



Town of Cromwell Zoning Board of Appeals

***PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY JUNE 13, 2017
ROOM 224/225 CROMWELL
TOWN HALL, 41 WEST STREET***

RECEIVED FOR FILING
6-6 2017 at 2:37 PM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

AGENDA

Rita 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:
7. Public Hearing:
 - a. Application #17-06: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard and Side Yard Setbacks) to allow for the construction of addition in the rear and side yard at 16 Christian Hill Road. Dudley Salmon Sr. is the Applicant and the Owner.
 - b. Application #17-07: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front, Rear Yard and Side Yard Setbacks) to allow for the construction of two car garage at 4 Allen Road. Giulio Caracoglia is the Applicant and Susan Lu L. Grillo ET AL is the Owner.
8. Approval of Minutes:
 - a. April 13, 2017
 - b. May 9, 2017
9. Adjourn

LEGAL NOTICE
PUBLIC HEARING
TOWN OF CROMWELL ZONING BOARD OF APPEALS

The Cromwell Zoning Board of Appeals will hold a Public Hearing and Meeting at 6:30 pm on Tuesday June 13, 2017 in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #17-06: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard and Side Yard Setbacks) to allow for the construction of addition in the rear and side yard at 16 Christian Hill Road. Dudley Salmon Sr. is the Applicant and the Owner.
2. Application #17-07: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front, Rear Yard and Side Yard Setbacks) to allow for the construction of two car garage at 4 Allen Road. Giulio Caracoglia is the Applicant and Susan Lu L. Grillo 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.

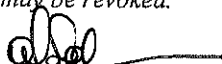
Joseph Morin
Chairman

Dated in Cromwell, Connecticut this 30th day of May 2017

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS**

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

17-06

Address: 16 CHRISTIAN Hill	PIN #: 00444000
Zoning District: A-25	Volume/Page: 1571-83
Applicant: Dudley Salmon	Property Owner:
Home or Business Address: 16 Christian Hill Rd Cromwell CT 06416	Home or Business Address: SAME
Phone #: 508-468-1977	Phone:
Email: drsud99@yahoo.com	
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: 	Signature:

Type of Application (check one):

Variance from Section 8.2. B of the Zoning Regulations. REAR + SIDE

Appeal from ZEO Decision dated _____.

Change of Non-Conforming Use Special Permit.

Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)

Description of Request:

Expanding kitchen and diningroom to accommodate family functions. I have two brothers and their family moved to Connecticut recently, and for a long time I haven't felt this brothers. When all three families get together its a little tight.

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).

Expanding the kitchen and dining room
which is no closer to the property line
than existing kitchen and dining room.

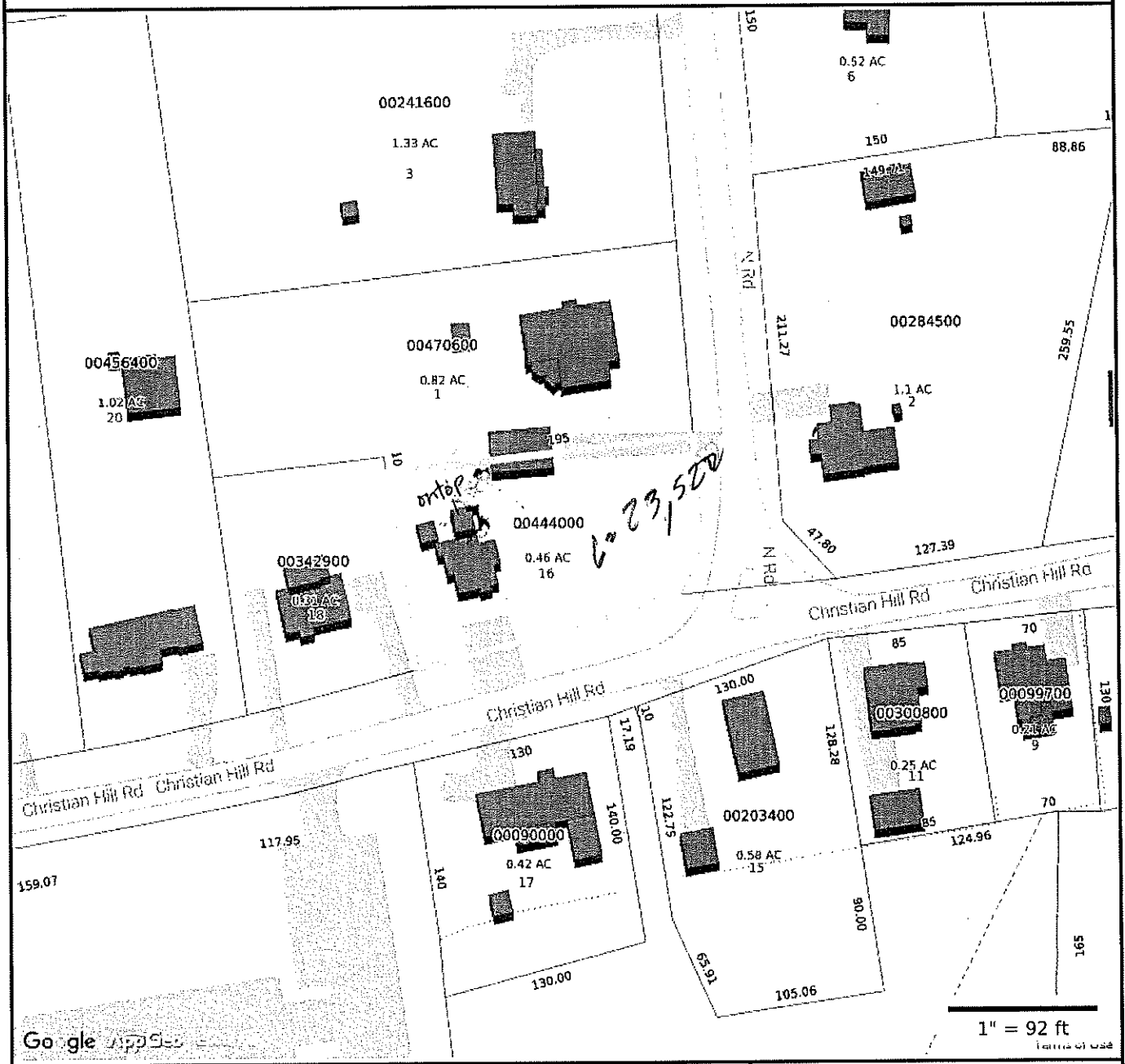
1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post a sign on the property not less than 14 days before 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.



applicant

4/27/17

date



Property Information
Property ID 00444000
Location 16 CHRISTIAN HILL ROAD
Owner SALMON DUDLEY SR

