



Town of Cromwell Zoning Board of Appeals

RECEIVED FOR RECORD
Apr 30, 2018 02:56P
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT

***REGULAR PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY MAY 8, 2018
ROOM 224/225 CROMWELL
TOWN HALL, 41 WEST STREET***

AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **New Business:**
7. **Public Hearings:**
 - a. Application #18-06: Request for Variance from Sections 4.2.X and 4.2.AA of the Zoning Regulations to allow for the repair of a structure located in the Special Flood Hazard Area. The Cromwell Outboard Association is the Applicant and the Town of Cromwell is the Owner.
8. **Approval of Minutes:**
 - a. April 10, 2018
9. **Adjourn**

Memo

To: Zoning Board of Appeals
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: May 1, 2018
Re: Comments on the May 8, 2018 Meeting Agenda

7. Public Hearing:

a. Application #18-06: Request for Variance from Sections 4.2.X and 4.2.AA of the Zoning Regulations to allow for the repair of a structure located in the Special Flood Hazard Area. The Cromwell Outboard Association is the Applicant and the Town of Cromwell is the Owner.

The 3.77 acre site is located on the east side of River Road. The site contains the 400 square foot single story concrete block building known as the Cromwell Outboard Association Boat house. The applicant is proposing to make repairs to the building which has been damaged over the winter by an ice flow. The applicant has requested a Variance from Sections 4.2.X and 4.2.AA of the Zoning Regulations to allow for the repair of a structure located in the Special Flood Hazard Area. Attached are copies of Sections 4.2.X and 4.2.AA of the Zoning Regulations.

slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.

4.2.W Permitted Uses in all Special Flood Hazard Areas.

The following uses are permitted in Special Flood Hazard Areas:

1. Farming (including grazing, crop, tree and truck farming, and other agricultural uses);
2. Recreation (including bathing places, boat ramps, docks, picnic areas, play fields, golf, tennis and parking areas);
3. Public utility wire and pipe lines for transmission and distribution purposes; Temporary storage of materials and equipment; and Flood protective uses.

4.2.X Permitted Structures and Buildings in Special Flood Hazard Areas.

The following structures and buildings are permitted in Special Flood Hazard Areas, (except in the floodway), in accordance with Section 4.2.P above.

1. Buildings and structures accessory to agricultural uses for of goods and equipment and the shelter of animals and fowl, but not including dwellings or buildings for human occupancy.
2. Public Utility buildings and structures.
3. Parks and recreation areas and attendant facilities: including boat ramps, docks, parking areas, picnic areas, tables, shelters and fire places, golf courses, driving ranges, tennis courts and bathing, but not including permanent buildings or structures such as club houses or dwellings or buildings for human occupancy.
4. Dikes or other structures designed to divert or obstruct the flow of flood waters.

4.2.Y Special Permit Uses, Structures and Buildings in Special Flood Hazard Areas.

1. There are Special Flood Hazard Areas within the Town of Cromwell which lie outside the boundary of the Riparian Protection District. The use of land and erection of structures and buildings for residential and other non-residential purposes may be permitted in Special Flood Hazard Areas outside the Riparian Protection District subject to the granting of a special permit as provided in Section 4.2.P. If the proposal is subject to the provisions of the Subdivision Regulations of the Town of Cromwell, a special permit is not required.
2. Uses that are permitted in a Zoning Use District may also be allowed in the Special Flood Hazard Area which is located within the particular Zoning Use District.

4.2.Z Design Standards for Subdivision Proposals.

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
4. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a

Connecticut licensed professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions. The Public Works Director shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section 4.2.Q12.

4.2.AA Floodplain Variance Procedures.

1. The Zoning Board of Appeals, as established by the Town of Cromwell, shall hear and decide appeals and requests for Floodplain Variances from the requirements of this regulation.
2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Public Works Director (or his designee) in the enforcement or administration of this regulation.
3. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of 100 feet of the land in question may appeal within 15 days after such decision to the State Superior Court of Middlesex County, as provided in Section 8-8 of the General Statutes of Connecticut.
4. The Public Works Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

4.2.BB Specific Situation Floodplain Variances.

1. Buildings on a Historic Register - Floodplain Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
2. Functionally Dependent Use or Facility - Floodplain Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all of the requirements of Section 4.2DD.
3. Floodway Prohibition - Floodplain Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4.2.CC Considerations For Granting Floodplain Variances.

1. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as 4.2.CC2– 4.2.CC12. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals] may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.
2. The danger that materials may be swept onto other lands to the injury of others;
3. The danger to life and property due to flooding or erosion damage;
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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 May 8, 2018 in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:

1. Application #18-06: Request for Variance from Sections 4.2.X and 4.2.AA of the Zoning Regulations to allow for the repair of a structure located in the Special Flood Hazard Area. The Cromwell Outboard Association is the Applicant and the Town of Cromwell 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 16th day of April 2018

18-06

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: 2 RIVER ROAD	PIN #: 00245100
Zoning District: RIPARIAN PROTECTION DISTRICT	Volume/Page: 541/206
Applicant: CROMWELL OUTBOARD ASSOC. MARK BONACQUISTO, COMMODORE	Property Owner: TOWN OF CROMWELL
Home or Business Address: 7 PATRICIA LANE CROMWELL CT 06416	Home or Business Address: 41 WEST STREET CROMWELL, CT 06416
Phone #: 860-906-6152	Phone: 860-632-3410
Email: COMMODORE.COA@gmail.com	TOWN MANAGER
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:  4/12/18
Type of Application (check one): <input checked="" type="checkbox"/> Variance from Section 4.2.X, 4.2.AA of the Zoning Regulations. <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: MAKE REPAIR TO CONCRETE BLOCK BUILDING (400SF) RECENTLY DAMAGED BY ICE FLOW.	

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.

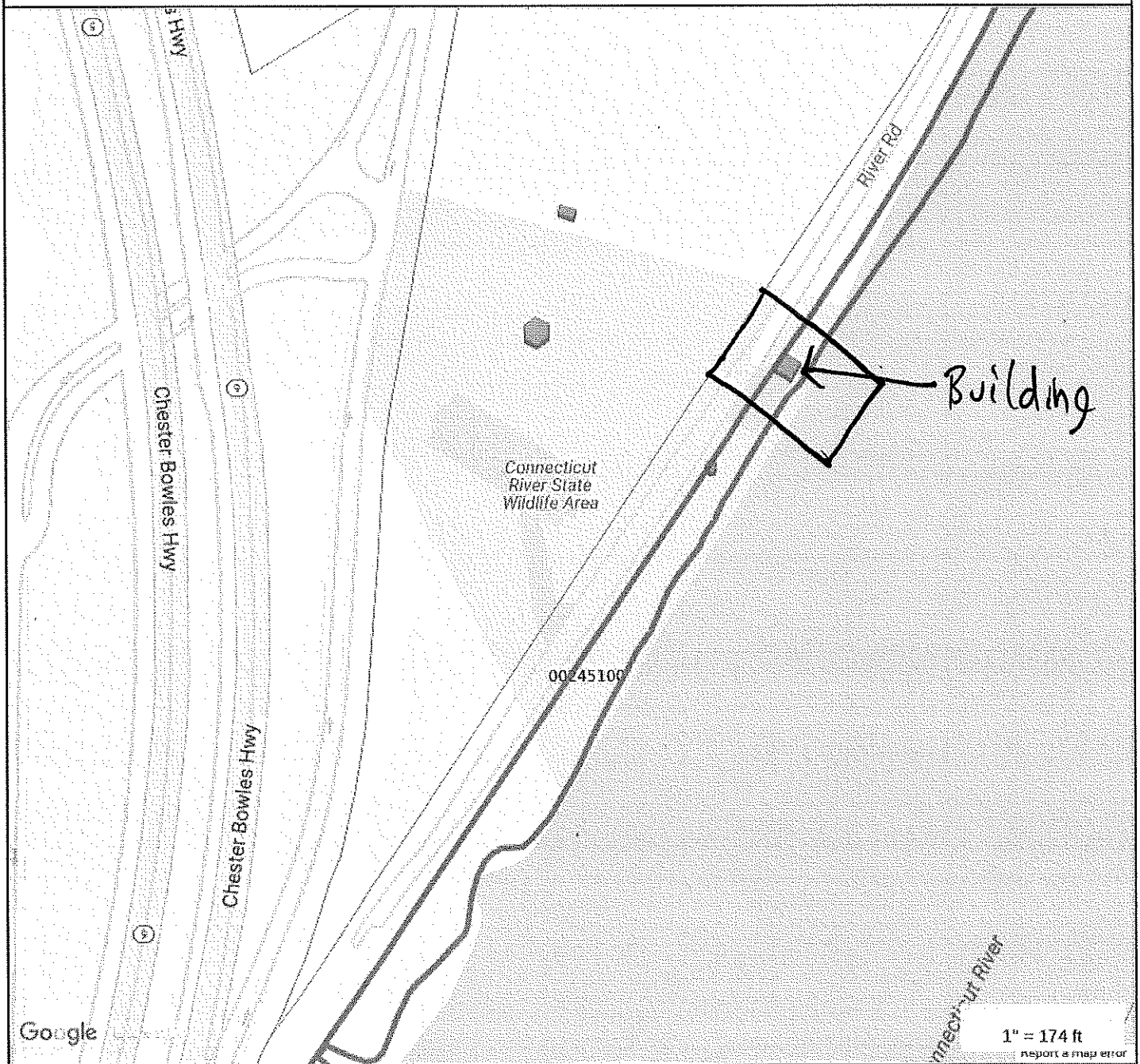
If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

