

**MINUTES OF THE WOODBRIDGE ZONING BOARD OF APPEALS
WEBEX MEETING ON OCTOBER 13, 2020**

A regular meeting of the Zoning Board of Appeals (ZBA) for the Town of Woodbridge was held via WebEx on Tuesday, October 13, 2020.

ROLL CALL

PRESENT: Henry Nusbaum – Chairman, Cynthia Gibbons, Aldon Hynes, Shawn Flynn,
Jeffrey Atwood
ALTERNATES: Joi Prud’Homme and Celia Walters
EXCUSED: Frank Ciarleglio (alternate)

The WebEx meeting was called to order at 7:33 pm by Acting Chairman Hynes. Chairman Nusbaum joined the meeting shortly after the meeting was commenced.

PUBLIC HEARINGS

**Robin Schaeffer, Appellant – 4 Bunker Hill Road f/k/a 999 Racebrook Road
Application to amend the Zoning Board of Appeals approval # 2018-005 to allow the existing older residence on your property at 4 Bunker Hill Road f/k/a 999 Racebrook Road to be only partially demolished and converted into an ancillary outbuilding and/or extend the existing permit file # 2018-005**

Both Robin Schaeffer and her husband Anthony Schaffer spoke regarding the application and in response to questions by Board members noting:

- The ZBA had granted variance # 2018-005 two years ago to allow two residences on the property while a second dwelling was being constructed. When the second residence was completed the original residence was to be demolished.
- In the two years while the new residence was being constructed, there has been significant historical memorabilia identified in the original family house.
- The application before the ZBA is to amend the variance that was granted two years ago to allow the retention of the front part of the original residence while removing the kitchen and family room that were added onto the original house.
- The downsized structure would be used as an ancillary structure to the new residence.
- Since the variance was granted two years ago, two adjoining parcels at 999 Racebrook Road and 2 Bunker Hill have been joined together making one parcel that is over 181,000 square feet in area.
- The total coverage of all of the structures on what has now been combined to be one parcel would be 9.6 % of the square footage of the combined parcel. The zoning regulations now allow up to 15% total coverage by structures on a residential property. The 9.6% coverage by structures would include retention of the diminished size of the original residence which would, if the variance was granted, become an ancillary building to the new residence.
- The “ancillary building” would be used for storage and as a “sitting room”. Stored in in would be significant memorabilia and items from the Clark Family, which is the ancestral family of the applicant, members of whom have lived on the property for over 200 years.
- The applicant is the sixth generation of the Clark family to occupy the property.

- The original residence/proposed “ancillary building” is included in the Town Historical Book.
- Allowing the reduced size of the original residence/proposed “ancillary building” to remain would block the use of the church across the street from the new residence in terms of headlights, noise and traffic.
- A structural engineer would be engaged to insure that it would be feasible to demolish the “newer” portion of the original residence and still be able to safely retain the “original” front portion of the residence.
- Originally the Clark family owned over 147 acres of land as a dairy farm. That was split when the Wilber Cross parkway was constructed in 1947. The current parcel is all that remains of the original family farm.
- While two years ago when seeking to building a new residence on the site the original home was proposed to be demolished, over the past two years it has become evident to the applicant that the original “home” should be preserved for the Clark family heritage and for its historical value to the Town.
- Thanked the members of the ZBA for their consideration of the application.

Staff noted that if the variance was amended to allow the retention of only the original portion of the original residence that it would be customary for the property owner to file an affidavit on the land records which would clearly state that the “ancillary” building was not to be used as a second residence on the property.

There being no further comments by the applicants or members of the Zoning Board of Appeals the public hearing was closed.

Board members acted on the application as follows:

- *** **Ms. Gibbons moved to approve the application by Robin Schaeffer to amend the Zoning Board of Appeals approval # 2018-005 to allow the existing older residence on your property at 4 Bunker Hill Road f/k/a 999 Racebrook Road to be only partially demolished and converted into an ancillary outbuilding subject to filing of an affidavit stating that the “ancillary outbuilding would not be used as a second residence on the property.**
- *** **Mr. Hynes seconded**
- *** **In favor: Hynes, Flynn and Gibbons**
- *** **Opposed: Nusbaum and Atwood**
- *** **Recused: No One**
- *** **Abstained: No One**

The motion to approve the subject application was denied for lack of the statutorily required four favorable votes of approval.