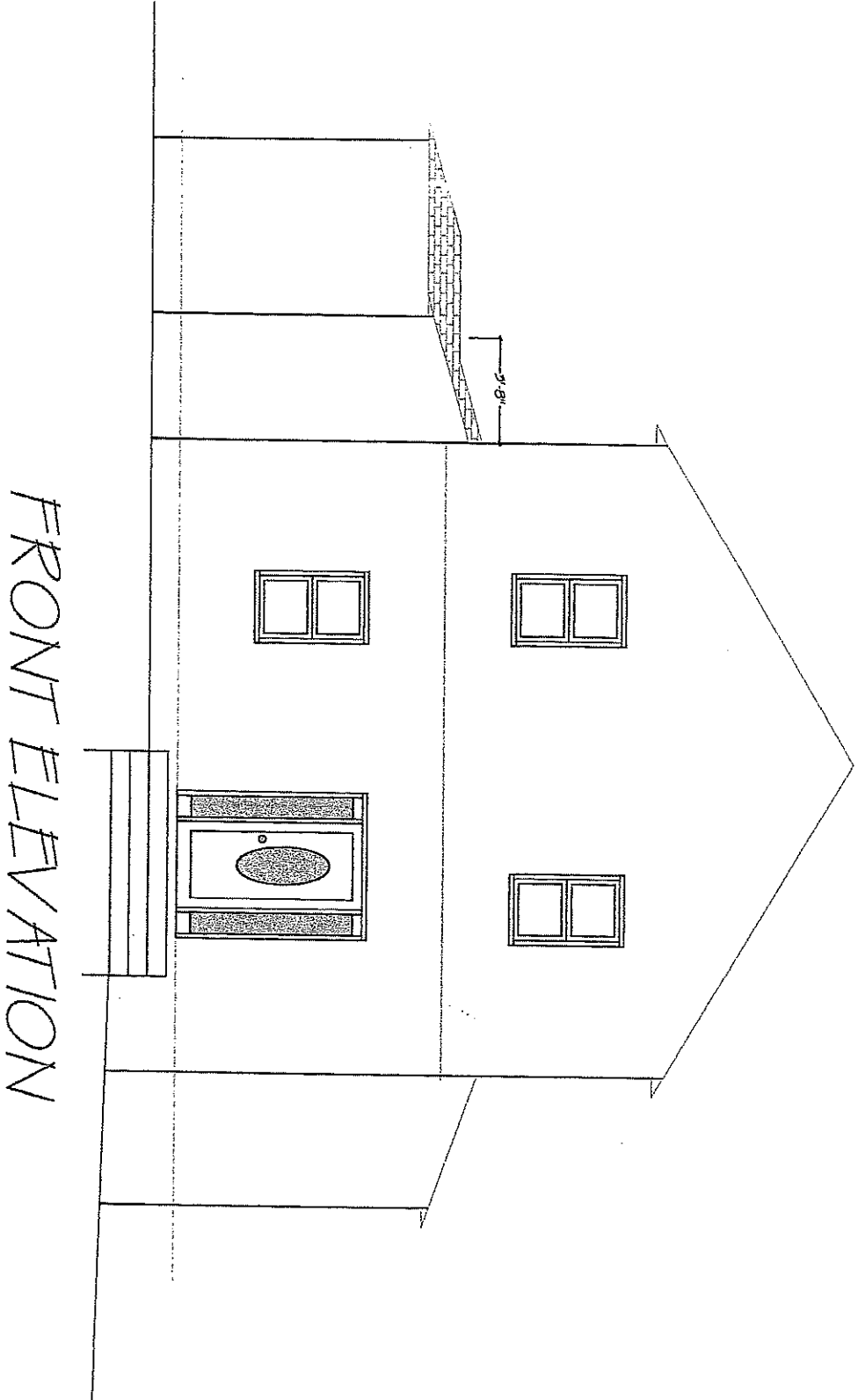


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

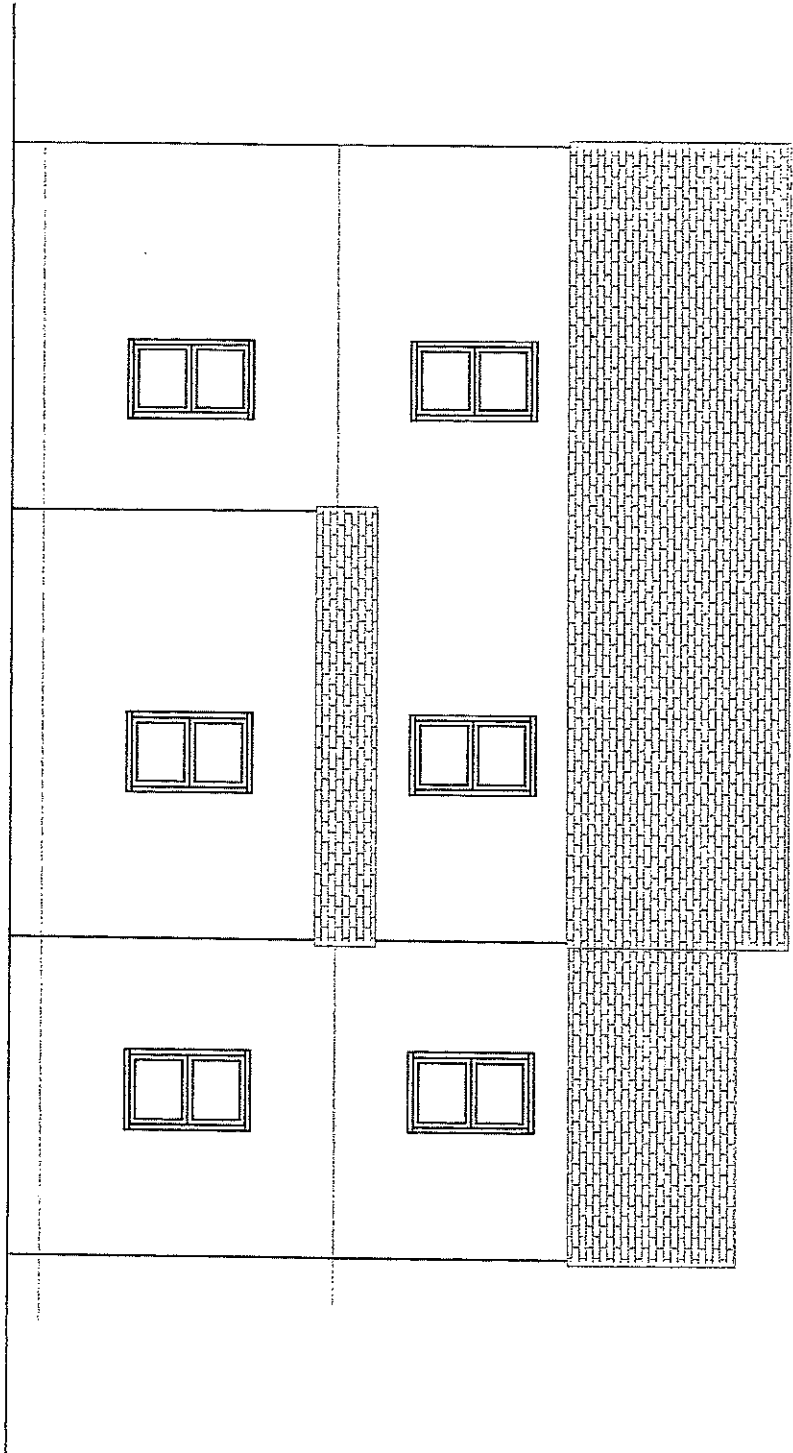
Town of Cromwell, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 10/1/2016
 Properties updated daily

