

Town of Cromwell Zoning Board of Appeals

SPECIAL PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY DECEMBER 12, 2017
ROOM 224/225 CROMWELL
TOWN HALL, 41 WEST STREET

AGENDA

RECEIVED FOR FILING
12-5 2017 at 11:05AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Lou Caracoglia, Asst.
TOWN CLERK

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
6. New Business:
 - a. The Annual Election of Officers, Chairman, Vice Chairman and Secretary.
7. Public Hearing:
 - a. Application #17-16: Appeal from ZEO Decision dated October 6, 2017 for 123 Evergreen Road. Lou Gagnon is the Applicant and Anthony Gagnon Et Al is the Owner.
8. Approval of Minutes:
 - a. October 10, 2017
 - b. November 14, 2017
9. Adjourn

Memo

To: Zoning Board of Appeals
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: December 5, 2017
Re: Comments on the December 12, 2017 Meeting Agenda

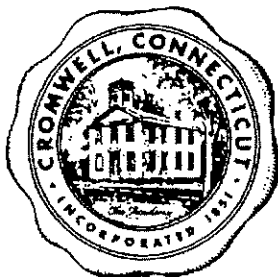
7. Public Hearing:

a. Application #17-14: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear and Side Yard Setbacks and Building Coverage ratio) to allow for the construction of in ground pool at 6 Evensen Place. Linda M. Samuelson is Applicant and the Owner. **Please note that due to a notification error the application will not be heard at the December 12, 2017 meeting but will be heard at the January 9, 2018 meeting.**


The 997 square foot single family house is located on a .15 acre lot (6,534 square feet) on the north side of Evensen Place in the R-15 Zone District. The lot is non-conforming to the current minimum lot size in the R-15 Zone District (15,000 square feet). The applicant is requesting a variance to install a pool in the back yard that would extend 5 feet into the required 10 foot pool set back from the rear and side yard property lines and be over the 15% Building Coverage Ratio. The hardship is that the lot is non-conforming.

b. Application #17-16: Appeal from ZEO Decision dated October 6, 2017 for 123 Evergreen Road. Lou Gagnon is the Applicant and Anthony Gagnon Et Al is the Owner.

The 1.20 acre lot is located in the R-25 Zone on the south side of Evergreen Road. The site contains an existing 2,820 square foot, two family house which fronts on Evergreen Road and a second 2,432 square foot structure in the rear of the property containing two apartments, an office and a garage. Mr. Driska has prepared a memo summarizing the history of enforcement activities at the site. The memo is included in the packet.



MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer 
Date: December 4, 2017
Re: **ZBA Application # 17-16, Appeal from ZEO Decision by
Lou Gagnon, 123 Evergreen Road**

ZBA Application #17-16 is an appeal by Applicant Louis Gagnon, 123 Evergreen Road from the Zoning Enforcement Officer (ZEO) Decision dated October 6, 2017. The description request on his application states; "Requesting an additional six months to keep a storage container on my property" Town Clerk records indicate the property at 123 Evergreen Road is not owned by Mr. Gagnon and has not been owned by Mr. Gagnon since April 16, 2014 at which time Louis P. Gagnon Quit-Claimed ownership to Anthony Gagnon, Phillip Gagnon and Kristene Estes.

Below is a chronological list of events pertaining to the storage container at 123 Evergreen Road:

December 22, 2015- A complaint was received regarding a storage container

March 18, 2016- Former ZEO Curtin met with Ms. Janet Hangland at her 93 Shunpike Road residence

June 3, 2016- A Notice was sent to the Gagnon's regarding the roll off dumpster/container

June 23, 2016- A request was received to keep the storage container for 1 year

August 1, 2016- An extension of 6 months until Jan. 29, 2017 was granted by ZEO

February 14, 2017- A complaint was received about storage container not removed

February 24, 2017 A Notice issued to Mr. Gagnon that time had expired

Continued...