Wine and Spirits of Woodbridge, LLC, Appellant – 245 Amity Road

Application for a variance of Section 3.3 HH, subsection 3, to permit a liquor establishment (Package Store) within 260 feet of a single-family residence where a 500 foot separation distance is required.

Attorney Bernard Pellegrino representing the applicant, Wine and Spirits of Woodbridge, LLC participating in the public hearing which is for a variance to allow a package store at 245 Amity Road which would be less than the required 500 feet from a residential use.

In his presentation and responses to questions by the members of the ZBA Attorney Pellegrino noted:

- 245 Amity Road is a multi-tenet commercial building located in the Development 1 Zone.
- The Zoning Regulations allow the use of package stores in the GB, BI and Dev 1 zones subject to Section 3.3.HH.(3) a 500 foot separation distance from specific uses, including residential uses.
- Applying the required separation distance of Section 3.3.HH.(3) there are no sites in Woodbridge in the Zones allowing package stores that would actually allow for the use of a package store.
- There is a restaurant at 245 Amity Road that is exempt from the distance requirement for liquor establishments which allows for the consumption of liquor onsite.
- The residential use which is closest to the 245 Amity Road is a little outcropping of residential Zone T3-BB.
- The measurement for distance is from the property line to property line of the property of the proposed use to the property of the residential use.
- If it was measured from “front door” to “front door” it is almost 500 ‘ to the closest residential use.
- The package store would be located in Unit 109, which is the third “slot” of 245 Amity Road at the eastern end of the building which is 1500 sq. ft. in area.
- No contact regarding the application was made with the residents of house on Bradley Road.
- In the case of the proposed package store, liquor would be purchased and consumed offsite.
- The Woodbridge regulation is similar to regulations in other towns that establish an arbitrary distance requirement which was something that the State Liquor Control Commission had in place at one time as a vestige of the Old “Blue Laws”.
- The use of the package store would not change the nature of the “neighborhood”.
- The shape of the 245 Amity Road property is long and narrow, with a parking area extending to the east beyond the building itself making the property line closer to the residential uses further east on Bradley Road.

In the course of the hearing ZBA members discussed the fundamental question for granting a variance of “hardship of land” and raised the issue of the request being more appropriate to go back to the Town Plan and Zoning Commission for an amendment of the Zoning Regulation itself relative to the required distance separations from specific uses.

There being no further comments by the applicant or questions by the ZBA members the Chairman declared the public hearing closed.

*** **Mr. Atwood moved to approve application by Wine and Spirits of Woodbridge, LLC for a variance of Section 3.3 HH, subsection 3, to permit a liquor establishment (Package Store) within 260 feet of a single-family residence where a 500 foot separation distance is required.**

*** **Mr. Nussbaum seconded**

*** **In favor: Nusbaum, Atwood and Flynn**

*** **Opposed: Gibbons and Hynes**

*** **Recused: No One**

*** **Abstained: No One**

The motion to approve the subject application was denied for lack of the statutorily required four favorable votes of approval.

At the conclusion of the unsuccessful vote, Board members Gibbons and Hynes urged the applicant to seek an amendment of the Zoning Regulations relative to the required distance separation requirements for certain liquor establishments.

APPROVAL OF MINUTES

- *** Mr. Flynn moved to approve the Minutes of the ZBA's regular meeting on May 11, 2020 as submitted.
- *** Mr. Nusbaum seconded
- *** In favor: Nusbaum, Hynes, Atwood, Flynn and Gibbons
- *** Opposed: No One
- *** Recused: No One
- *** Abstained: No One

Approved 5-0 vote

ADJOURNMENT OF MEETING

- *** Mr. Flynn moved to adjourn the meeting at 8:48 pm.
- *** Mr. Atwood seconded
- *** In favor: Nusbaum, Hynes, Atwood, Flynn and Gibbons
- *** Opposed: No One
- *** Recused: No One
- *** Abstained: No One

Approved 5-0 vote

Accordingly the meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Kristine Sullivan, Staff