



Town of Cromwell Zoning Board of Appeals

PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY, February 10, 2015
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET

Minutes and Record of Votes

Present: Samantha Slade, John Keithan, David Ricard, John Whitney (alternate)

Also Present: Town Planner Stuart Popper, Zoning Enforcement Officer Jillian Massey, Town Council Liaison Mertie Terry

1. **Call to Order** – The meeting was called to order at 6:32pm by Samantha Slade
2. **Roll Call** – The presence of the above members was noted.
3. **Seating of Alternates**

A **motion** was made by David Ricard and **seconded** by John Keithan to seat John Whitney as an alternate. *All were in favor; the motion passed.*

4. **Approval of Agenda**

A **motion** was made by David Ricard and **seconded** by John Keithan to approve the agenda. *All were in favor; the motion passed.*

5. **Public Comments - none**

6. **Public Hearing**

- a. Application #15-02: Request for a variance from Section 7.1.A to allow for the expansion of a nonconforming commercial use at 621 Main Street and from Article 3.5 B Bulk requirements to allow for the construction of awning within the front yard setback at 621 Main Street in the R-15 Zone. Anthony Gochee is the applicant and Robert E. and Elizabeth G. Moutlon are the Owners.

Mr. Keithan reads the application for 15-02

A **motion** was made by Dave Ricard and **seconded** by John Whitney to open the public hearing for application 15-02. *All were in favor; the motion passed.*

Anthony Gochee of 621 Main Street said he has a bakery there and had to bring in a walk in

freezer. As required by the Building department they put a deck out there with a roof. He said the awning in front will go over both windows since the hair salon next door wants it too. He said we battle the morning sun. Mr. Popper said technically this is a residential area with 2 non-conforming uses so technically it requires a variance. He said they have already done the work for the freezer and it was caught in the building permit process. He said we appreciate Mr. Gochee's efforts with the application.

Mr. Popper said the staff feels this is a minor modification and expansion. He said the awing will go in the front yard setback and it will be cloth with no signage.

Ms. Slade asked if there were any public comments regarding application 15-02.

Mr. Gochee gave Mr. Popper the certification of mailings.

Marc Kagen of 623 Main Street said the freezer makes a loud noise but they are perfectly happy with them being there. He said the freezer clicks on and off all night long so maybe they need to enclose it.

Mr. Popper said you can make this is a condition of approval. Mr. Gochee said he has started to put up a wall and it has helped but the weather is not allowing me to complete it. He said I will insulate it as well.

Susan Kagen of 623 Main Street said the noise wakes me up several times a night and is in louder than my TV in the living room. She said she hasn't slept well since it was installed.

Mr. Popper said they can work with staff to enclose it and make it sound proof.

Mr. Keithan asked what the front awning would look like and Mr. Gochee said it is strictly in front and there will not be any signage. He said he wasn't sure if it would be one big one or two separate awnings. He said he would check with the awning company. He said he will address this once the weather permits.

Mr. Gochee said the wall around the freezer is 8 feet off the compressor but is not all the way in yet. He said he is trying to force the noise back. He said the compressor sits in the extreme left corner of the freezer. Mr. Gochee said without the freezer the bakery will have to close and we will leave town. Mr. Ricard asked if the insulation was sound rated. Mr. Gochee said he wasn't sure and Mr. Ricard recommended one that was sound rated.

A **motion** was made by John Whitney and **seconded** by John Keithan to close the public hearing for application 15-02. *All were in favor; the motion passed.*

A **motion** was made by John Whitney and **seconded** by David Ricard to approve application 15-02 with the condition that the Applicant installs sound proofing around condenser ASAP with the approval of town staff. *All were in favor; the motion passed.*

A **motion** was made by John Whitney and **seconded** by David Ricard to approve the awning and the front yard setback for application 15-02. *All were in favor; the motion passed.*

- b. Application 15-03: Request for a Variance from Section 2.7.B to allow for a fence higher than 4 feet in the front yard at 5 Sovereign Ridge in the R-25 zone. Arnold G. Jr. Woelfel is the applicant and Arnold G. Jr. Woelfel and Susanne L. Woelfel are the owners.

David Ricard reads application 15-03.

A **motion** was made by John Whitney and **seconded** by David Ricard to open the public hearing for application 15-03. *All were in favor; the motion passed.*

Arnold Woelfel of 5 Sovereign Ridge handed out pictures and says the fence is already constructed. He said I had to build a fence around the pool that was 4 feet minimum but I wanted 6 feet. He said you really can't even see the fence because of the trees.

Mr. Popper said this is technically his front yard but it is a back yard. He said he submitted an application for a variance years ago but it was denied. Mr. Popper said the Town never asked him to remove it. He said now they are trying to sell the house and the potential owners asked if they could extend the fence and that's when I found about the fence.

Ms. Massey said we reviewed the file after the realtor came in and asked the question. She said no specific height was allowed when the permit for the pool was granted. She said it was discovered after the fact that this was his front yard since he is in between a town road and a private road. Ms. Massey said the minutes reflect some questions that weren't really answered. Mr. Popper said the house sits on a private road so the town recognizes the frontage on the town road.

Ms. Slade said isn't 6 feet safer than 4 feet around a pool. She asked what the hardship was. Ms. Massey said the building code is 4 feet barrier. Mr. Popper said the hardship is the shape of the lot and it is a legitimate request.

Mr. Woelfel said that no one has ever complained about the fence in 10 years after Ms. Slade noted there was no one in the public for any public comments.

A **motion** was made by John Keithan and **seconded** by David Ricard to close the public hearing for application 15-03. *All were in favor; the motion passed.*

A **motion** was made by John Whitney and **seconded** by David Ricard to approve application 15-03. *All were in favor; the motion passed.*

7. Commissioners Comments:

8. Approval of Minutes:

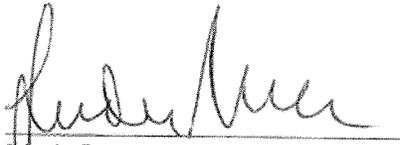
a. January 13, 2015

A **motion** was made by David Ricard and **seconded** by John Whitney to approve the minutes of January 13, 2015. *John Keithan, David Ricard, John Whitney approved; Sam Slade abstained; the motion passed.*

9. Adjourn

A **motion** was made by David Ricard and **seconded** by John Keithan to adjourn at 7:06pm. *All were in favor; the motion passed.*

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Linda Imme", written over a horizontal line.

Linda Imme
Recording Clerk