... ZBA Application # 17-16 Continued-

March 15, 2017- Mr. Gagnon submits a another request for additional time

March 31, 2017- ZBA Notice of Decision to Remove Storage Unit by April 15, 2017 (sent by ZEO Curtin) was appealed by Mr. Gagnon with the ZBA granting another extension until October 1, 2017

October 6, 2017- ZEO Curtin issues a Notice of Decision to Mr. Gagnon informing him that his request to keep the storage container for additional time I denied

October 12, 2017- Mr. Gagnon appeals ZEO Curtin's October 6, 2017 Decision

LEGAL NOTICE
PUBLIC HEARING
TOWN OF CROMWELL ZONING BOARD OF APPEALS

The Cromwell Zoning Board of Appeals will hold a Special Public Hearing and Meeting at 6:30 pm on Tuesday December 12, 2017 in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #17-14: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear and Side Yard Setbacks and Building Coverage ratio) to allow for the construction of in ground pool at 6 Evensen Place. Linda M. Samuelson is Applicant and the Owner.
2. Application #17-16: Appeal from ZEO Decision dated October 6, 2017 for 123 Evergreen Road. Lou Gagnon is the Applicant and Anthony Gagnon Et Al is the Owner.

At this hearing interested parties may appear and be heard, and written testimony received. The applications are on file in the office of the Town Planner at 41 West Street, Cromwell, Connecticut.

Joseph Morin
Chairman

Dated in Cromwell, Connecticut this 28th day of November 2017

17-16

rev. 6/20/2011

TOWN OF CROMWELL
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE, ZONING APPEAL, DMV LOCATION APPROVAL,
OR CHANGE OF NON-CONFORMING USE SPECIAL PERMIT

Address: 123 EVERGREEN RD	PIN #: 00186800
Zoning District: A-25 N	Volume/Page:
Applicant: LOUIS GAGNON	Property Owner:
Home or Business Address: 123 Evergreen Rd	Home or Business Address:
Phone #: 860 982 1565	Phone:
Email:	
I hereby certify that the information presented is to the best of my knowledge true and accurate, and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.	I hereby consent to the Applicant acting as my agent for the purpose of this application.
Signature: Louis Gagnon	Signature:
Type of Application (check one): <input type="checkbox"/> Variance from Section _____ of the Zoning Regulations. <input checked="" type="checkbox"/> Appeal from ZEO Decision dated <u>Oct 6, 2012</u> <input type="checkbox"/> Change of Non-Conforming Use Special Permit. <input type="checkbox"/> Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)	
Description of Request: Requesting an additional six months to keep storage containers on my property	

Justification for Request:

If Applying for a variance, state the hardship and explain why the variance is required.

If Appealing a decision of the ZEO, explain why you feel the ZEO is wrong.

If Applying for a change in non-conforming use Special Permit, explain how the new use will be less non-conforming than the current use.

If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

Appealing decision of the ZEO

1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post a sign on the property not less than 14 days before the public hearing per Section 8.10.H. of the Cromwell Zoning Regulations. I will submit an affidavit of posting at the hearing.
3. If my request is dimensional in nature, I have submitted a site plan prepared by a surveyor in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.

Sam Hagon
applicant

10-12-17
date



DOC: 1855
VOL: 1603 PG: 344

TOWN OF CROMWELL
PLANNING & ZONING
41 WEST STREET, CROMWELL, CT 06416

Certified mail

7015-3010-0001-8278-5646
7015-3010-0001-8278-5633
7015-3010-0001-8278-5626

October 6, 2017

Mr. Louis Gagnon
123 Evergreen Road
Cromwell, Conn. 06416

Mr. Anthony Gagnon
139 Field Road
Cromwell, Conn. 06416

Mr. Philip L. Gagnon
13 Harrison Drive
Cromwell, Conn. 06416

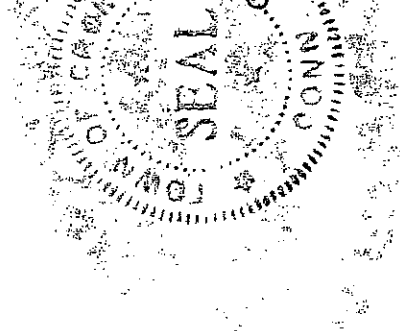
Re: 123 Evergreen Road
Cromwell, Conn.