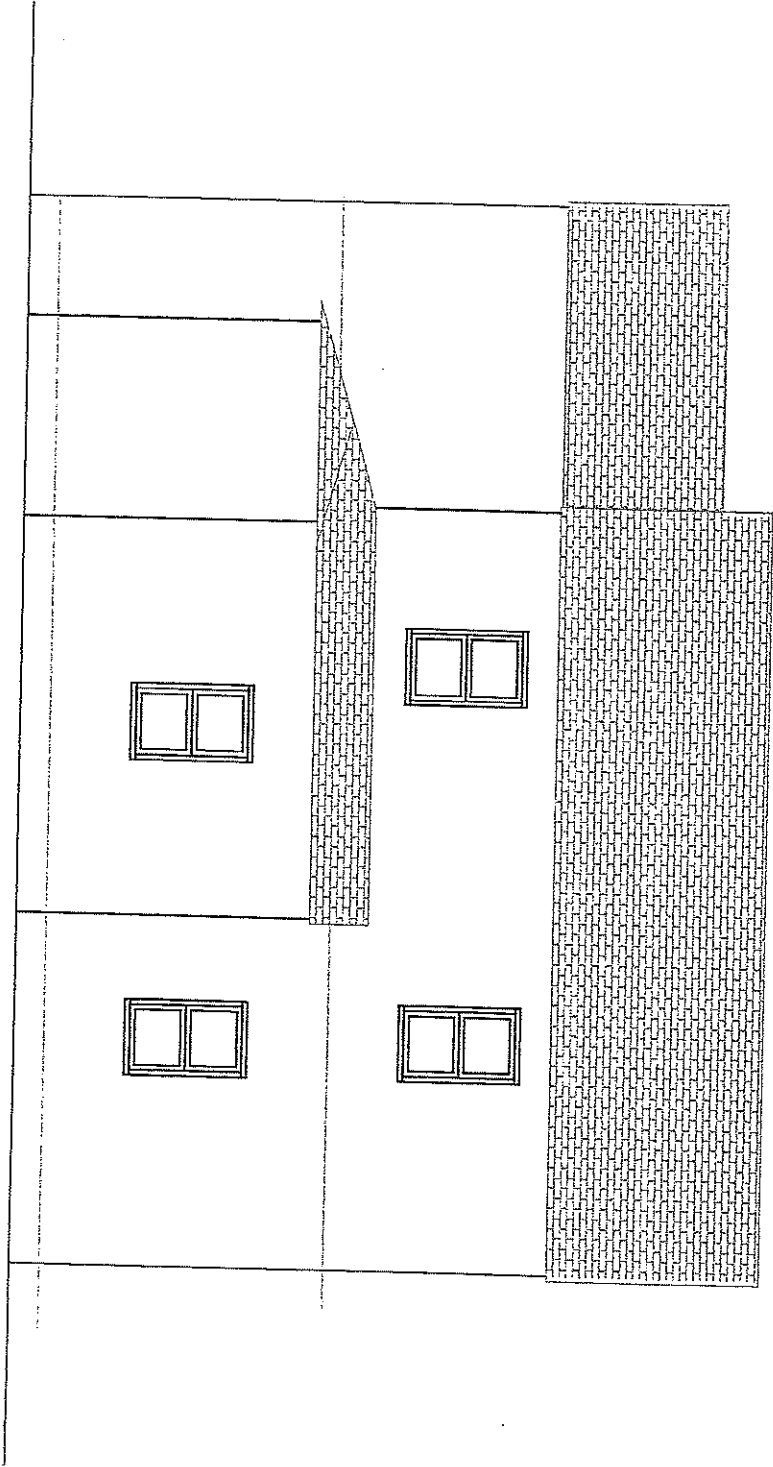
16 Christian Hill Rd
Cromwell CT 06416



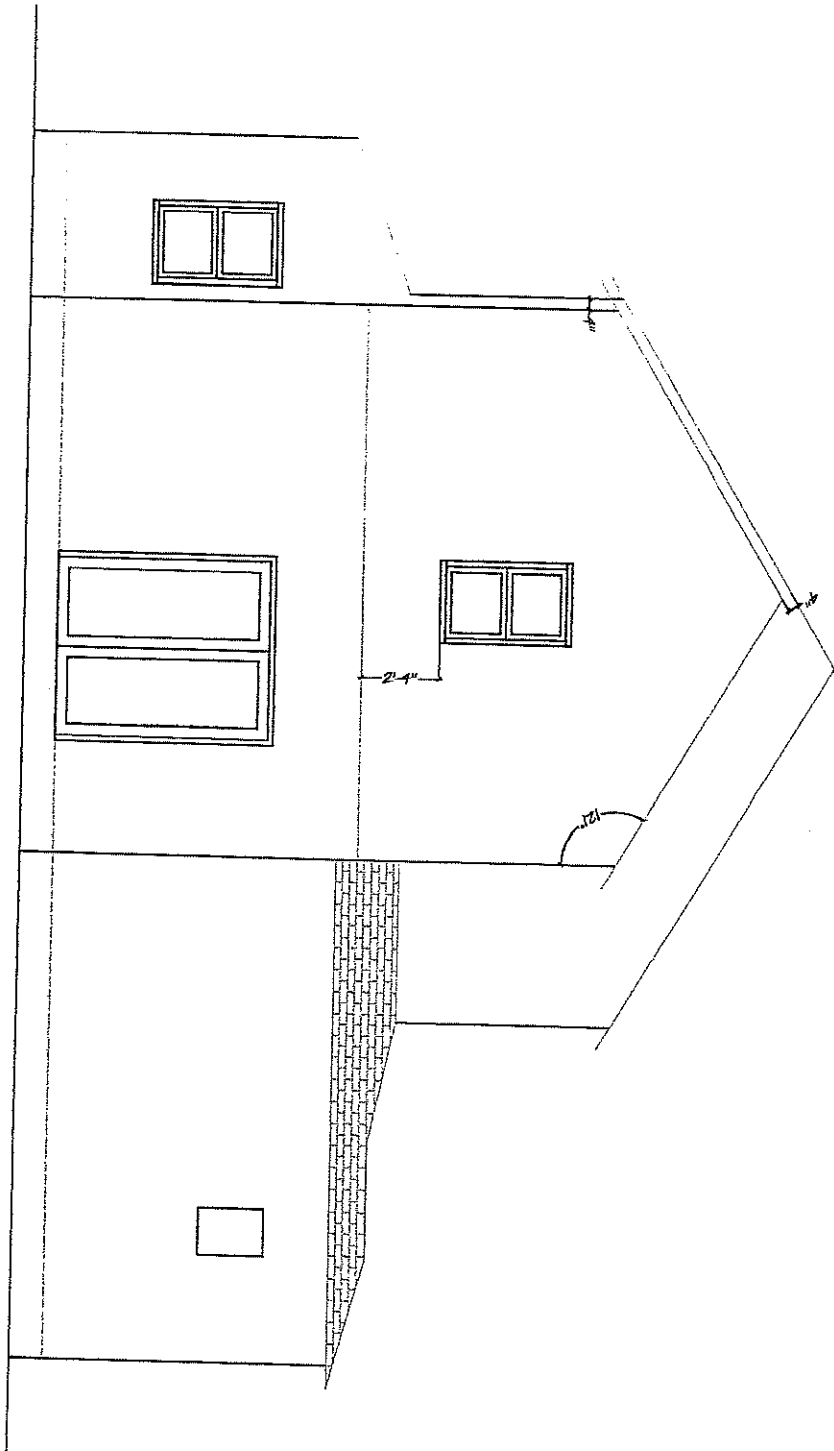
RIGHT ELEVATION



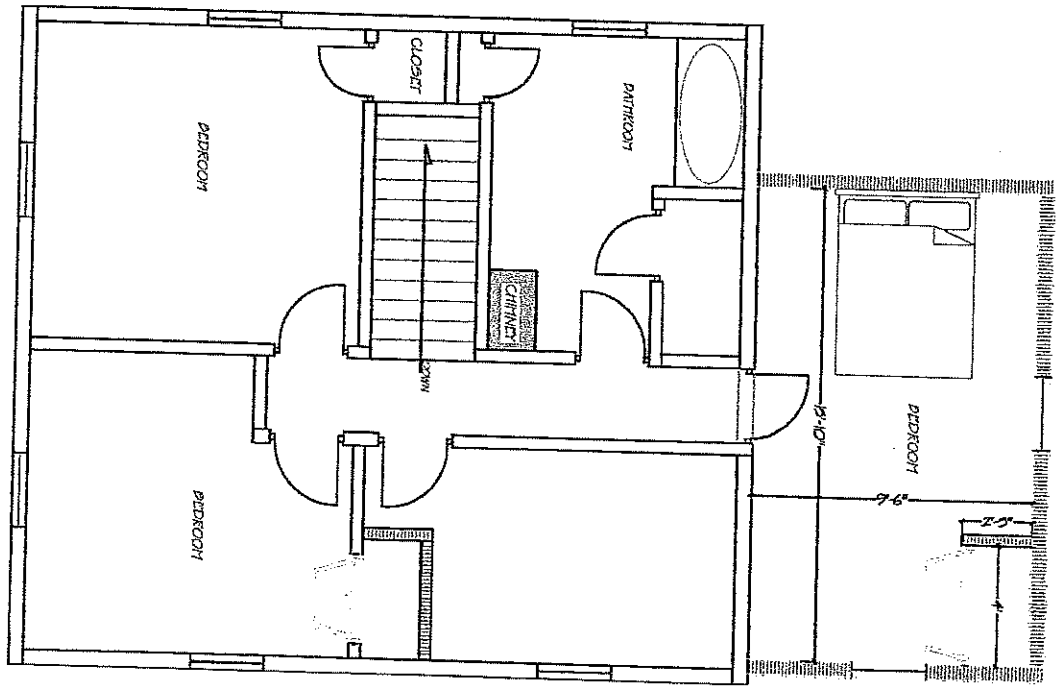
LEFT ELEVATION



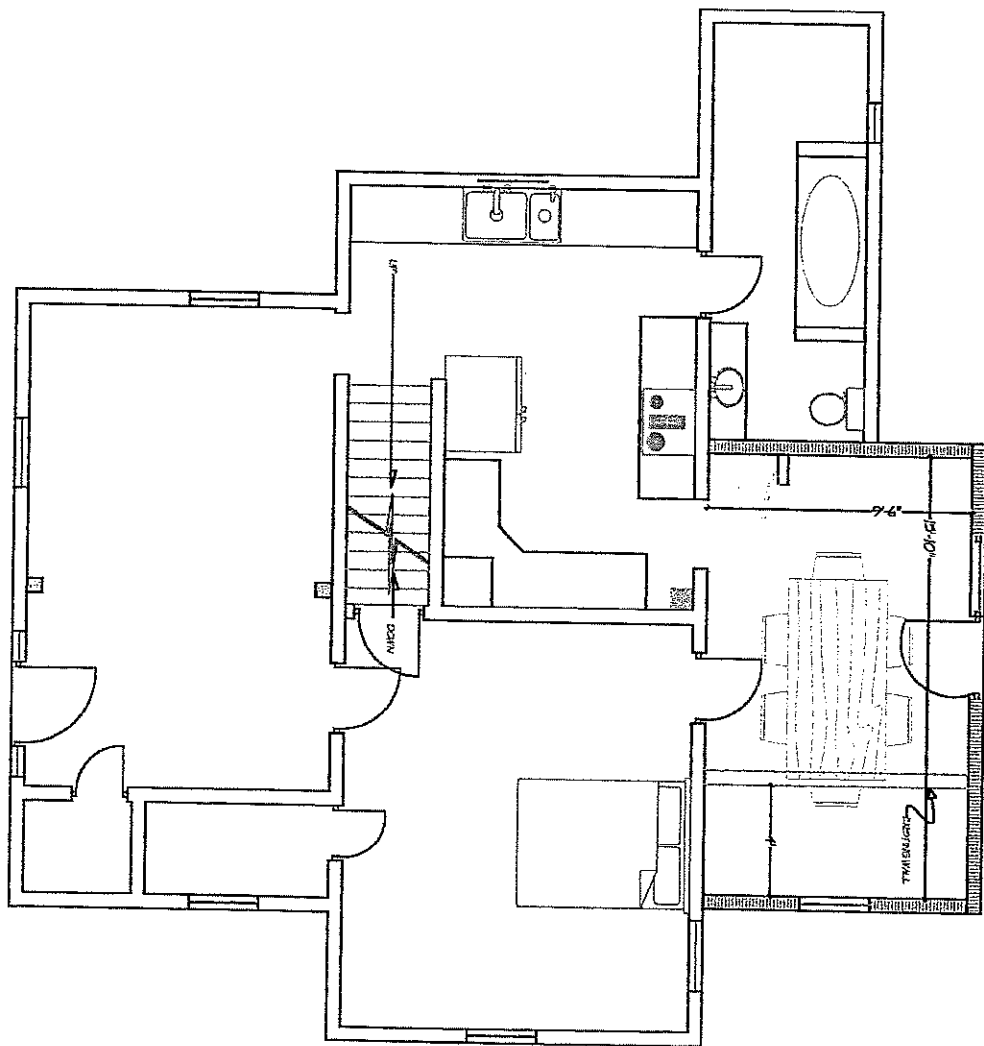
REAR ELEVATION



SECOND FLOOR EXTENSION

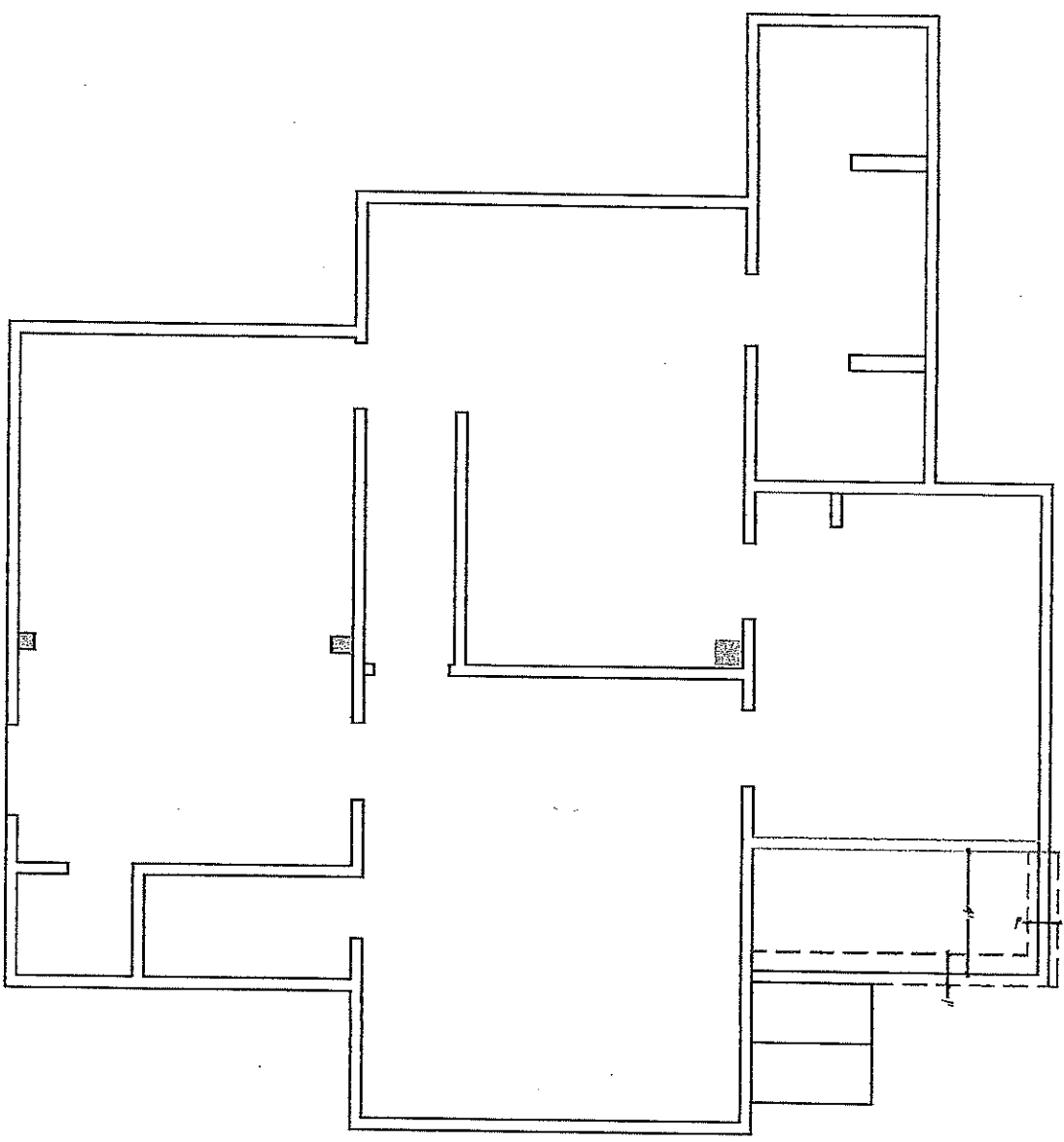


15-49
135



GROUND FLOOR EXTENSION

FOUNDATION PLAN



TOWN OF CROMWELL
ZONING BOARD OF APPEALS

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

Address: 4 Allen Road	PIN #: 00209900
Zoning District: A-15	Volume/Page: 1519-316
Applicant: Giulio Caracoglia	Property Owner: Susan Grillo
Home or Business Address: 6 Allen Road	Home or Business Address: 4 Allen Road
Phone #: 860-818-0431	Phone: 860-818-0432
