

APPLICATION # _____
Date Received 2/14/22 Amended 7/25/22
Received By Shari Amitt
Chaplin Town Club

TOWN OF CHAPLIN
ZONING BOARD OF APPEALS
APPLICATION FOR

Fee \$310. (250. + 60.)

VARIANCE / APPEAL
(PLEASE CIRCLE ONE OF THE ABOVE)

HEARING DATE _____

aka
APPLICANT/AGENT: (Sally)
Name: Sarah Zimmerman / Allen Olsen
Address: 6 Beaufort Rd # 2
Boston, MA 02130
Contact Name Sarah Zimmerman
Phone# 781 698 8591
Email: sjzpreservation@gmail.com

LANDOWNER OF RECORD:
Name: Same
Address: 46 Chaplin Street
Chaplin CT
Contact Name Same
Phone # Same
Email alt: aleoks@aol.com

If the applicant is not the owner of the property and the owner will not appear at the public hearing, the applicant must submit a letter from the owner authorizing the applicant to act for the owner at the public hearing. Attach this letter to the application.

PROPOSED ACTIVITY: Construct a 12' x 16' wooden deck at the rear of the building (192 sf total) at 46 Chaplin Street

SITE DATA
Property ID Assessor's Map No: 75 Lot No: 6 Area of Lot 46 acres
Street Address 46 Chaplin Street
Zoning District: RAR Use (circle one) Residential Commercial Industrial
Deed: Volume 99 Page 995 Attach copy of deed to application

Is the property within 500 feet of an adjoining town? Yes ___ No Town _____
Have any other applications been submitted to any Town Commission for this property? yes
If so, please provide the date(s) and reason(s) & Commission name
Historic District Commission; property is located in the Chaplin Historic District; Certificate of Appropriateness issued 2/1/2022 (attached)
Have any variances been granted on this property? Yes ___ No
Describe _____

Are there Inland Wetland(s) or Regulated Area(s) on the subject property? NO

VARIANCE INFO Please explain (attach additional pages if necessary)
This application requests relief from Section(s) 6.2 Dimensional Requirements of the Chaplin Zoning Regulations for the following activity(ies) construction within minimum sideyard dimensions (RAR 20'); from the lot @ 46 Chaplin also is nonconforming as to minimum lot area minimum lot width and frontage and minimum front setback.
The exact action requested to be taken. The proposed deck structure would occupy portions of the minimum side yard; applicants request variance from literal enforcement of RAR reqs.

Please state the exceptional difficulty or unusual hardship that will result/has resulted from the literal enforcement of the above referenced Section(s) of the Chaplin Zoning Regulations:

See description in instructions for what constitutes a hardship. See attached statement.
1) circumstances of historical development of lot constitute an "extra-ordinary circumstance", 2) proposed dock is in "harmony with the general intent and purpose of the zoning regulations", 3) public safety, health, convenience, welfare will ~~not~~ be conserved, and 4) conditions of the Chaplin affect this parcel only and not the general district as a whole.

APPEAL INFO:

FOR AN APPEAL WHERE IT IS ALLEGED THAT THERE IS AN ERROR IN ANY ORDER, REQUIREMENT OF DECISION MADE BY THE OFFICIAL CHARGED WITH THE ENFORCEMENT OF THE CHAPLIN ZONING REGULATIONS, COMPLETE THE FOLLOWING:

This application requests to Reverse Wholly Reverse Partly Affirm Wholly Affirm Partly, an Order, Requirement, or Decision (circle one) issued upon the applicant / owner (circle one) of the subject property, citing the following error(s) on behalf of the Official that are the basis for this appeal: _____

Type of Order, Requirement or Decision _____
Date that the Order, Requirement or Decision was received by the applicant / owner _____
Issuing Official _____

I hereby attest the information included on this application has been accurately represented to the best of my knowledge

Sarah J. Zinn
Signature of Applicant

2/11/2022 amended s/jz
Date to include setback 7/25/22
lines on survey

Alan Olson
Signature of Property Owner
(if different than applicant)

2/11/2022 amended CE
Date to include setback 7/25/22
lines on survey

*****OFFICIAL USE ONLY*****

Hearing held on _____

Action Taken: _____ Date _____

Hardship or error of Official demonstrated: _____

Notice Sent _____ Notice Published _____

Recording Sheet Filed on _____

To: Members of the Chaplin Zoning Board of Appeals, c/o Bill Rose, Chair

From: Sarah (Sally) Zimmerman and Allen Olsen, 46 Chaplin Street (applicants)

Re: Variance Application for Proposed Rear Deck at 46 Chaplin Street

Date: February 11, 2022

Attached please find a variance application and supplementary materials requesting the Commission's consideration and review of a proposed 12' x 16' wooden deck at the rear of the 1828 structure at 46 Chaplin Street, known as the Goodell-Lincoln General Store and former Chaplin Post Office. The proposed deck was reviewed by the Chaplin Historic District Commission at a public hearing on February 1, 2022 at which time the Commission voted unanimously to approve the issuance of a Certificate of Appropriateness for construction of the deck as presented.

We submit this application for a Variance to initiate formal review of this proposal at the upcoming February 23, 2022 meeting of the Zoning Board of Appeals (ZBA). Our goal is to seek the Board's input, and we hope, its approval, on this proposed variance to a significant early structure at the heart of the historic center of Chaplin.

The 46 Chaplin Street property, in common with many properties on Chaplin Street, fails to conform to current dimensional requirements of the Rural Agricultural Residence (RAR) use district as contained in Article 6.2 of the Chaplin Zoning Regulations. Prior consultation with Sue Piefer, former ZBA Chair, affirmed that the proposed deck would result in further non-conformity of the required side yard dimension (see attached Plot Plan).

This non-conformity reflects the unusual conditions of the parcel's history and development and would, if enforced as presently regulated at present, cause exceptional difficulty in making any modifications to the volume of the historic structure. Historically, at the time of the store's construction, about 1828, the lot on which it stood extended from the Gurley Tavern at 42 Chaplin Street, to the house at 54 Chaplin Street.

The parcel's north lot line, running along the edge of the historic stone wharfing, was established as it currently exists by a deed of April 6, 1845. It was at that time that Walter Goodell, proprietor of the General Store, sold the land north of the store, along with the newly built house at 50 Chaplin Street, to Ephraim West (Volume D, page 88, Chaplin Land Records). [The house at 50 Chaplin was a wedding present to West and Goodell's daughter, Caroline N. Goodell, who married in 1846.]

The proposed deck, constructed off the rear (east) elevation of the building, will be built of wood, cantilevered over the wharfing on the rear wall, and supported on a raised structure approximately 6' above grade (see attached plan and elevation drawings dated 10 and 18 October 2021). It would be partially visible from north and south vantage points on Chaplin Street and substantially invisible from Route 198/Phoenixville Road, 300 feet away. A dog-leg stair with one landing will provide egress from the deck to grade at the northeast corner; the stair will be

finished with vertical board siding to mask the underlying structure. As a side note on safety, the proposed deck will also provide an additional egress route from the building.