JOAN AHLQUIST TOWN CLERK OF SAID CROMWELL AND CUSTODIAN OF THE RECORDS AND SEAL THEREOF, HEREBY CERTIFY THAT THE FOREGOING DOCUMENT IS A TRUE AND CORRECT COPY RECORDED IN THE CROMWELL LAND RECORDS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF MY OFFICE THIS 6th DAY OF October 2017

ATTEST:
TOWN CLERK, CROMWELL, CT

Gloria Prendergast, Asst.



NOTICE OF DECISION

The Town of Cromwell has received your request to keep the "storage container" for an additional six months.


On March 31, 2017, the notice of decision was issued to you to remove this "storage container" by April 15, 2107. At that time you appealed the decision to the Cromwell Zoning Board of Appeals. The ZBA amended the notice of decision and granted you an extension to October 1, 2017.

The original request for this "storage container" was granted on July 29, 2016 for a period of six months.

-2-

Based on the allotted time which you were granted to keep this "storage container", your *request for additional time is being denied*. Therefore, upon the date of this letter the "storage container" must be removed within ten days.

If you feel that the decision that is being issued in error, you have the right to appeal this decision to the Cromwell Zoning Board of Appeals within ten days of today's date. The cost to appeal this decision is \$160.00



Fred Curtin
Zoning officer
Town of Cromwell

c: Anthony Salvatore, Town Manager
Stuart Popper, Town Planner
Janet Hangland



RECEIVED FOR RECORD
Oct 06, 2017 10:56A
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT

ParcelID: 00186800 Bldg Seq 1 Of 2

Location: 123 EVERGREEN ROAD

Printed By: LISA

12/04/2017 3:46:14PM

Exterior Information

Building Type: Multi Family
 Story Ht: 1 3/4 Fin
 Living Units: 2
 Foundation:
 Prim. Ext Wall: Vinyl Siding
 Sec. Ext. Wall:
 Roof Type: Gambrel
 Roof Cover: Arch. Shingl
 Avg. Wall Ht:
 Color: BROWN

Condo Information

Name:
 Style:
 Location:
 Tot Units:

General Information

Year Blt: 1947
 Grade: B-
 Remodeled Yr:
 Rem. Kitchen Yr:
 Rem. Bath Yr:

Interior Information

Prime Wall: Drywall
 Sec. Wall:
 Floor Type: Carpet
 Sec. Floor:
 Heat Fuel: Oil
 Heat Type: Hot Water
 Sec. Ht Type:
 % A/C: 100
 % Sprinkled: 0
 Bsmt Gar: 0
 Kitchens: 2 Add. Kit: 0
 Fireplaces: 0 Gas: 0
 Int. Condition: Average

Depreciation

Phys Cond	Average	%
Func	40.00	0.00
Econ	Hwy	10.00
Spec	0.00	0.00
OV	0.00	0.00
Total %Dep:		46.00