THE VARIANCE IS REQUIRED TO REPAIR AND
"MAKE SAFE" A 400 SF BUILDING. REPAIRS WILL
NOT RESULT IN INCREASED FLOOD HEIGHTS, ADDITIONAL
THREATS TO PUBLIC SAFETY, EXTRAORDINARY PUBLIC EXPENSE,
CREATE NUISANCE, DAMAGE THE RIGHTS OF PROPERTY
VALUES OF OTHER PERSONS IN THE AREA, CAUSE FRAUD
ON OR VICTIMIZATION OF THE PUBLIC, OR CONFLICT WITH LOCAL
LAWS, ORDINANCES OR REGULATIONS.

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


date



Property Information

Property ID 00245100
 Location 2 RIVER ROAD
 Owner CROMWELL TOWN OF



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 1/1/2018
 Properties updated 04/29/2018

TOWN OF CROMWELL

Parcel ID: 00245100

Location:

2 RIVER ROAD

Map-Lot 51-2

Last Revaluation - October 1, 2017

Printed By:

Shawna

04/06/2018

6:32:09PM



Patriot

Properties Inc.

Current Owner
CROMWELL TOWN OF

Percent

100

41 WEST ST

CROMWELL

CT 06416

Previous Owner(s)

Previous Value Information

Tax Yr	Land Value	Bldg Value	Outbuildings	Total Value	Total Assessment
2018	642,700	0	9,000	651,700	456,190
2017	642,700	0	9,000	651,700	456,190
2016	225,880	0	6,000	231,880	162,310
2015	225,880	0	6,000	231,880	162,310
2014	30,940	0	6,000	36,940	25,860
2013	30,940	0	6,000	36,940	25,860

General Notes

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Sales Information

Grantee	Vol-Page	Type	SaleDate	SalePrice	Sale Verif	GeneralNotes
CROMWELL TOWN OF	541-206		11/01/1993	0		

Activity Information

Date	Results	Visited By
09/13/2017	Change - Value Change Company	John Valente
05/17/2017	No Change - Field Review	Dave Starnard
06/07/2011	Permit- Miscellaneous	AO
12/12/2006	Vacant Land	

Building Permit Information

Date	Permit #	Description	Amount	% Comp	Visit Date	CO Date	GeneralNotes
06/07/2011	19896	Roofing	2,000	100	06/07/2011		Club House

Land Data

Use	Description	Units	Type	Neigh
927	Mun Bldg	87,120	SF	CF
927	Mun Bldg	1,770	AC	CF

Total Area: 3.77

PA 490 Use Asmt: 0

Total Appraised: 642,700

Assessed Value: 449,890

Special	Appraised	PA 490	Neigh	Notes
Land Calc	Value	Asmt	Order	
WF2	571,900	0	5000	FLOOD ZONE
WF2	70,800	0	5000	TOPO

Census 5703
Flood: YES
Topo: Level
Street: Paved
Dev. Map
Dev. Map

Zoning Data

Desc. %
RPD 100.00

Utilities

2 Public Water
4 Sewer Avail

BAA

Exterior Information

Building Type:
Story Ht:
Living Units: 0
Foundation:
Prim. Ext. Wall:
Sec. Ext. Wall:
Roof Type:
Roof Cover:
Avg. Wall Ht:
Color:

Condo Information

Name:
Style:
Location:
Tot Units:

General Information

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

Interior Information

Prime Wall:
Sec. Wall:
Floor Type:
Sec. Floor:
Heat Fuel:
Heat Type:
Sec. Ht Type:
% A/C:
% Sprinkled:
Bsmt. Gar:
Kitchens: 0
Fireplaces: 0
Int. Condition: Typical
Add. Klt: 0
Gas: 0

Depreciation %

Phys Cond
Func
Econ
Spec
OV
Average
0.00

Total %Dep: 0.00

Calculation

Basic \$SQ
Replacement Cost
Depreciation
Depreciated Value
Final Total (Rounded) 0

Room Count

Total Rooms:
Bedrooms:

Bath Features

Full Baths: 0
Addl. Full Baths:
Half Baths: 0
Addl. Half Baths:
Full Bths Below:
Half Bths Below:
Other Fixtures:
Total Baths: 00

Extra Features / Yard Items (1st 10 Lines Displayed)										
Code	Description	Qty	Size	Cond.	Year	Unit Price	Dep%	UndepValue	Appraised Value	Assessment
SHIC	Shed CndBk/	1	400	AV	2007	18.00	8	7,200	6,600	4,620
GAZ1	Gazebo	1	108	AV	2007	24.00	8	2,592	2,400	1,680
Total Sp. Features:		Total Yard Items			9,000		Total Appraised:		9,000	Total Assessed Value
									6,300	

Sub Area Detail		
Code	Desc.	Gross Area

Total

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
REGULAR PUBLIC HEARING AND MEETING
6:30 PM TUESDAY APRIL 10, 2018
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Joseph Morin, Daniel Delisle, John Keithan, John Whitney, Brian Fisk (alternate), Steven Wygonowski (alternate)

Absent: Mark Zampino

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 Chairman Morin at 6:30 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

John Keithan made a motion to seat Steven Wygonowski for all four public hearings scheduled and to seat Brian Fisk for Application #18-05; Seconded by John Whitney. *All in favor; motion passed.*

4. Approval of Agenda

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

5. Public Comments: None

6. New Business: None

7. Public Hearing:

- a. Application #18-02: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Building Coverage ratio) to allow for the construction of an addition at 2 Sunset Drive. Bill DeFurio is the Applicant and Michael A. Salonia Jr. is the Owner.

Chairman Morin read the legal notice.

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

Bill DeFurio, 3261 Main Street, Rocky Hill, spoke on behalf of the application. He said that he wanted to add a 14' x 16' structure to the rear of the residence. The existing structure located there was being removed, as well as part of an unpermitted deck.

Mr. Driska explained that the issue was one of maximum building coverage. Mr. Popper noted that the hardship was that the lot was nonconforming at 13,503 square feet as lots in the R15 Zone are normally at least 15,000 square feet. Currently, the lot coverage is 15%, but with the addition, it will increase to 16.97%. Mr. Popper also referenced his April 3, 2018 memo that was included in the Agency's packet. There were no questions from the Agency or the public.

John Keithan made a motion to close the public hearing; Seconded by Steven Wygonowski. *All in favor; motion passed.*

John Keithan made a motion to approve Application #18-02: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Building Coverage ratio); Seconded by Dan Delisle. Chairman Morin noted that the applicant could not add a deck off the proposed addition as that would further increase the building coverage percentage. *Motion passed.*

Chairman Morin advised the applicant to wait for the legal notice to be published and the appeal period to pass before beginning construction.

- b. Application #18-03: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Set Back) to allow for the construction of a garage at 597 Main Street. Michael Nappi is the Applicant and the Owner.

John Keithan read the legal notice.

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

Michael Nappi, 597 Main Street, Cromwell, said that he wanted to build an attached two car garage and needed a variance from the side yard setback from 15 feet to 5 feet. Currently, there is a stone patio at the location. He read his letter to the Agency dated March 21, 2018, stating that the house was built in 1915, prior to zoning regulations. He needed the garage to reduce the congestion of parking four cars in his driveway. The garage would have an upper level storage space, but it would not be living space. He showed a photograph of his property's driveway.

Mr. Popper referenced his memo, saying that this was an R15 zone and the hardship was that the lot was nonconforming at 13,068 square feet. Mr. Popper said that the applicant could build a detached garage at that location as of right, and be 5 feet from the property line. He also confirmed that the maximum lot coverage ratio would not be exceeded. There were no public comments.