Historically the proposed deck location represents a small portion of a much larger, historic ell building that collapsed while under repair about 1980, prior to our ownership (see images 1 and 2). While the evidence is not clear, it is even possible that the 1980 collapsed ell was itself a remnant of the larger carriage shed ell on the south side of the store, seen in image 3 from the 1930s. Thus, prior to 1980, the area of the proposed deck structure was entirely encompassed within a much larger ell and that historically, the building at 46 Chaplin Street was very much larger than at present.

In summary, we believe the conditions that necessitate this variance are:

- 1) limited to the extraordinary circumstances of 46 Chaplin Street's 19th century historical development,

and that

- 2) the proposed deck is in harmony with the general purpose and intent of the zoning regulation to promote "the public health, safety, [and] general welfare, and [regulate] all uses of land and the uses of buildings" in Chaplin,

and that

- 3) this application to vary enforcement of the zoning regulations can be found, following due consideration by the ZBA, to conserve "the public health, safety, convenience, welfare and property values" of Chaplin because it "especially affects" this parcel, but does not affect the RAR district generally,

and that

- 4) a literal enforcement of the zoning regulations would result in an exceptional difficulty by essentially precluding any modification of the exterior dimensions of the historic store building,

and that

- 5) substantial justice can be done, and the public safety and welfare secured, in that the use proposed by the deck structure is one that is generally allowed for in the district.

We welcome the chance to receive yours and our neighbors' comments on this proposal. We look forward to discussing it with you and thank the Board for its consideration.

Respectfully submitted,


Sally Zimmerman and Allen Olsen

6 Beaufort Road, #2

Jamaica Plain, MA 02130

781 698 8591

sjzpreservation@gmail.com/aleols@aol.com

Record & Return to:

Sarah J. Zimmerman and Allen E. Olsen
13 North Street
Lexington, MA 02420

TRUSTEE'S DEED - STATUTORY FORM

I, **VIRGINIA WAYNE TALBOT HARBAUGH**, of Charlottesville, Virginia, **Trustee** under the VIRGINIA WAYNE TALBOT HARBAUGH REVOCABLE TRUST AGREEMENT dated June 22, 2005, duly qualified as trustee (hereinafter "Grantor")

for consideration of Forty Thousand and 00/100ths (\$40,000.00) Dollars paid

grant to **SARAH J. ZIMMERMAN** and **ALLEN E. OLSEN**, both of the Town of Lexington, County of Middlesex and Commonwealth of Massachusetts (hereinafter "Grantees") as **JOINT TENANTS** with rights of survivorship

with **TRUSTEE'S COVENANTS**

Two (2) certain tracts or parcels of land with buildings thereon situated in the Town of Chaplin, County of Windham and State of Connecticut, on the easterly side of Chaplin Street and bounded and described as follows, to wit:-

PARCEL 1

A certain piece or parcel of land, with a former store building thereon, situated on the easterly side of Chaplin Street in the Village of Chaplin, Town of Chaplin, County of Windham and bounded and described as follows:

Beginning at an iron bound at the southwesterly corner of land now or formerly of William and Virginia Harbaugh in the easterly line of said Street, the line runs thence N 87° 00' E 175 feet adjoining said Harbaugh land and along the northerly edge of the foundation stones under said building on the premises included herein to an iron bound; thence S 1° 46' E 40 feet along remaining land now or formerly of Douglas G. Christie and Margaret B. Christie to an iron bound; thence S 87° 00' W 175 feet along remaining land now or formerly of said Christie to the easterly line of said Street; thence N 4° 05' W 40 feet along the easterly line of said Street to place of beginning. Containing .16 acres more or less.

Said parcel is identified in the Chaplin Assessor's records as Lot 6 on aerial map 75.

CONVEYANCE TAX RECEIVED

STATE \$ 300.00

TOWN \$ 100.00

Shari Smith
TOWN CLERK

PARCEL 2

A certain piece or parcel of land situated in said Town of Chaplin and bounded and described as follows:

Beginning at an iron pipe or pipe at the southwesterly corner hereof and the southeasterly corner of land of Christopher Penny Bickford and Roberta R. Bickford, said iron pin or pipe being N 87° 00' E 175 feet from the easterly line of Chaplin Street, thence N 87° 00' E in a continuation of the southerly line of said Bickford along land deeded to Steven J. and Catherine W. Smith about 195 feet to the westerly line of State Highway #198; thence N 24° 45' E about 44 feet along the westerly line of State Highway #198 to a C.H.D. monument at other land now or formerly of William H. Harbaugh and Virginia W. Harbaugh; thence S 87° 00' W about 216 feet along other land now or formerly of William H. Harbaugh and Virginia W. Harbaugh to land of said Bickfords; thence S 1° 46' E 40 feet along land of said Bickfords to the point and place of beginning.

Said parcel is identified in the Chaplin Assessor's records as Lot 7-1 on aerial map 75.

The above two (2) parcels had been consolidated into one parcel known as **46 Chaplin Street** as set forth in Quit Claim Deed dated August 18, 2005, and recorded September 12, 2005, in Volume 84 at Page 326 of the Chaplin Land Records.

SAID PREMISES ARE CONVEYED SUBJECT TO:

Any and all provisions of any ordinance, municipal regulation or public or private law.

Taxes in favor of the Town of Chaplin on the Grand List of October 1, 2013, second half, and thereafter, not yet due and payable, which taxes the Grantees herein assume and agree to pay.

Notice regarding historic district ordinance dated March 20, 1980, and recorded in Volume 38 at Page 721 of the Chaplin Land Records.

REFERENCE IS HEREBY MADE to a Quit Claim Deed dated August 18, 2005, and recorded September 12, 2005, in Volume 84 at Page 326 of the Chaplin Land Records.

Signed this 2nd day of September, 2014.