Email: Caracoglia@sbcglobal.net	
<i>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>	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i>
Signature: <i>Giulio Caracoglia</i>	Signature: <i>Susan L. Grillo</i>
Type of Application (check one): <input checked="" type="checkbox"/> Variance from Section <u>2.2.B</u> of the Zoning Regulations. <i>Front, side, side Aggregate</i> <input type="checkbox"/> Appeal from ZEO Decision dated _____ <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: <u>Requesting to build a 2-car attached garage</u> 	

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).

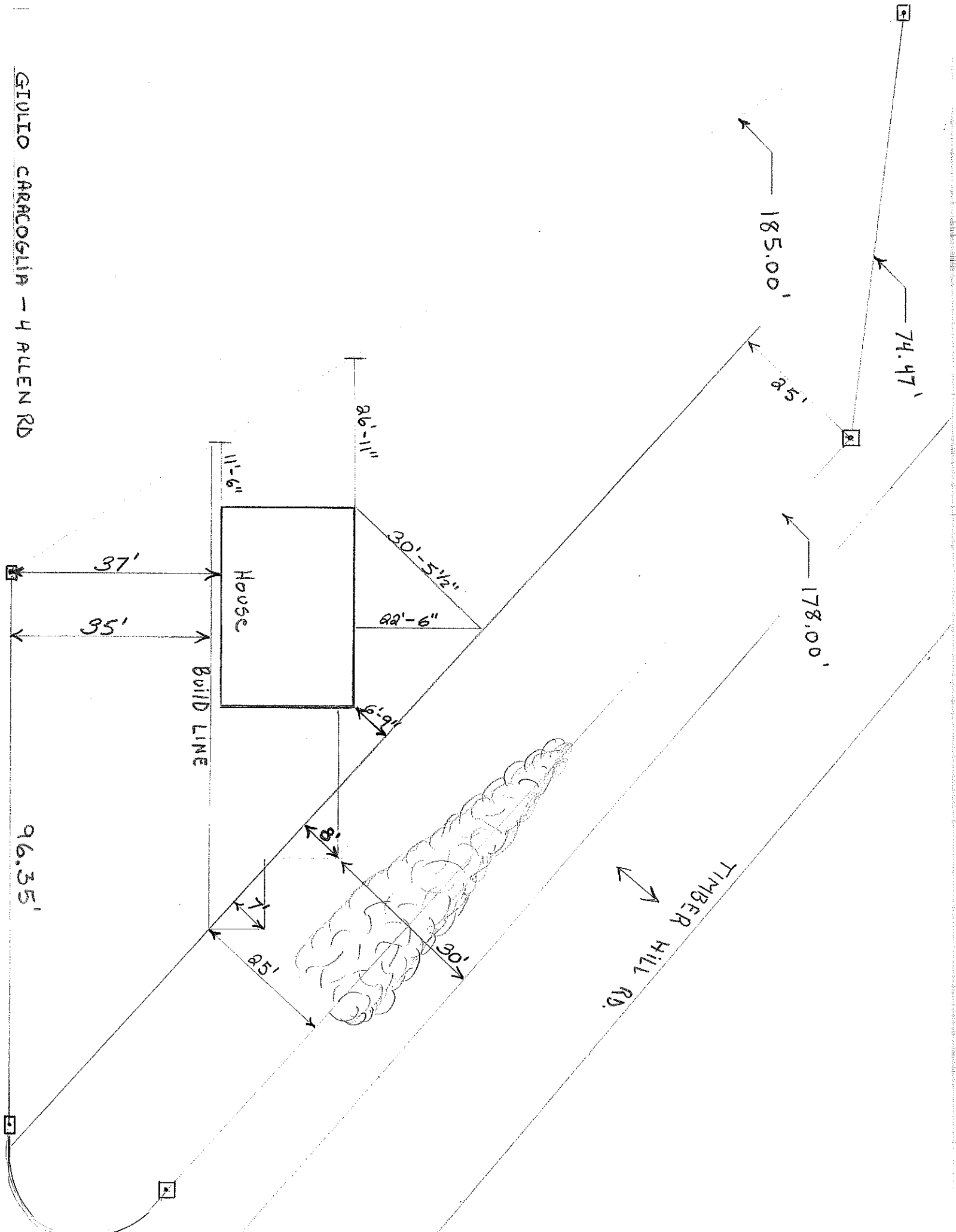