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

John Whitney made a motion to approve Application #18-03: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Set Back); Seconded by Steve Wygonowski. *Motion passed.*

- c. Application #18-04: Request for Motor Vehicle License Location Approval (New Owner) at 313 Main Street. Jacek Piwowarski is the Applicant and T&D Auto LLC is the Owner.

John Keithan read the legal notice.

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

Jacek Piwowarski, 336 Jordan Lane, Wethersfield, presented the application. He said that he planned on purchasing the property at 313 Main Street for used car sales. He was requesting that the current owner's DMV license be transferred to him.

Mr. Popper said that the existing use and structure was currently non-conforming and that this was an existing business. Mr. Popper said that there could be no dramatic change in the existing signage and the applicant had agreed to clean up the lot and to limit the placement of the vehicles and the operation of the business to the site itself. Mr. Popper referenced his April 3, 2018 memo, which said that Section 10.1 of the Zoning Regulations gives the Agency the power to determine the suitability of any location where motor vehicle repair will take place.

Daniel Delisle asked about whether the applicant would be repairing cars and Mr. Popper said that the Agency could not limit his actions under the license. Mr. Popper clarified that the distance requirement for car repair only applies to new businesses and locations, but does not apply here as this is an existing license and location. The applicant could repair the cars he planned to resell, or cars he had sold, as that was what the current owner had been doing for many years.

The hearing was opened up for public comment. Tom Donza, owner of T&D Auto, LLC, said it was a beautiful location and he was sad to leave the business. He said that his license was not restricted to just the sale of cars and that he had repaired the cars he had available for sale or had just sold.

Rodney Bitgood, 263 Main Street, spoke in support, saying that it had been an existing shop for the past seventy years. He said that repairing used cars was standard practice and that a used car dealer's license was unrestricted and trumps a repairer's license.

John Keithan made a motion to close the public hearing; Steven Wygonowski seconded. *All in favor; motion passed.*

John Whitney made a motion to approve Application #18-04: Request for Motor Vehicle License Location Approval (New Owner) at 313 Main Street; Seconded by John Keithan. *All in favor; motion passed.*

Dan Delisle thanked Mr. Popper for explaining how this application differed from a past application dealing with the distance requirement for repairer's licenses.

- d. Application #18-05: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard Set Back) to allow for the installation of a temporary office trailer at 1000 Corporate Row. GKN Aerospace is the Applicant and BUHL Land East III LLC is the Owner.

Chairman Morin recused himself from this application.

John Keithan read the legal notice.

John Keithan made a motion to open the public hearing; John Whitney seconded. *All in favor; motion passed.*

Chuck Mandel spoke on behalf of GKN Aerospace, 1000 Corporate Row, Cromwell. He was requesting permission to locate a 16 x 24' office trailer within 3 feet of the property line. The trailer was needed to provide office space for meetings, as visitors cannot meet inside the existing building for security reasons. The hardship was that they were limited on the placement of the trailer by the existing topography and wetlands. The trailer would not be visible from the street. The applicant had already received approvals from the Inland Wetlands and Watercourses Agency.

Nick Shah, project engineer, also spoke on behalf of the application. He said that this trailer would be used as a temporary office space for consultants. It was brand new and he thought they would need it for about 8 to 10 months. Brian Fisk asked if it made sense to increase the duration of time so the applicant wouldn't have to come back in the event they needed the trailer for longer and Mr. Popper suggested a six month extension.

There were no public comments.

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

Brian Fisk made a motion to approve Application #18-05: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard Set Back) to allow for the installation of a temporary office trailer at 1000 Corporate Row for a period of one (1) year, with an additional six (6) month extension if requested of the town within

the initial year period; Seconded by John Whitney. *All in favor; motion passed.*
(Chairman Morin abstained).

8. Approval of Minutes:

- a. October 10, 2017: Dan Delisle made a motion to approve the minutes; Seconded by Chairman Morin. *All in favor; motion passed.* (John Keithan, Brian Fisk and Steven Wygonowski all abstained).
- b. November 14, 2017: Dan Delisle made a motion to approve the minutes; Seconded by Brian Fisk. *All in favor; motion passed.* (Chairman Morin and John Whitney abstained).
- c. January 9, 2018: John Whitney made a motion to approve the minutes; Seconded by Steven Wygonowski. *All in favor; motion passed.* (Daniel Delisle abstained).

9. Adjourn: Motion to adjourn at 7:20 p.m. by John Whitney.

Respectfully Submitted,



Julie C. Petrella
Recording Clerk