Witnessed by:

Virginia Wayne Talbot Harbaugh
VIRGINIA WAYNE TALBOT HARBAUGH, Trustee

[Signature]
witness

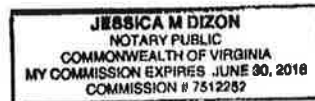
[Signature]
witness

COMMONWEALTH OF VIRGINIA)
COUNTY OF Charlottesville) ss.
CITY)

On this the 2nd day of September, 2014, before me, the undersigned officer, personally appeared **VIRGINIA WAYNE TALBOT HARBAUGH**, Trustee, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, in such capacity, as her free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public
My Commission Expires: June 30, 2016



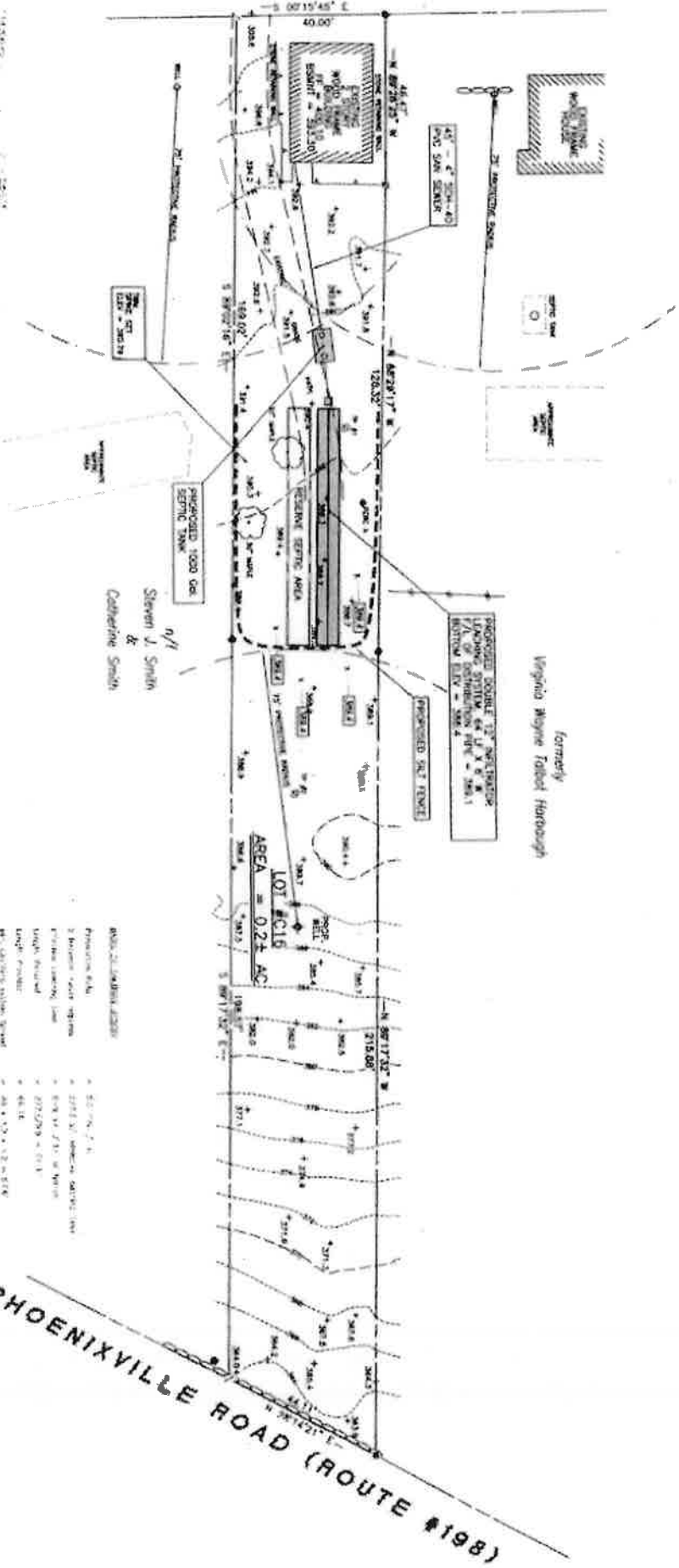
Latest mailing address of Grantees:

No. and Street 13 North Street
City Lexington
State MA Zip 02420

Received for Record at Chaplin, CT
On 09/15/2014 At 12:29:00 pm

Shari Smith

CHAPLIN STREET



PROPOSED DECK

PROPOSED DECK	4.00' x 7.00'
PROPOSED 1000 GPD SEPTIC TANK	4.00' x 12.00'
PROPOSED 12\"/>	

PHOENIXVILLE ROAD (ROUTE #198)

South Zimmerman / Allen Olsen
At Chaplin St: Plot Plan for Proposed Deck



Town of Chaplin, Connecticut
 Web GIS Maps and Online Property Information
 by MapStreamGIS, LLC Town Website

Layers Property Selection

- Road Name Text (Census 2010)
- Parcel Address Text
- Parcel ID Text
- Parcel Area Text
- Parcel Dimension Text
- Roads (Census 2010)
- Town Boundaries
- Aquifer Protection District
- Corridor Overlay District
- Zoning Districts
- Natural Diversity Database (CT DEP)
- Critical Habitat (CT DEP)
- Watershed (CT DEP)
- Aquifer Protection Area (CT DEP 2018)
- Protected Open Space (CT DEP 2011)
- Trail (CT DEP 2006)
- Railroad (CT DEP 2010)
- Elevation Contours 2ft (CT DEP LIDAR)
- Parcels (Yellow)
- Parcels (10/1/2018)
- Building (~2017 Microsoft)
- Water Body
- Stream
- Soils (USDA 2009)
- Farmland Soils (USDA 2007)

Main Street Maps

GIS Map

Map View

Text Maps

GIS Links

1: 1893

Base Map:

Address

Owner

v1.16 - 10-9 Features



*Sarah Zimmerman / Allen Olsen
 Ale Chaplin St: Assessor Plan for Parcel 75-6 (Carone)
 PROPOSED DECK*