Due to the triangle configuration of the lot, the only way to safely put on the 2-car garage would be to encroach on the yard setbacks. We are requesting this variance because of the concern for the safety of the elderly homeowner being able to enter the home safely during inclement weather.

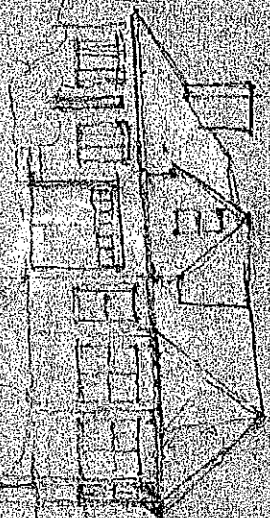
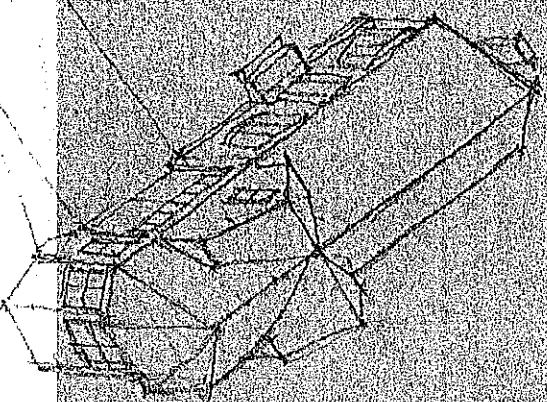
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2. I will post a sign on the property not less than 14 days before the public hearing per Section 8.10.H. of the Cromwell Zoning Regulations. I will submit an affidavit of posting at the hearing.
3. If my request is dimensional in nature, I have submitted a site plan prepared by a surveyor in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.