Calculation

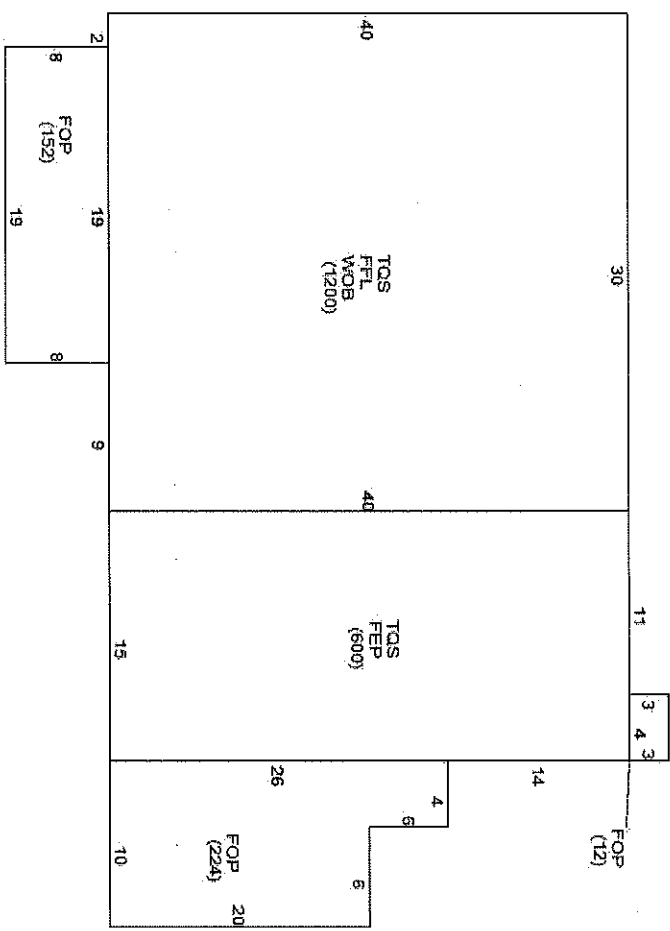
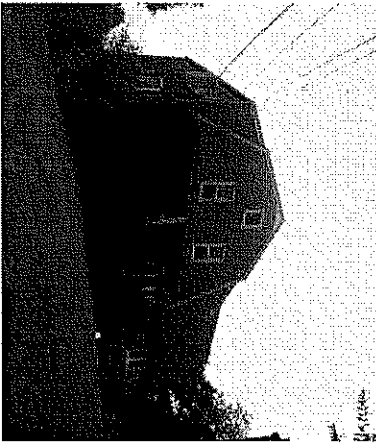
Basic \$SQ 42,000
 Replacement Cost 244,419
 Depreciation 112,433
 Depreciated Value 131,986
 Final Total (Rounded) 132,000

Room Count

Total Rooms: 20
 Bedrooms: 14

Bath Features

Full Baths: 3
 Addl. Full Baths: 0
 Half Baths: 0
 Addl. Half Baths: 0
 Full Bths Below: 0
 Half Bths Below: 0
 Other Fixtures: 0
 Total Baths: 3.0



Unsketched Subareas:
 WBA (800)

Extra Features / Yard Items (1st 10 Lines Displayed)

Code	Description	Qty	Size	Cond.	Year	Unit Price	Dep%	UndepValue	Appraised Value	Assessment	
GAZ1	Gazebo	1	304	FR	1947	24,000	50	8,755	4,400	3,080	
SHIF	Shed Frame	1	96	AV	2007	20,000	8	0	0	0	
Total Sp. Features:							4,400	Total Appraised:	4,400	Total Assessed Value:	3,080

Sub Area Detail

Code	Desc.	Living	Gross Area
TQS	Three Quarte	1,620	1,620
FFL	First Floor	1,200	1,200
FEP	Enclosed Por	0	600
WBA	Walkout Fin Bsmt	0	800
FOP	Framed Open	0	388
WOB	Walkout Baseme	0	1,200
Total		2,820	5,808

ParcelID: 00186800

Location: 123 EVERGREEN ROAD

Bldg Seq 2 Of 2

Printed By: LISA 12/04/2017 3:46:14PM

Exterior Information

Building Type: Multi Family
 Story Ht: 1 3/4 Fin
 Living Units: 2
 Foundation:
 Prim. Ext Wall: Board & Batt
 Sec. Ext Wall:
 Roof Type: Gambrel
 Roof Cover: Arch Shingl
 Avg. Wall Ht:
 Color:

Condo Information

Name:
 Style:
 Location:
 Tot Units:

General Information

Year Blt: 1947
 Grade:
 Remodeled Yr:
 Rem. Kitchen Yr:
 Rem. Bath Yr:

Interior Information

Prime Wall: Drywall
 Sec. Wall:
 Floor Type: Carpet 50%
 Sec. Floor: Laminate Fir 50%
 Heat Fuel: Gas
 Heat Type: Hot Water
 Sec. Ht Type:
 % A/C: 0
 % Sprinkled: 0
 Bsmt. Gar: 0
 Kitchens: 2 Add Kit: 0
 Fireplaces: 1 Gas: 0
 Int. Condition: Average