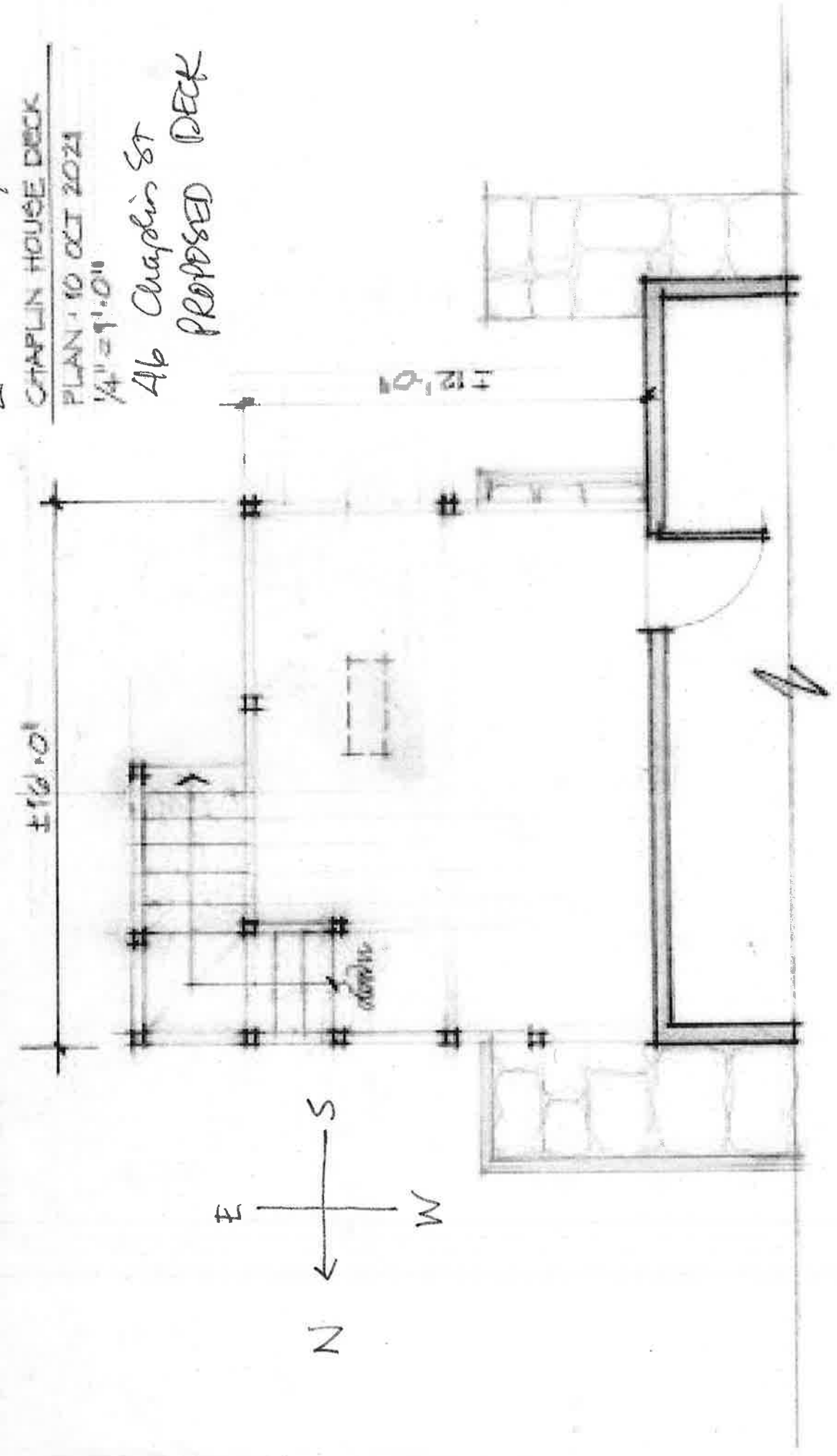
Zimmerman/Olsen

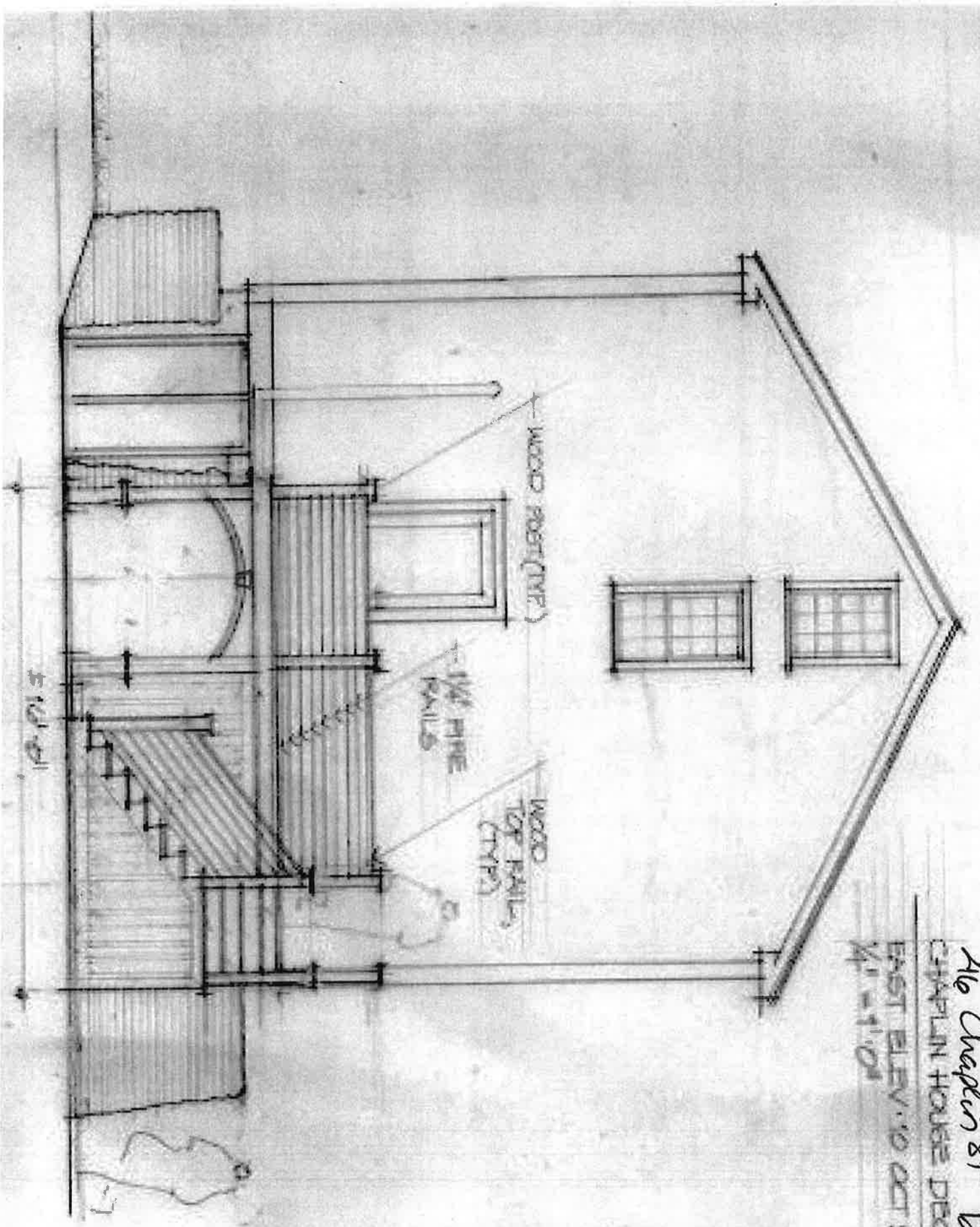
CHARLIN HOUSE DECK

PLAN - 10 OCT 2024

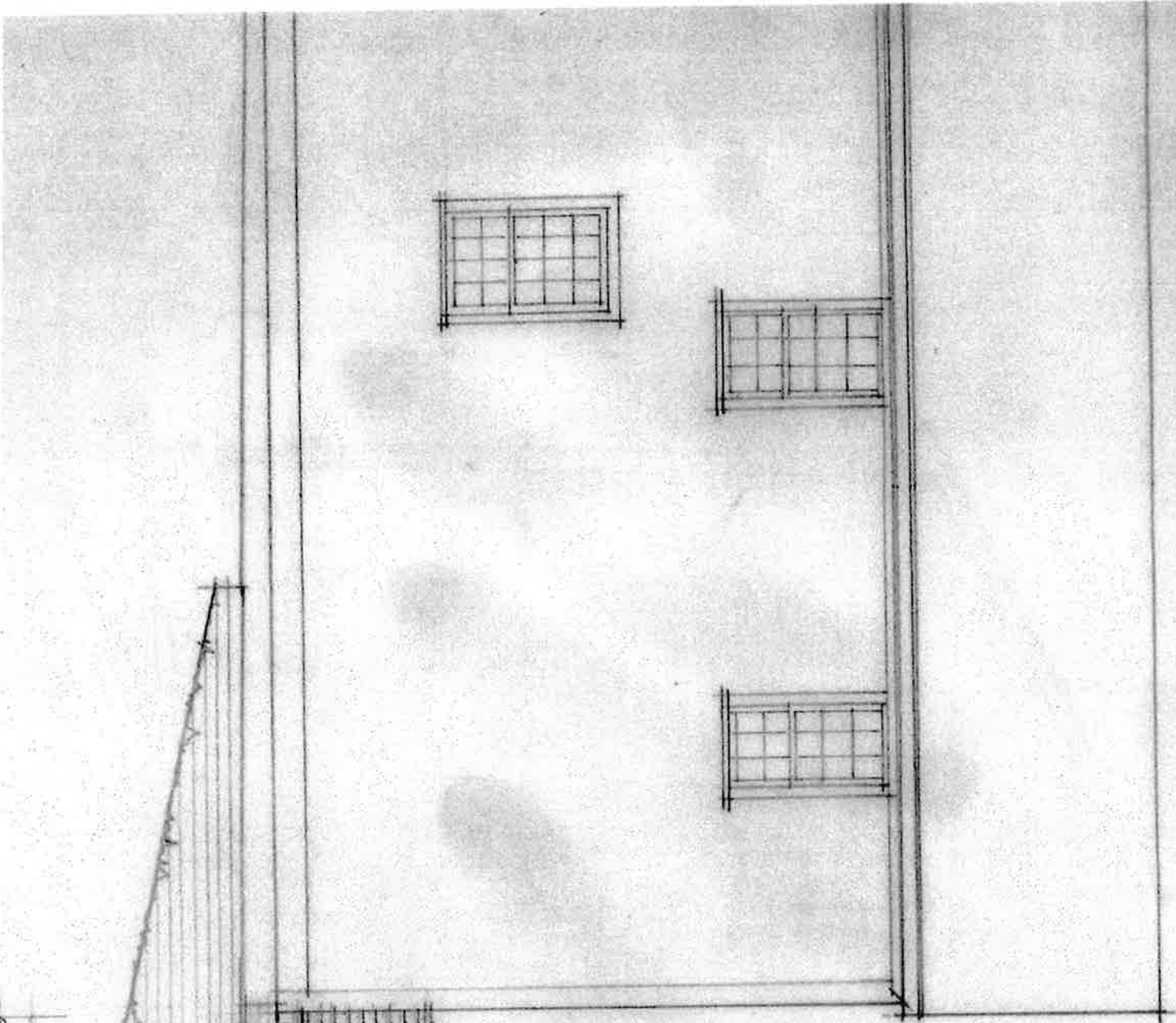
1/4" = 1'-0"

46 Chaplin St
PROPOSED DECK





Stark Zimmerman
Allen Olsen Proposed