applicant

5/3/2017
date

GIULIO CARROGLIA - 4 ALLEN RD





CARACOGLIA HOUSE
4 ALLEN RD, CROMWELL
PL/PFAIA A+TP LLC
4/26/2017

CONSTRUCTION DETAIL

Element	Description	Attributes	Code	Description	Percentage
Style	Cape Cod	Bedrooms	101	Single Family	100
Grade	C	Full Baths	COST/MARKET VALUATION		
Exterior Wall 1	Vinyl Siding	Half Baths			
Exterior Wall 2		Total Rooms			
Roof Structure	Gable	Jet Tub			
Roof Cover	Asphalt Shingl	Full Baths below			
Interior Wall 1	Drywall	Half Baths below			
Interior Wall 2	Average	Fireplace			
Interior Flr 1	Hardwood	Fireplace Dtd.			
Interior Flr 2		Gas Fireplace			
Heat Fuel	Oil	Fin Bsmt %			
Heat Type	Hot Water	Fin Bsmt Qual			
AC Type	Central	Bsmt. Garages			
			Average	25	
			0		
			External Obscnc		
			Adjustment		
			Adjustment %		
			Overall % Corrd	75	
			Override %	0	
			Override Reason		
			Building Appraised Value	118,800	

BUILDING PERMIT INFO

Issue Date	Type	% Comp	Date of CO	Comments
06/10/2008	WD	100	08/22/2008	Front porch replacement rear deck installation

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

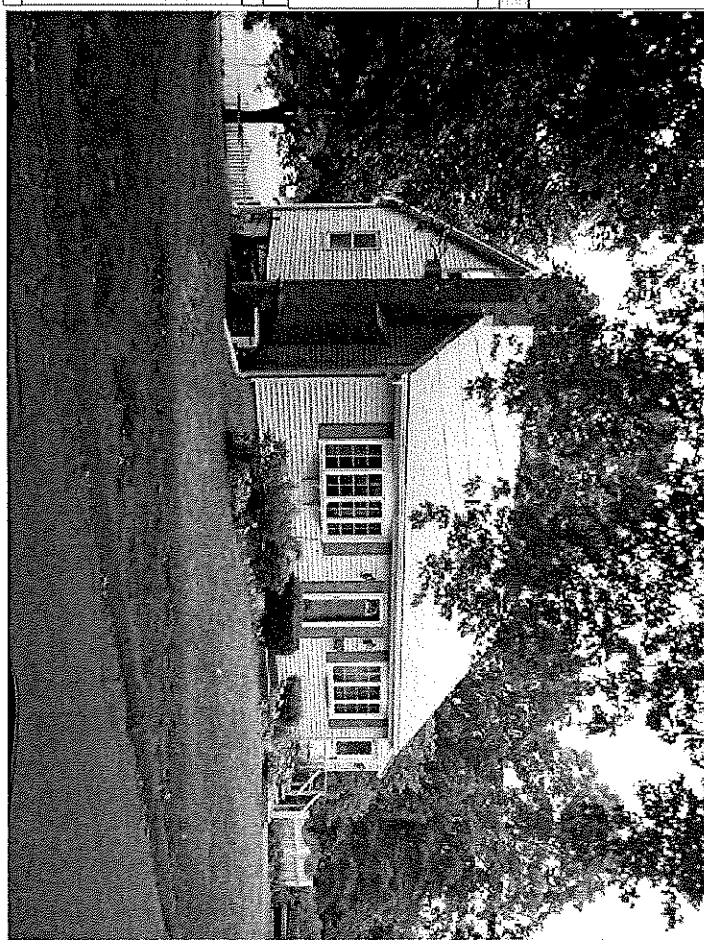
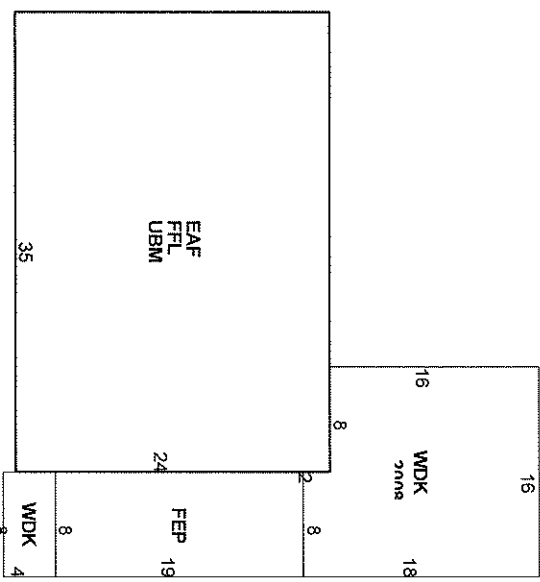
Code	Description	Sub	Sub Descript	V/B Units	Unit Price	Yr	Code	Dr Rr	Card	%Card	Apr Value

VISIT/ CHANGE HISTORY

Date	ID	Purpose/Result
08/24/2012	AJ	No Change - Field Review
10/03/2008	SO	Permit - Measure Exterior
11/11/2006	ES	Callback
09/08/2006	MR	Measured
01/19/1998	BI	Meas. and List

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area
EAF	Expansion Attic Finished	336	840
FEP	Enclosed Porch	0	152
FFL	First Floor	840	840
UBM	Basement	0	840
WDK	Wood Deck	0	304
Tot Gross Living Area:		1,176	2,976



CURRENT OWNER		TOPO	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT		6033 CROMWELL, CT		
GRILLO SUSAN L DU ET AL	4 Rolling	2 Public Water	1 Public			Description	Code	Appraised Value	Assessed Value	
4 ALLEN ROAD		3 Public Sewer				RESLAND	1-1	86,390	60,470	
						DWELLING	1-3	118,800	83,160	
CROMWELL, CT 06416						SUPPLEMENTAL DATA		VISION		
Additional Owners:						Census Tr.	5703	DV Map #		
						Prior Zoning	A-15	DV Lot #		
						Color	GRAY	Callback		
						100 Yr Flood	00209900	T&E Penalty		
						GIS ID:		ASSOC PID#	41/38/1D/1	
						BAA				
						Prior Value	143630	Total	205,190	143,630

RECORD OF OWNERSHIP				PREVIOUS ASSESSMENTS (HISTORY)			
GRILLO SUSAN L DU ET AL	BK/VOL/PAGE	SALE DATE	Yr. Code	Yr. Code	Yr. Code	Yr. Code	Assessed Value
GRILLO SUSAN L DU ET AL	1519/316	04/06/2015	U	1-1	1-1	1-1	60,470
GRILLO SUSAN L	531/13	07/28/1993	U	1-1	1-3	1-3	83,160
GRILLO SUSAN L & JAMES L	89/329	06/11/1971	U	1-1	1-3	1-3	83,160
Total: 143,630				Total: 143,630			

APPRaised VALUE SUMMARY 10-01-2012

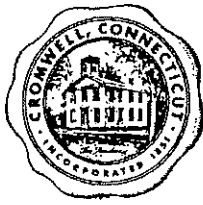
This signature acknowledges a visit by a Data Collector or Assessor

Appraised Bidg. Value (Card)	118,800
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	0
Appraised Land Value (Bldg)	86,390
Special Land Value	0
Total Appraised Parcel Value	205,190
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	205,190

BUILDING PERMIT RECORD				Comments			
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Of CO
17711	06/10/2008	WD	Wood Deck	12,000	10/03/2008	100	08/22/2008
Front porch replacement rear deck installation							

LAND LINE VALUATION SECTION

B Use Code	Use Description	Zone D	Frontage	Depth	Units	I Factor	S.A. Disc	C Factor	ST. Lda	Adi.	Notes-Adi	Special Pricing	Land Value
101	Single Family	R-15			11,761	SF	0.8500	4	1.0000	1.00			86,390
Total Card Land Units:					0.27	AC	Parcel Total Land Area:		0.27	AC	Total Land Value: 86,390		



**Town of Cromwell
Zoning Board of Appeals**

RECEIVED FOR FILING
6-6-2017 at 2:09 M. P
TOWN CLERK'S OFFICE
CROMWELL, CONN.
Jean Ahlquist
TOWN CLERK

***SPECIAL PUBLIC HEARING AND MEETING
6:30 P.M. THURSDAY, APRIL 13, 2017
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

Minutes and Record of Votes

Present: Chairman Joseph Morin, Vice Chairman Dan Delisle, Brian Fisk, John Keithan, John Whitney, Stephen Wygonowski and Mark Zampino.