Depreciation

Phys Cond	Fair	%
Func	56.00	0.00
Econ	5.00	0.00
Spec	0.00	0.00
OV	0.00	0.00
Total %Dep:	58.20	

Calculation

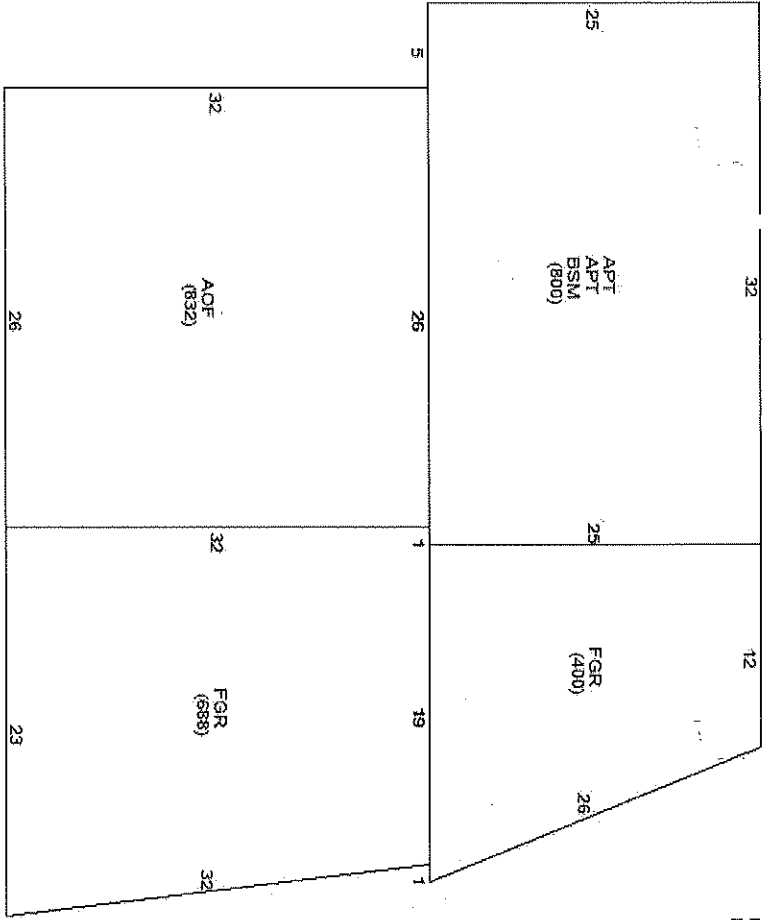
Basic \$SQ	42.00
Replacement Cost	175,422
Depreciation	102,096
Depreciated Value	73,326
Final Total (Rounded)	73,300

Room Count

Total Rooms: 8
 Bedrooms: 4

Bath Features

Full Baths: 2
 Addl. Full Baths: 0
 Half Baths:
 Addl. Half Baths:
 Full Bths Below:
 Half Bths Below:
 Other Fixtures:
 Total Baths: 2



Extra Features / Yard Items (1st 10 Lines Displayed)

Code	Description	Qty	Size	Cond.	Year	Unit Price	Dep%	Undep Value	Appraised Value	Assessment

Total Sp. Features:

Total Yard Items:

Total Appraised:

Total Assessed Value:

Sub Area Detail

Code	Desc.	Living	Gross Area
APT	Apartment	1,600	1,600
AOF	Office Area	832	832
BSM	Basement	0	800
FGR	Garage	0	1,088
FBA	Fin Bsmnt Avg	0	160
Total		2,432	4,480

RECEIVED FOR FILING
10-13 2017 at 9:16 AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

L. L. ...
TOWN CLERK

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MEETING
6:30 PM TUESDAY OCTOBER 10, 2017
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Joseph Morin, Mark Zampino, Daniel Delisle, John Whitney

Absent: John Keithan, Brian Fisk (alternate), Steven Wygonowski (alternate)

Also Present: Director of Planning and Development Stuart Popper

1. Call To Order

The meeting was called to order by Chairman Morin at 6:36 p.m. Chairman Morin explained to the applicants present that four positive votes were needed for approval of an application. Since there were only four commissioners present, it was up to the applicants whether they wished to be heard tonight or wanted to wait until a later meeting when more commissioners might be present.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

NONE

4. Approval of Agenda

Application #17-12: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Minimum Lot Size) to allow for the creation of a new lot at 54 West Street). Brian A DePerry is the Applicant and Owner.