Ale Chaplin St Deck
CHAPEL HOUSE DECK
EAST ELEV. 10 OCT 2021
1/2" = 1'-0"



±121.011

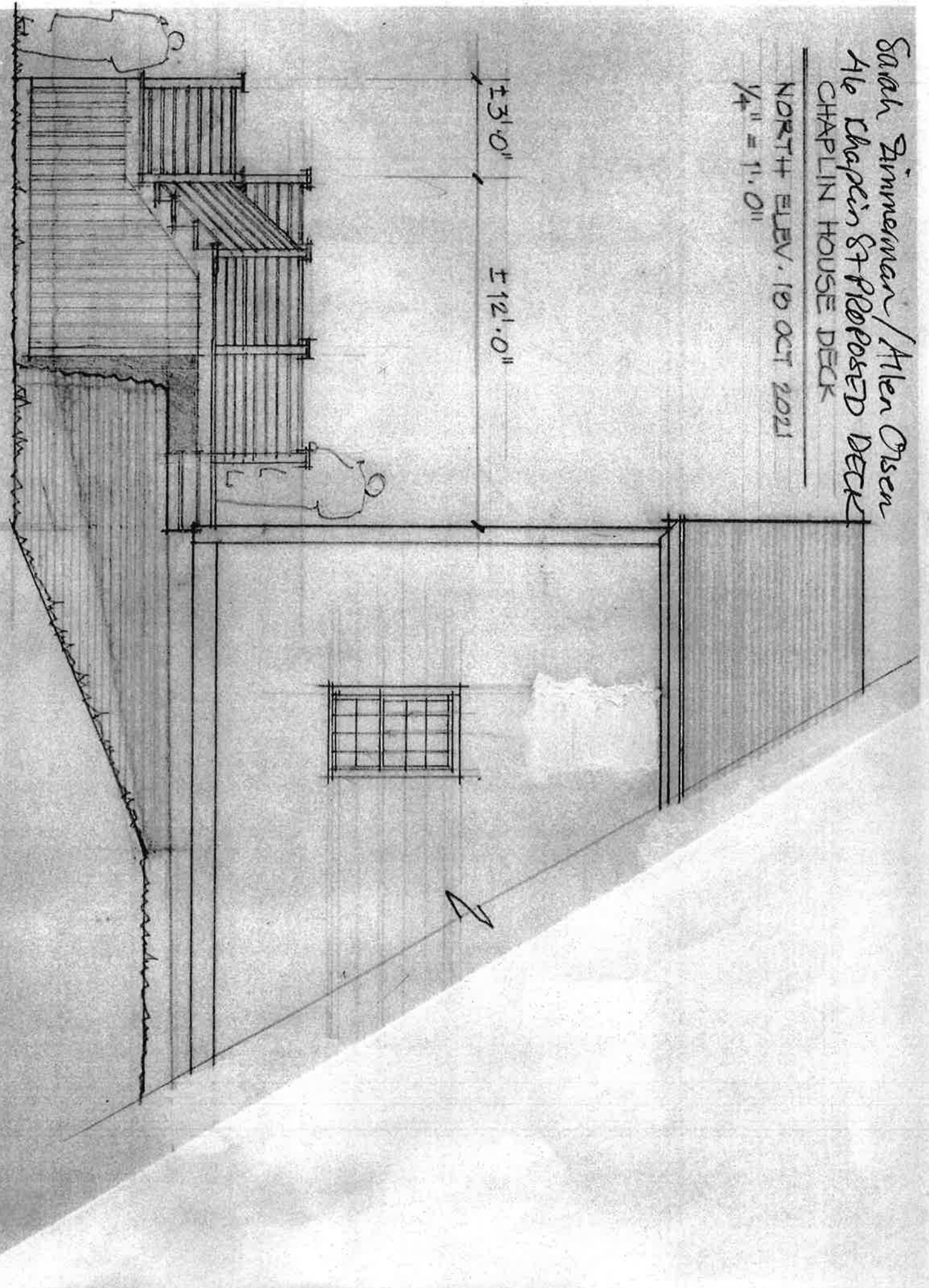
Jarah Zimmerman PROPOSED
Allen Olsen
416 Chaplin Street DECK
CHAPLIN HOUSE DECK
SOUTH ELEV. - 10 OCT 2021
1/4" = 1' - 0"