Absent:

Also Present: Director of Planning and Development Stuart Popper

1. **Call to Order** – The meeting was called to order by Chairman Joseph Morin at 6:34 pm.
2. **Roll Call** – The presence of the above members was noted.
3. **Seating of Alternates**
4. **Approval of Agenda**

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

5. **Public Comments** – None.
6. **New Business:**
7. **Public Hearings:**

A **motion** was made by John Keithan and **seconded** by Mark Zampino to open the public hearings. *All were in favor; the motion passed.*

a. Application #17-04: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Lot coverage ratio) to allow for the construction of covered storage area at 45 Lincoln Street. Sean Flanigan is the Applicant and the Owner.

Mr. Flanigan addressed the Board saying that he wished to construct a covered storage area on the back of his barn for an additional area. Mr. Fisk asked if the overhang was visible from the street and Mr. Flanigan said no.

Mr. Popper explained the variance was required for the overhang because it increases area of the lot coverage ratio beyond the permitted 15%.

The Board members discussed the location of the barn, the overhang and the surrounding neighborhood.

Chairman Morin asked if any members of the public wished to address the Board regarding this application.

Mr. Rodney Bitgood of 263 Main Street said he was in favor of the application

A motion was made by John Keithan and **seconded** by Brian Fisk to close the public hearing for Application #17-04. *All were in favor; the motion passed.*

A motion was made by John Whitney and **seconded** by John Keithan to approve Application #17-04. *All were in favor; the motion passed.*

Chairman Morin explained that after the legal notice is published there is a fifteen 15 day appeal period. He said after the appeal period is over the applicant will receive the variance form to file on the land records. Chairman Morin said if the applicants have any questions they should contact Mr. Popper.

b. Application #17-02: Request for a Motor Vehicle Location approval under Section 10.5 of the Zoning Regulations at 201 Main Street. Timothy Anderegg is the Applicant and S & S Partners Inc. is the Owner.

Dan Delisle noted that he was not present at the February 14, 2016 meeting but had listened to the tapes and reviewed the minutes and is familiar with the application.

Mr. Popper summarized Town Attorney Kari Olson's memo dated March 21, 2017 for the record. He noted that Attorney Olson has agreed with Attorney Petrella's opinion regarding the status of the Special Permit granted in 1995 for the operation of a garage at 201 Main Street. Mr. Popper read a letter from Mr. Arthur Simonian Executive Director of the Mattabassett District into the record. The letter summarized four items of concern to the District and noted that the District had agreed to the solutions worked out with the property owners of 201 Main Street.

Attorney Sal Petrella said he was here tonight representing the Applicant Timothy Anderegg and noted that the property owners Mr. Arthur Sibley senior and Mr. Arthur Sibley junior are here this evening. Attorney Petrella said that the property owners have come to an agreement as noted by Mr. Simonian in his letter to resolve the issues of concern between the two parties.

Attorney Petrella summarized the application before the Board tonight. He noted that in 1995 the property owner applied for and received a Special Permit from the Zoning Board of Appeals for a Change of Non-Conforming Use. The permit allowed for the repair and service of trucks belonging to customers, in contrast with the then existing non-conforming use (repair and service of trucks belonging to the property owner).

Attorney Petrella said that since then the landlord has had a variety of automotive repair facilities operating in the garage portion of the building for the last twenty years. He explained that the new operator will be very careful in regards to the abutting propane business.

Attorney Petrella said that the owner currently has a lessee who now wants to open up a licensed facility for diesel truck and equipment repair. The lessee, Timothy Anderegg, who plans to operate as Bridgeview Truck and Auto, LLC, needs a Department of Motor Vehicles Repairers License in order to repair diesel trucks and automobiles.

Attorney Petrella said that zoning approval is a prerequisite to DMV licensing, which is the reason this application is being submitted. Cromwell has adopted a zoning regulation, Section 6.4.D 5, that restricts new motor vehicle repair facilities from opening up within 2,600 feet of an existing repair facility. There is an existing repair facility within 2,600 feet of 201 Main Street, namely Cromwell Automotive at 263 Main Street in Cromwell.

Attorney Petrella noted that the Purpose of this particular regulation, set forth at Section 6.4.A specifies the intent to provide for public garages “within certain zoning districts in the Town of Cromwell while minimizing environmental and aesthetic effects of through (sic) careful design, siting and screening.” This is an existing facility in an industrial area designed and intended for vehicle repair work.

Chairman Morin asked if there was anyone who wished to address the Board either in favor or against the application.

Attorney Richard Carella of Updike Kelly and Spellacy at 179 Main Street in Middletown addressed the Board. He said he was here to represent Mr. Bitgood. Attorney Carella raised a number of concerns he had regarding the operation of an automotive repair facility at 201 Main Street. He noted that the addition of a garage at the same location with the Daniels Propane facility may not be a safe match and the issue of the location of the building in the Special Flood Plain Zone has not been addressed. Attorney Carella said he disagrees with Attorney Olson’s opinion regarding the status of the Special Permit to operate an automotive repair facility at 201 Main Street. He noted that some of the statutes Attorney Olson cited are no longer in effect.

Attorney Carella also questioned the Board’s interpretation of Section 10.5.C.6 Motor Vehicle Location Approval Proceeding of the Zoning Regulations.

Mr. Rodney Bitgood of 260 Main Street Cromwell said he had concerns about safety at the entrance to the site. He noted that the one entrance to the very busy site is located on a curve and showed the Board photos of a recent accident on March 16, 2017 at the entrance.

Mr. Popper read a series of letters in opposition to the application. These included letters from:

Mr. David J. Daniels Co-Owner of Daniels Propane 8 High Street Portland, Connecticut. Mr. Daniels said he was very concerned about the safety of the propane facility with an automobile repair facility as the abutting neighbor.

Mr. Robert P. Daniels Co-Owner of Daniels Propane 8 High Street Portland, Connecticut. Mr.

Daniels said he was very concerned about the safety of the propane facility with an automobile repair facility as the abutting neighbor.

Chairman Morin asked Attorney Carella to address his interpretation of Section 10.5.C.6 Motor Vehicle Location Approval Proceeding of the Zoning Regulations. Attorney Carella said that has a result of the construction of the Propane facility there has been a material change in conditions at 201 Main Street and therefore the application should be denied.

Attorney Petrella asked to address the Board regarding these comments. He again explained his position regarding the previously granted special permit for the operation of a repair facility. Attorney Petrella stated that none of the speakers against the application have been able to prove that the operation of a motor vehicle repair facility has been abandoned.