Mr. Popper stated that the attorney for Mr. DePerry had contacted him to say that Mr. DePerry would not be able to attend tonight's meeting, so the application should be removed from tonight's agenda. Mr. Popper said that if the application was to be heard at a future date, the sign would need to be posted again and the neighbors renoticed.

Mark Zampino made a motion to amend the agenda to remove Application #17-12, Seconded by John Whitney. *All in favor; motion passed.*

5. Public Comments

NONE

6. New Business:

Mr. Popper said that the commissioners had asked for more information to be included in their packets, which is why he included a comments memo and the portion of the relevant zoning regulations. The Commission was very happy and Mark Zampino said the additional information was very helpful.

7. Public Hearing:

- b. Application #17-13: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of deck at 186 Evergreen Road. Dino F. Bonelli is the Applicant and Dino F. and Laura Bonelli are the Owners.

Chairman Morin read the public hearing notice. Dino Bonelli, 186 Evergreen Road, appeared and stated that he planned to remove an existing enclosed deck and replace it with another deck. The proposed deck would extend further into the side yard. Mr. Popper referenced his comments memo by saying that the current deck was non-conforming and Mr. Bonelli was asking to further encroach into the side yard. He said that the hardship was the fact that the existing house was non-conforming as to the required side yard setback.

Mr. Popper said that Mr. Bonelli had submitted evidence of mailing the required notice and posting a sign. There were no questions from the Commission. Mark Zampino made a motion to approve Application #17-13: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of deck at 186 Evergreen Road; Seconded by Daniel Delisle. *All in favor; motion passed.*

Chairman Morin advised the applicant to wait the required fifteen days from legal notice before beginning construction.

- c. Application #17-14: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear and Side Yard Setbacks) to allow for the construction of in ground pool at 6 Evensen Place. Linda M. Samuelson is Applicant and the Owner.

Chairman Morin read the public hearing notice. The applicant was not present. Mark Zampino made a motion to open the public hearing; Seconded by John Whitney. *All in favor; motion passed.* Daniel Delisle made a motion to table Application #17-14; Seconded by Mark Zampino. *All in favor; motion passed.* Mr. Popper stated that he would call to the applicant to follow-up.

- d. Application #17-15: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of a shed adjacent to the existing garage at 3 Patricia Lane. Paul Dworak is the Applicant and Paul and Antonella Dworak are the Owners.

Daniel Delisle read the public hearing notice. Mark Zampino made a motion to open the public hearing; seconded by John Whitney. *All in favor; motion passed.* Paul Dworak, 3 Patricia Lane, stated that he wanted to build a shed off of the side of his existing garage, which was attached to his house. It would extend six feet into the side yard setback, which was already non-conforming at 13 feet. Mr. Dworak submitted a drawing to the Commission. He stated the he spoke with the abutting neighbor on Windwood, had notified all of the neighbors, and posted the required sign. He said that the abutting neighbor said it was ok.

John Whitney made a motion to close the public hearing; Seconded by Dan Delisle. *All in favor; motion passed.*

Mark Zampino made a motion to approve Application #17-15: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of a shed adjacent to the existing garage at 3 Patricia Lane; Seconded by Dan Delisle. *All in favor; motion passed.* Chairman Morin advised the applicant to wait until the legal notice had been published before doing any work.

