing. Motion passed unanimously.

**Marge & John Stahl, request a 30' front yard variance from section 05.02.01 of the Durham Zoning Regulations to construct a house at 139 Maple Ave.**

Marge & John Stahl, as well as Dave Pieta, Contractor, were present. House plans and site plans were provided to the commission. The information showed where the original house was located and where the new proposed house will be located. It will be a 2 bedroom/2 bath home. A darkened area on the plans is the proposed 9' addition that will be larger than the original footprint. Mr. LaFlamme pointed out that the old site plan shows 25' on one side and 2'-4' on the other. He spoke of the previous zoning regulations stating that the sides needed an aggregate of 25'. If the proposed house is shifted then it would meet the regulations. Mark Jungels stated if it is shifted then it would interfere with the driveway. There will be a shared driveway with the neighboring lot, owned by Marge Stahl. A letter was provided supporting this. The wells and septic systems of the abutting properties were also looked at by Bill Milardo, Town Sanitarian for proper distances. The septic system will be placed in the front of the house, as it was originally. There was discussion regarding wells and septic as well as driveway easements. Mr. LaFlamme mentioned that he has a lot of questions for Mr. Colegrove, Zoning Enforcement Officer for the town of Durham. Mr. LaFlamme mentioned that a visit to the Planning and Zoning Commission may be necessary. Kevin Kearney, 146 Maple Avenue and Lorrie Korn, 22 Wallingford Road, neighbors, were both present. It has been between 6-10 years since someone lived in a house on the property. It was reiterated that the ZBA is voting on the setbacks. There is a letter in support from Ms. Stahl but she stated that in order to be supportive the well would have to be evaluated. The hardship is that the new house has to be in the same footprint as the previous home. It was asked whether or not the proposed house could be moved back and centered so that it fits the setbacks better. It would not be in the original footprint. The commission will look for feedback from Geoff Colegrove regarding this. Mr. LaFlamme has recommended continuing the hearing until next month for the following reasons: feedback from Geoff Colegrove and Bill Milardo, and to see where they really stand with approving the variance and address the concerns brought up regarding the well and septic. There was discussion as to why the proposed house needs to be built in the same footprint and the fact that the original footprint is gone and that the lot is nonconforming. This could possibly change what type of variance is required. Mr. LaFlamme stated a site walk is necessary to look at boundaries, the existing well, etc. The site walk is scheduled for Friday, April 17, 2015 at 5:00 p.m.

A motion was made by Bill LaFlamme, seconded by Mark Jungels, to continue the Public Hearing until May 14, 2015 for the purpose of a site walk, to be conducted on Friday, April 17, 2015 at 5:00 p.m. Motion passed unanimously.

A motion was made by Mark Jungels, seconded by Mike Geremia, to return to the regular meeting. Motion passed unanimously.

**Miscellaneous**

None

**Adjournment**

A motion was made by Mike Geremia, seconded by Chris DiPentima, to adjourn. Motion passed unanimously.

Respectfully submitted,

Jennifer Keogh  
Administrative Coordinator