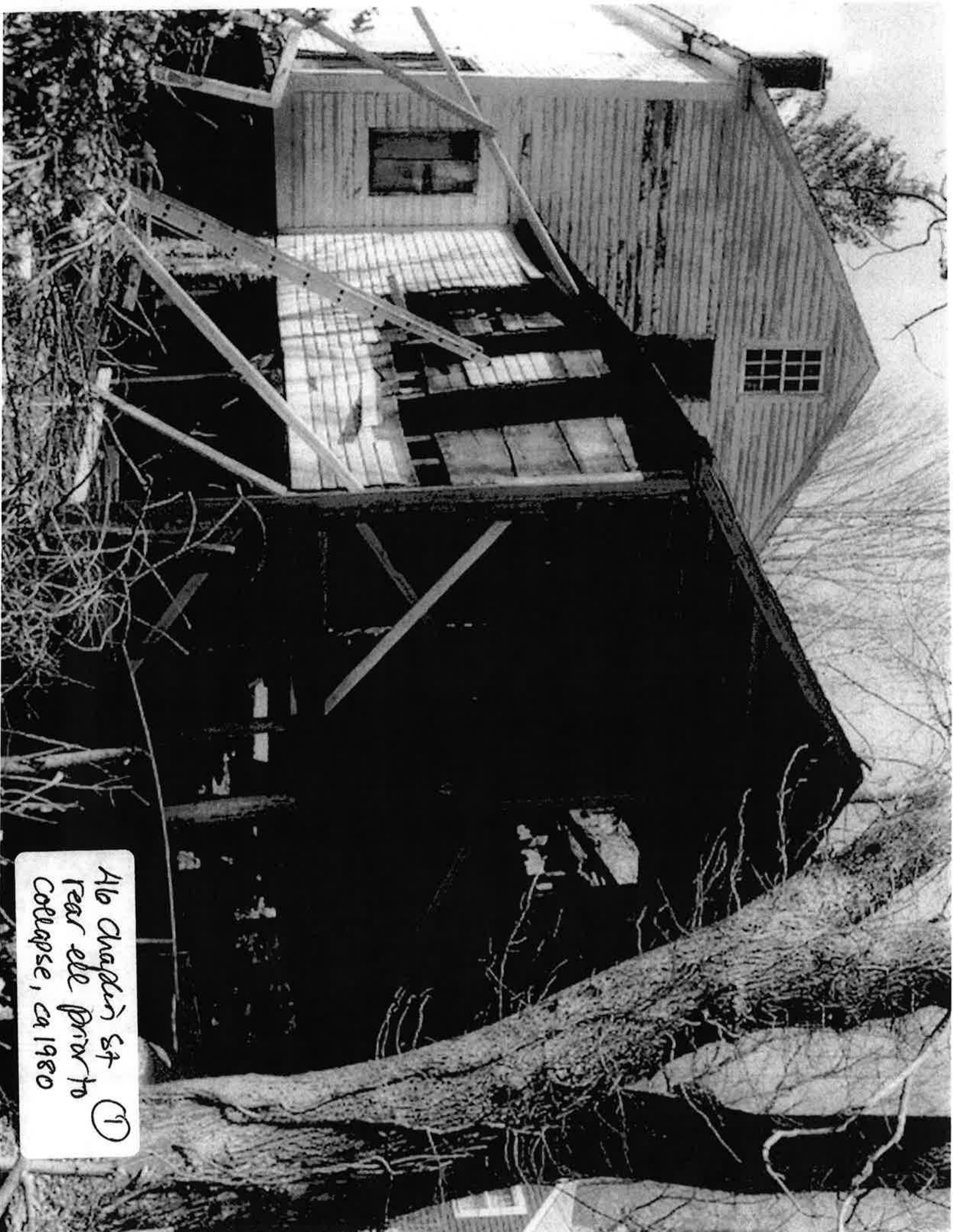
Sarah Zimmerman / Allen Olsen
416 Chaplin St PROPOSED DECK
CHAPLIN HOUSE DECK

NORTH ELEV. 19 OCT 2021
1/4" = 1'-0"

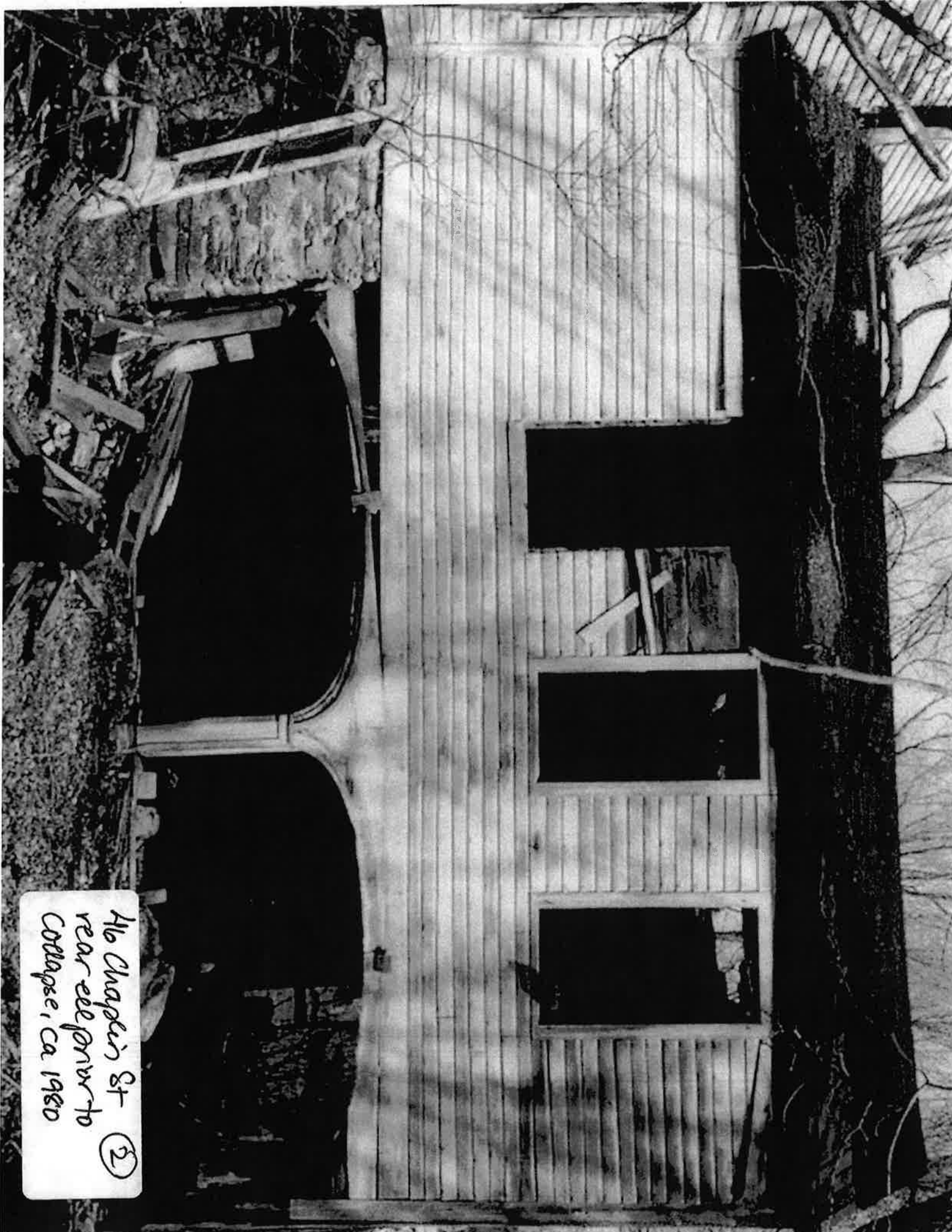
± 3'-0"

