

# Town of Cromwell Zoning Board of Appeals

PUBLIC HEARING AND MEETING 6:30 P.M. TUESDAY MAY 9, 2017 ROOM 224/225 CROMWELL TOWN HALL, 41 WEST STREET

#### **AGENDA**

RECEIVED FOR FILING
5-2 2017 at 10:20M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

- 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 #17-05: 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.
- 8. Adjourn

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#: 0018 6800	
Zoning District: 4 2	Volume/Page: 1491 / 13 /	
Applicant: Lou GAGNON	Property Owner:	
Home or Rusiness	Home or Business	
Address: 123 Eurgieen R.	Address: 139 Freld Rd. Cromwell	
Phone #: 860 952 -1565	Phone: 860 982 1563	
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	I hereby consent to the Applicant acting as my agent for the purpose of this application.	
information may be revoked.	Signature:	
Signature: Yagnon  Type of Application (check one):		
	f the Zoning Regulations.	
Appeal from ZEO Decision dated March 31, 2017		
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:		
dated March 31, 2017		

Justification for Request:
If Applying for a variance, state the hardship and explain why the variance is required.  If Applealing 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 container has been x aport
my versines for the last forly for
es and
programme
/

- 1. I will send written notice of this application to the owners of property within 100' of the site <u>not</u> <u>less than 14 days</u> 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 <u>not less than 14 days</u> 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 <u>prepared by a surveyor</u> in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.

applicant

CY June -

date

## **Town of Cromwell**

# Memo

To: Zoning Board of Appeals

From: Fred Curtin, ZEO

Date: May 1, 2017

Re: 123 Evergreen Road Appeal

## **HISTORY**

December 22, 2015 - Complaint regarding a container;

March 18, 2016 - Stuart Popper and myself met with Ms. Janet Hangland at 93 Shunpike Road;

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

June 10, 2016 – Letter from Mr. Gagnon;

June 23, 2016; Request to keep storage container for 1 year;

August 1, 2016 - Granted 6 months approval of Storage container;

February 14, 2017 - Complaint about the Storage Unit still being there with pictures;

February 24, 2017 - Notice that time has expired;

March 15, 2017 - Request for additional time;

March 31, 2017 - Notice of Decision to remove Storage Unit;

April 17, 2017 – Notice to abutting property owner.

I will be at the May 9, 2017 meeting to answer any questions.



April 17, 2017

Ms. Janet Hangland **93**Shunpike Road Cromwell, CT 06416

Re:

123 Evergreen Road

Cromwell, CT

Dear Ms. Hangland,

In response to your phone call this morning regarding the container located at 123 Evergreen, the following has happened.

The property owner, Mr. Gagnon has filed an Appeal against my March 31, 2017 Notice of Decision to the Cromwell Zoning Board of Appeals.

This Appeal will be heard on May 9, 2017 at 6:30 p.m.

Until the Zoning Board of Appeals makes their decision, no additional charges can be brought against the property owner at 123 Evergreen Road.

Sincerely,

Fred Curtin Zoning Officer Town of Cromwell

c: Anthony J. Salvatore, Town Manager Stuart B. Popper, Town Planner Louis Gagnon



March 31, 2017

Mr. Louis Gagnon 123 Evergreen Road Cromwell, CT 06416

Re:

123 Evergreen Road

Cromwell, CT

### **NOTICE OF DECISION**

Upon reviewing your request for a 6 month extension for the container, I'm issuing the following Decision.

I'm <u>not</u> granting the extension request, therefore this container <u>must be removed</u> from the referenced property <u>by April 15, 2017.</u>

If you feel that I have issued this decision in error, you have the right to appeal my decision to the Cromwell Zoning Board of Appeals within ten days of today's date. The Appeal must be in writing and submitted to Greta O'Connell. The Appeal fee is \$160.00.

Fred Curtin

Zoning Enforcement Officer

Town of Cromwell

 c: Anthony J. Salvatore, Town Manager Stuart B. Popper, Town Planner Ms. Janet Hangland



March 31, 2017

Mr. Anthony Gagnon 139 Field Road Cromwell, CT 06416

Re:

123 Evergreen Road

Cromwell, CT

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Fred Curtin

Zoning Enforcement Officer

Town of Cromwell

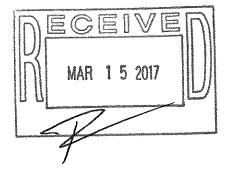
 c: Anthony J. Salvatore, Town Manager Stuart B. Popper, Town Planner Ms. Janet Hangland

3-15-17

My Custini:

Due To Exemplances
beyond my control I am
reguest my an extension of original
reguest To Leep the container
in my back youd, at 123
Evergreen Rd.

Sou Vagnor





February 24, 2017

Mr. Anthony Gagnon 123 Evergreen Road Cromwell, CT 06416

Re: Storage Container

Dear Mr. Gagnon,

On August 1, 2016, I granted you a six month approval for the storage container.

The six months have passed, and this container should be removed as soon as possible.