8. Approval of Minutes:

- a. July 11, 2017: A motion to approve the minutes was made by Mark Zampino; Seconded by Daniel Delisle. *All in favor; motion passed.*

- 9. Adjourn:** Motion to adjourn at 6:52 p.m. by Mark Zampino; Seconded by Daniel Delisle. *All were in favor; the motion passed.*

Respectfully Submitted,



Julie C. Petrella
Recording Clerk

RECEIVED FOR FILING
11/17 2017 at 10:11 A.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Gloria Brundage Rest.
TOWN CLERK

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MEETING
6:30 PM TUESDAY NOVEMBER 14, 2017
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Mark Zampino, Daniel Delisle, John Keithan, Brian Fisk (alternate), Steven Wygonowski (alternate)

Absent: Chairman Joseph Morin, John Whitney

Also Present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Bruce Driska

1. Call To Order

The meeting was called to order by Vice Chairman Delisle at 6:37 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Mark Zampino made a motion to seat Brian Fisk and Steven Wygonowski; Seconded by John Keithan. *All in favor; motion passed.*

4. Approval of Agenda

Brian Fisk made a motion to approve the agenda as presented; Seconded by John Keithan. *All in favor; motion passed.*

5. Public Comments

NONE

6. New Business:

a. Introduction of Mr. Bruce Driska new Zoning Enforcement Officer.

Vice Chairman Delisle welcomed Mr. Driska to the Town of Cromwell. Mr. Driska told the Board that he had previously worked as the Deputy Director of Planning in Middletown and had twenty two years of experience as a Wetlands and Zoning Officer. He was certified by the Connecticut Association of Zoning Enforcement Officers and had served as the President for two terms.

b. Approval of 2018 Meeting Calendar.

Steve Wygonowski stated that the proposed October meeting date was listed as 2017, instead of 2018. Mark Zampino made a motion to approve the 2018 Meeting Calendar as amended, Seconded by Brian Fisk. *All in favor; motion passed.*

7. Public Hearing:

Mr. Popper stated that Application #17-16 would not be heard tonight as the applicant had not properly complied with the notice requirements. The application would be heard at the December meeting.

- a. Application #17-12: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Minimum Lot Size) to allow for the creation of a new lot at 54 West Street). Brian A. DePerry is the Applicant and Owner.

Vice Chairman Delisle read the legal notice.

John Keithan made a motion to open the public hearing; Seconded by Mark Zampino. *All in favor; motion passed.*

Attorney Michael Dowley, Middletown, Connecticut, represented the applicant. He submitted an affidavit regarding the sign and mailings. He began by submitting several maps to the Board members to review. The first was from the Cromwell GIS website showing the size of the relative lots, the second was of the current parcel, and the third highlighted lots in the nearby vicinity that were smaller in size than both of the proposed lots post split. He said that the new house lot would be conforming and the variance was being requested for the current house lot on West Street. He said that there were 658 parcels in Cromwell smaller than the lot he was requesting to create.

Mr. Brian DePerry said that he was expecting his first child with his wife and they did not have enough space currently. He wants to remain in Cromwell and needs space for both his children and in-laws. He said that his house was built in 1890 and cannot be added onto without disrupting the aesthetics of the house and the neighborhood.

Attorney Dowley submitted two letters of support, one from Samantha and Arnoldo Sciucco of 49 West Street and the second from Ralph and Tina Birney of 52 West Street, which stated that the proposed division would be good for the neighborhood. He pointed out that both neighbors lived near the proposed non-conforming lot. He then mentioned several recent decisions from previous meetings in which the ZBA approved variances, specifically one for an expanded kitchen and dining room needed for family gatherings, the service of alcohol at a snack bar, and for the storage of equipment offsite in an accessory building on a lot without other buildings. Attorney Dowley said that there was a need here, same as with those previous applications. He restated that the Brooks Lane lot would be conforming and only the West Street lot would be non-conforming and still have more square footage than a number of other lots in the area.

The hearing was opened to public comment.

Mary Proia, 6 Brooks Lane, stated that the family that lived in the applicant's current house previously had raised multiple children there and doesn't understand why there is not enough room for the applicant. She said that Brooks Lane is a very small private road, without street parking or a proper turnaround. She is concerned about the level of traffic now and the placement of the proposed driveway. She stated that she opposed the application.

Attorney Dowley said that this was not a variance for Brooks Lane. The proposed house could only be built after complying with all of the town's engineering requirements.