± 12'-0"





Alb Chapel St ①
Rear side prior to
collapse, ca 1980



110 Chaplain St
rear side prior to
collapse, ca 1980 (2)



416 Chaplin St

Connecticut State Library, State Archives
WPA Architectural Survey: wpa_archsurvey_chap019

414 Chaplin St

ca 1933 image of
414 Chaplin St
shown in ell of 416, L.

(3)

TOWN OF CHAPLIN HISTORIC DISTRICT COMMISSION
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

The fee for the publication of a legal notice is \$75 payable to "Town of Chaplin" with application. Please deliver three copies of this application to the Chaplin HDC Chairman through the Town Clerk at Town Hall.

Name of applicant(s): Sarah Zimmerman / Allen Olsen

Applicant's address, phone number and email: Chaplin: 46 Chaplin St Chaplin 06235

Boston: 6 Beaufort Rd #2 Boston MA 02130 781 698 8591

Contractor's name, address, phone # (if applicable): ST2preservation@gmail.com (none selected yet)

Architect's name, address, phone # (if applicable): Wendy Frontiero,
120 Maplewood Ave Gloucester MA 01930 617 290 8076
wfrontiero@alum.mit.edu

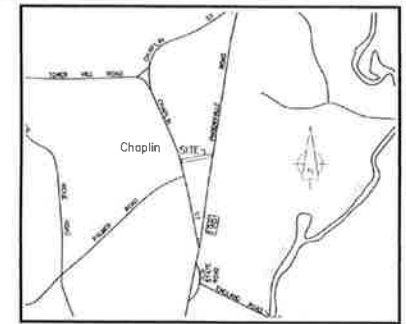
Location of property if different from applicant's address: 46 Chaplin Street, Chaplin

Written description of work to be done including materials to be used. Use additional pages if necessary: Construct 16' x 12' wooden deck at rear of structure;
deck will be accessed via rear exit and will include 3' wide,
code-compliant, dogleg stair w/ 1 landing leading to
grade level. Materials will include painted wood posts,
galvanized pipe railings and stained vertical board
Drawing plans, and/or photographs describing the proposed work. Please ATTACH to the enclosure application.

Name & address of nearest neighbors to the property concerned: Angelique Jacques + Michael Magg 50 Chaplin St Steven J and Catherine Smith 444 Chaplin St
Approximate dates of start: June 2022 and finish: August 2022 of work.

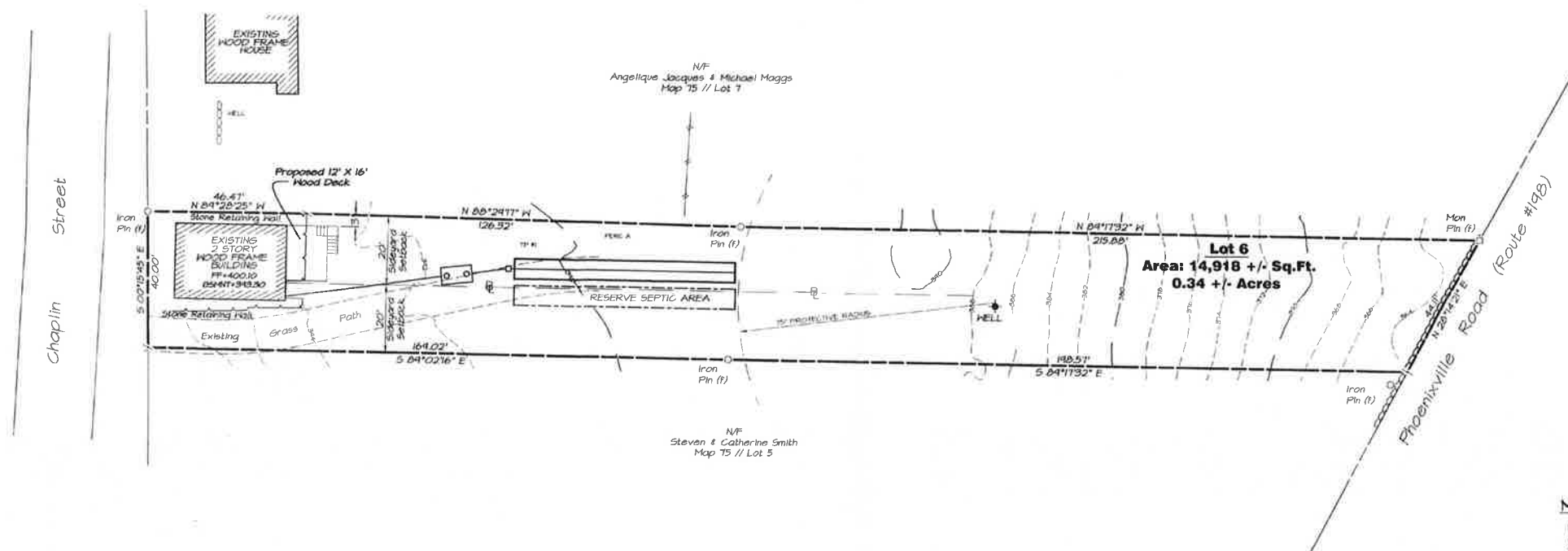
For HDC use	
Date of Receipt <u>1/26/2022</u>	Date of Payment for Notice <u>1/26/2022</u>
Date of Legal Notice <u>1/26/2022</u>	Date of Public Hearing <u>2/1/2022</u>
Action taken by HDC <u>Approved Unanimously</u>	Date <u>2/1/2022</u>
Signature of HDC Official: <u>Warren W. Church</u>	<u>2/1/2022</u>