Mr. Kevin Slifer of 42 Hillside and owner of a repair facility addressed the Board. He said the application does comply with the 2,600 distance requirement and he is concerned about traffic.

Mr. Mark Anderegg 100 Joseph Road Higganum addressed the Board. Mr. Anderegg said the repair facility will be safely run and will create no safety issues at the propane facility.

Attorney Petrella asked to address the Board regarding these comments. He said there are no safety issues these comments all relate to the issue of competition.

Mr. Kevin Slifer of 42 Hillside addressed the Board saying that he disagreed with Attorney Petrella and that there could be many safety issues mixing these uses.

Mr. Rodney Bitgood said he did not bring up the distance issue but noted that the last license at this facility was surrendered 13 years ago.

Attorney Petrella noted that he and the Town Attorney agree that the Special Permit is still valid. He asked that the Board approve the application.

A **motion** was made by Brian Fisk Mark and **seconded** by John Keithan to close the public hearing. All were in favor; the motion passed.

The Board members discussed the application and all the issues raised in the hearing. John Keithan and John Whitney discussed their concerns with the mix of uses and the possible safety issues between the garage and propane facility.

Chairman Joe Morin discussed the Special Permit issued for the garage in 1995. He noted that the Town Attorney has said that it is still valid and he agrees with her.

John Keithan and John Whitney again discussed their concerns about the possible safety issues between the garage and propane facility.

Dan Delisle said he agrees with the Town Attorney.

A motion was made by Mark Zampino and seconded by Dan Delisle to approve Application #17-04. Chairman Joe Morin, Dan Delisle and Mark Zampino were in favor and John Keithan and John Whitney were against; the motion passed.

7. **Commissioners Comments:**

8. **Approval of Minutes:**

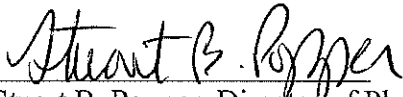
a. **February 14, 2017**

A **motion** was made by John Whitney and **seconded** by John Keithan to approve the minutes. Dan Delisle abstained. **All** others *were in favor; the motion passed.*

9. **Adjourn**

A **motion** was made by John Whitney and **seconded** by Dan Delisle to adjourn at 8:09 pm. *All were in favor; the motion passed.*

Respectfully Submitted



Stuart B. Popper, Director of Planning and Development
Acting Clerk

05-11-17P03:03 RCVD

RECEIVED FOR FILING
5-11 2017 at 3:03 M.P.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MEETING
6:30 PM TUESDAY MAY 9, 2017**


TOWN CLERK

**ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

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

Absent: NONE

Also Present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Fred Curtin, Town Councilman Samantha Slade

1. Call To Order

The meeting was called to order by Chairman Morin at 6:30 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

NONE

4. Approval of Agenda

A motion to approve the agenda was made by John Keithan, Seconded by Daniel Delisle.
All in favor; motion passed.

5. Public Comments

NONE

6. New Business:

NONE

7. Public Hearing:

- a. Application #17-05: Appeal from ZEO Decision dated March 31, 2017 for 123 Evergreen Road. Lou Gagnon is the Applicant and Anthony Gagnon Et Al is the Owner.

Lou Gagnon, 123 Evergreen Road, began by stating that he had been at the present location for more than fifty years and that his method of operating his business had not changed during that time. He stated that the storage container had been on his property as a part of his business for more than forty-five years. He summarized his interactions with his neighbors

over the past fifteen years and his attempts to respond to their concerns, namely the installation of a fence between their properties.

Chairman Morin asked the applicant to focus on the matter of the storage container. Mr. Gagnon stated that it had been there "forever" and that he had only asked for the extension so that sufficient time could pass while his neighbors marketed their house for sale.

Mr. Curtin advised the Board that their options were limited to upholding his decision, modifying his order, or overturning it.

John Whitney asked whether the property had always been located in an A-25 zone, to which Mr. Curtin said he would have to check, but it has been A-25 during his time as a zoning official.

John Keithan questioned whether Mr. Curtin had taken the photographs submitted with the application materials, to which Mr. Curtin said no, they had been submitted by the Hanglands.

There was some discussion between Chairman Morin, Mr. Curtin and Mr. Popper regarding whether the removal or changing of the size of the storage unit is relevant to this non-conforming lot and whether a permit would be required. Mr. Popper stated that the use of the trailer is only one aspect of the non-conformance (running a business in a residential zone) but a permit would be required if the non-conformance was expanded or intensified.

Chairman Morin opened the floor to public comment.

Al Bussiere, 2 Mystique Lane, stated that he has known the applicant for over thirty years and the container has always been on the property during that time.

Larry Hangland, 93 Shunpike Road, passed out some documents to the Board. He recounted his interactions with the applicant over the last fifteen years. He stated that he questioned the storage container being on the property in 2002 but did not get a clear answer regarding whether it was ever permitted. He stated that the Zoning Regulations prevent the extension or enlargement of the non-conforming use, the storage of refuse materials and the creation of a nuisance. He reviewed current photographs of the property to those taken in 2007. He stated that he is only pursuing this issue because he wants to bring it to the town's attention so that they are required to act.

Mr. Popper clarified that the only question in front of the Board is how to act regarding Mr. Curtin's order. Chairman Morin read into the record the recent history relating to the issuance of Mr. Curtin's present order. There was a brief discussion regarding whether the order could be modified, to which Mr. Curtin responded affirmatively.

Mr. Popper stated that the property card showed that the zone remained unchanged since 1979. Mr. Gagnon stated that he purchased the property in 1972.

John Whitney asked Mr. Curtin if the storage container could be considered a shed in terms of lot coverage, to which Mr. Curtin said yes. Dan Delisle asked Mr. Curtin how he determined that six months was an appropriate timeframe, to which Mr. Curtin said it was a judgment call and based upon the previous zoning regulations. John Whitney asked if the lot coverage maximum was exceeded in this lot, to which Mr. Curtin said yes.

Al Bussiere, 2 Mystique Lane, asked whether the container could be "grandfathered" in. Mr. Popper stated that that term is more appropriate to physical, permanent, immovable land uses, rather than piled up building materials. Mr. Popper questioned why the applicant did not choose to challenge the order altogether. Mr. Gagnon stated that he only asked for an extension so that there would be more time for his neighbors to sell their house and move. Mr. Popper stated that the applicant needed to address the issue.

A motion was made by Mark Zampino to close the public hearing, Seconded by Daniel Delisle. *All in favor; motion passed.*

Chairman Morin restated that the issue was whether to uphold, overturn or modify Mr. Curtin's decision. John Whitney asked about lot coverage to which Mr. Popper clarified was not the instant question.

A motion was made by John Keithan to modify the decision to allow the applicant an additional six months before having to remove the storage container. It was Seconded by Mark Zampino.

Chairman Morin stated that the photographs submitted by the Hanglands seem to indicate that the storage container was on the property ten years ago. There was a brief discussion regarding the relocation of the trailer on the property. Chairman Morin asked if the applicant can appeal the Board's order if they allow an extension of six months. Mr. Curtin said yes. Chairman Morin stated that by allowing him an additional six months, that along with the original six months, gives the applicant the one year timeframe that he had requested.

John Whitney, John Keithan, Chairman Morin and Mark Zampino voted in favor of modifying the order to extend it by six months. Daniel Delisle voted against the motion. *Motion passed.* Chairman Morin told the applicant that, if he needs longer, he can appeal the modified order.

8. **Adjourn:** Motion to adjourn at 7:34 p.m. by Mark Zampino, Seconded by John Whitney. *All were in favor; the motion passed.*

Respectfully Submitted,



Julie C. Petrella
Recording Clerk