Mr. Popper stated that the R-15 zone requires lots to be at least 15,000 square feet. The present lot is 28,309 square feet and Mr. DePerry is proposing to create a non-conforming lot. Mr. Dowley clarified that the application was only for 54 West Street. Vice Chairman Delisle asked Mr. DePerry if it was a two family house at the time of purchase. He said yes and that the second unit is rented out to a tenant and he doesn't wish to terminate her lease. He said that the 5 bedroom, 10 room house wasn't big enough to accommodate both children and in-laws.

Mr. Popper said that he had asked the Town Attorney for her opinion and she had advised against creating a non-conforming lot for financial reasons, as that is not a hardship, and doing so goes against the basic tenants of the zoning regulations. He said that he did not recall the ZBA ever allowing a variance to create a non-conforming lot in his five years with the town.

Mr. DePerry said that 19 houses in town were built after 2000 and were on smaller lots than the one he proposes. Mr. Popper said that those lots were of record prior to the R-15 zone.

Brian Fisk made a motion to close the public hearing; seconded by John Keithan. *All in favor; motion passed.*

There was some discussion regarding procedural matters for opening the matter up for discussion by the Board members and the format of making a motion to be voted upon.

Brian Fisk stated that he did not believe that the ZBA had previously allowed variances for the creation of non-conforming lots and did not want to start doing so. He said that financial reasons are not hardships. John Keithan agreed. Steve Wygonowski asked if a precedent had been set by prior decisions. Mr. Popper said that he was unaware of any from the previous five years. Mark Zampino was concerned about creating a slippery slope. Mr. Popper told the Board that they could table the matter if they wanted him to review the Board's decisions from the past ten years. Mr. Driska stated that since the public hearing was closed, they could not obtain more information about the matter. He asked the Board to consider what the land use hardship was.

Brian Fisk said he did not see a hardship, and Mark Zampino and Vice Chairman Delisle agreed.

Brian Fisk made a motion to approve Application #17-12, Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Minimum Lot Size) to allow for the creation of a new lot at 54 West Street); Seconded by John Keithan. *Motion was unanimously opposed. Motion failed.*

- b. Application #17-14: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear and Side Yard Setbacks) to allow for the construction of in ground pool at 6 Evensen Place. Linda M. Samuelson is Applicant and the Owner.

Vice Chairman Delisle read the legal notice. Linda M. Samuelson was present and said that she wanted to install a 14 X 28 foot in-ground pool but allowing a ten foot setback from the property line put the pool too close to her house. She said that she sent letters to the twelve neighbors and received no response. She submitted receipts for the letters.

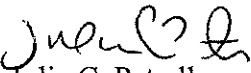
Mr. Popper asked if the pool people filed the application and Ms. Samuelson said yes. He said that information was missing and there were several procedural errors, but that he did not have contact information for the pool company representative and could not contact her. He asked her to withdraw the application and re-submit it at a later date. No fee would be due. She needs to re-advertise and send out certified letters and change the date on the sign. He said that the application was missing the lot coverage ratio information. He offered to assist her in the preparation of the application. Mr. Driska prepared a withdrawal form for the applicant, which she signed and returned to Mr. Popper. The matter will be scheduled to be heard on Tuesday, December 12, 2017.

8. Approval of Minutes:

- a. October 10, 2017: A motion to table the approval of the minutes was made by Brian Fisk and Seconded by John Keithan. *All in favor; motion passed.*

9. Adjourn: Motion to adjourn at 7:28 p.m. by Mark Zampino; Seconded by John Keithan. *All were in favor; the motion passed.*

Respectfully Submitted,


Julie C. Petrella
Recording Clerk

Memo

To: Joan Ahlquist, Town Clerk
From: Stuart B. Popper, Town Planner
Date: November 17, 2018
Re: ZBA Meeting Dates for 2018

The following meeting dates were approved by the ZBA Commission at their meeting on November 14, 2017. They will start at 6:30 p.m.

January 9, 2018

February 13, 2018

March 13, 2018

April 10, 2018

May 8, 2018

June 12, 2018

July 10, 2018

August 14, 2018

September 11, 2018

October 9, 2018

November 13, 2018

December 11, 2018