1/20/2022, 1:15 PM
RECEIVED
CHAPLIN
W. Smith



Location Map

SCALE
1" = 1000 FT



MAP REFERENCE:

1. Septic System Design Plan, Prepared for: Sarah Zimmerman, 46 Chaplin Street, Chaplin, Connecticut, Scale 1"=20', Date: Dec 2013, Revised May 2017, Prepared by: KWP Associates
2. Plan of Land, Anna M. Kuhn to Douglas Christie in Chaplin, Connecticut, Scale 1"=40', Date: Aug 1966, Prepared by: William K. Pike, Surveyor
3. Property Survey Prepared for: Daniel Cowles & Corrie Cowles, Chaplin Street & Phoenixville Road Route #198, Chaplin, Connecticut, Scale 1"=20', Date: Oct 2013, Prepared by: Provost & Rovero, Inc

Notes

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Section 20-300b-20 and the "Standards for Surveys and Maps in State of Connecticut" as adopted by the Connecticut Associations of Land Surveyors, Inc. on September 26, 1996
 - This Survey conforms to a Class "A-2" Horizontal Accuracy
 - Survey Type: Site Development Plan
 - Boundary Determination: Resurvey
 - Intent: Residential Development
2. Parcel shown as Lot 6 on Assessors Tax Map 75 of the Chaplin Assessors Office
3. Property is owned by: Sarah Zimmerman & Allen Olsen

LEGEND

- PROPERTY LINE
- STONEWALL
- EXISTING INDEX CONTOUR
- EXISTING CONTOUR
- BUILDING SETBACK
- RETAINING WALL
- IRON PIN
- MONUMENT
- PROPERTY POINT
- UTILITY POLE

To My Knowledge and Belief this Map is substantially Correct as noted hereon.

[Signature]
Paul M. Archer LLS #10013 Date 7-14-22

No Certification is expressed or implied unless this map bears the embossed seal of the land surveyor whose signature appears hereon.

KWP associates
SURVEYING - ENGINEERING - SITE PLANNING
18 Providence Road
Brooklyn, CT 06234

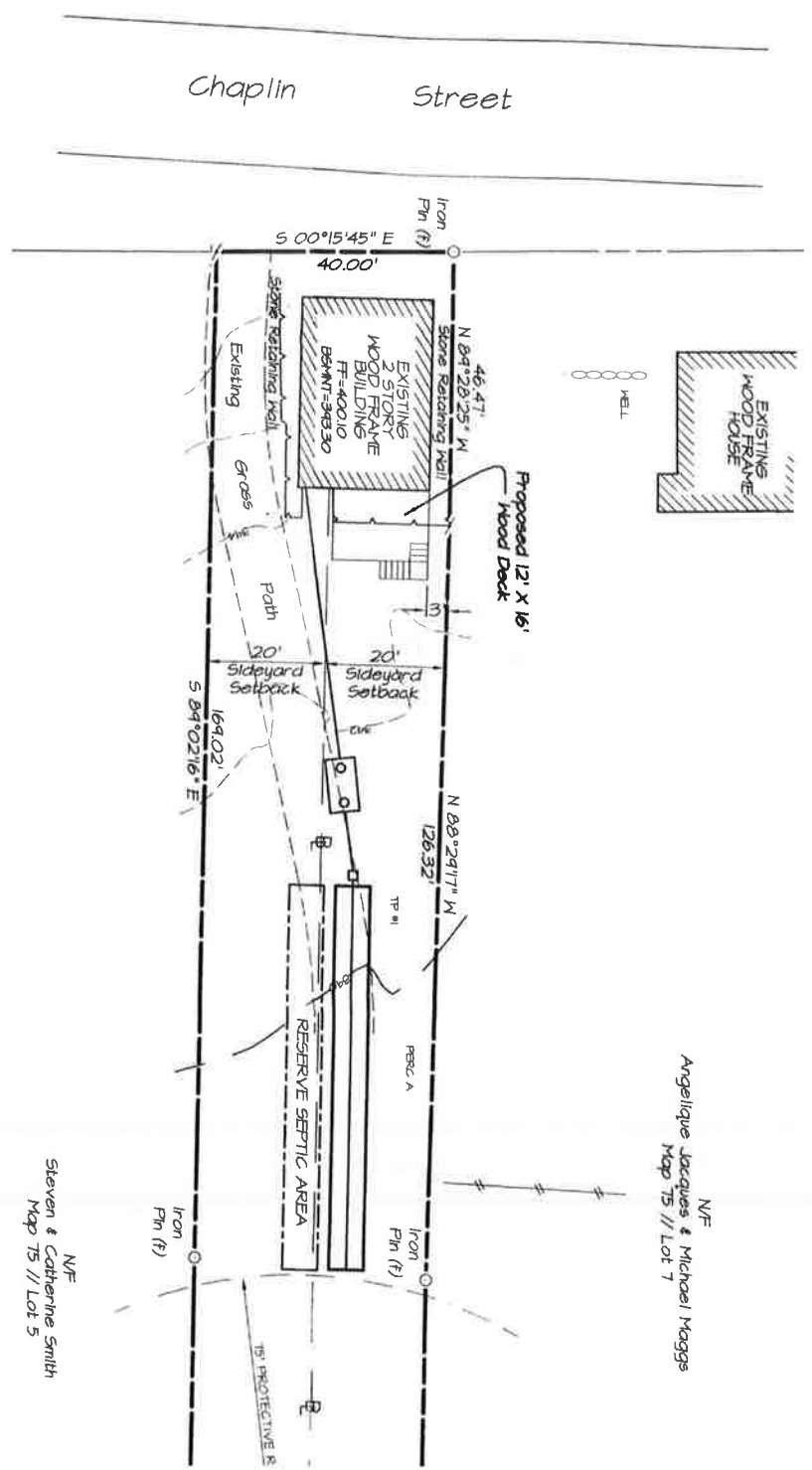
REVISIONS	
DATE	DESCRIPTION

Zoning Location Survey
Showing Proposed Deck
Prepared For:
Sarah Zimmerman & Allen Olsen
46 Chaplin Street & Phoenixville Road
Chaplin, Connecticut

DRAWING SCALE: 1"=20'

ARCHER Surveying LLC
18 Providence Road, Brooklyn, CT
(880) 779-2240

Sheet No. 1 of 1 Project No. AS 2109 Date: July 12, 2022



Notes

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Section 20-300b-20 and the "Standards for Surveys and Maps in State of Connecticut" as adopted by the Connecticut Associations of Land Surveyors, Inc. on September 26, 1946
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LEGEND

	PROPERTY LINE
	STONEWALL
	EXISTING INDEX CONTOUR
	EXISTING CONTOUR
	BUILDING SETBACK
	RETAINING WALL
	IRON PIN
	MONUMENT
	PROPERTY POINT
	UTILITY POLE