Sincerely,

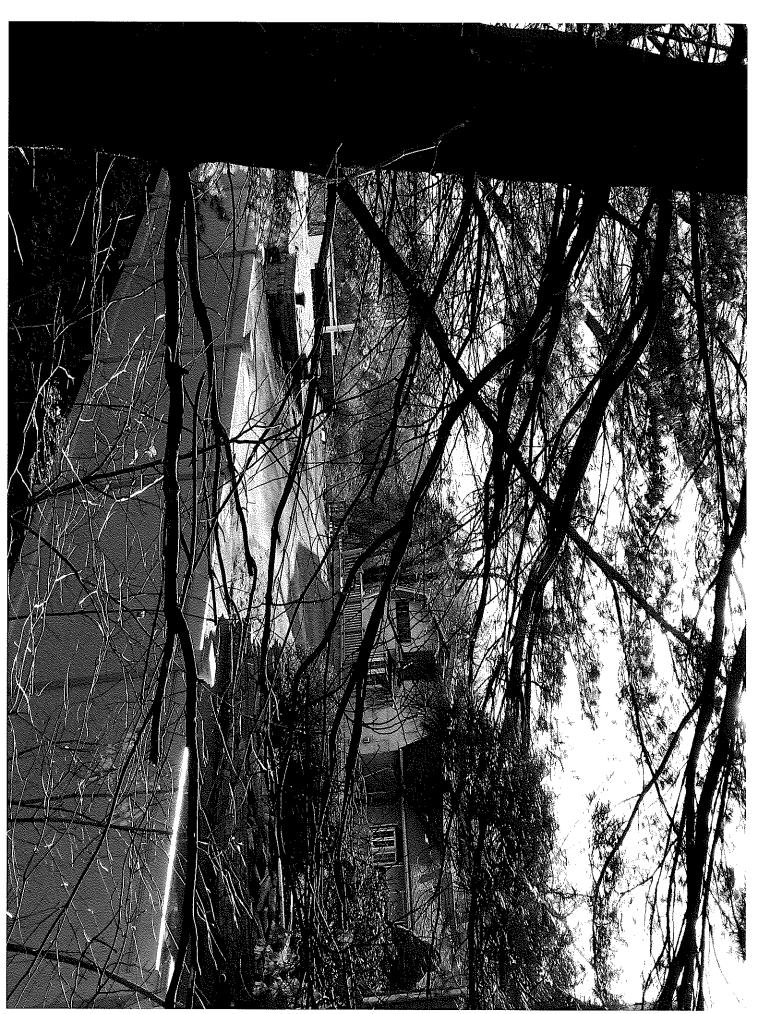
Fred Curtin
Zoning Officer
Town of Cromwell

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

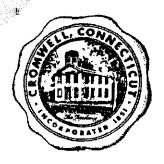
## Cromwell Building, Health and Zoning Complaint Form

LOCATION 123 Evergreen Rd	Date: 2-14-17
PROPERTY OWNER(S)	_ PHONE
COMPLAINANT zoning infractions	PHONE
COMPLAINANT ADDRESS 123 Shungs	Ra
Describe Concerns:	
immediate removal of 20'	
contained as stipulated i	
- Cuq. I from Fred Curtin	
Inspection of buildings	as required
by building code and per	mits for
Inspection of buildings  by building code and per  his henovation and buildi	ng usiage.
fraiter in rear of lot	nstruction type"
I understand that the Town of Cromwell is governed by to Cromwell and the Connecticut General Statutes. Any fall intended to mislead a public servant in the performance is a criminal offense punishable in accordance with the C Statutes, Section 53a-157b.	se statement made which is of his or her official duties
Signature of Complainant Junit Hangland	Date 2-14-17
Print Name Janet Handland	
_	The state of the s

January 21, 2017



February 5, 2017





August 1, 2016

Mr. Anthony Gagnon 123 Evergreen Road Cromwell, CT 06416

Re: Storage Container

Dear Mr. Gagnon,

I'm in receipt of your request to keep a 20 foot storage container on your property du ing your renovations.

I'm granting a six month approval for the twenty foot storage container until January 19, 2017. Please keep this storage screened as much as possible.

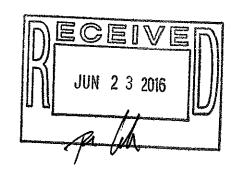
If you have any questions, please call me at 860-643-3422.

Sincerely,

Fred Curtin Zoning Officer Town of Cromwell

c: Stuart B. Popper Janet Hangland





Lou Hagnon 123 Evergreen Rol Cromwell, et 06416

Who Fred Esutin:

Us I have an on going projectat home Which includes remodeling my apartment and siding the barn, I am going to need the storage container in question for six months To one year. I am doing The work myself so its going To take a little longer: I have had storage containers on my Property off + on for various reasons for the last 45 years I hanking you in advance

### Anthony Gagnon / Louis Gagnon

139 Field Rd. Cromwell, CT 06416 860-982-1563

June 10, 2016

Town of Cromwell Planning and Zoning Fred Curtin 41 West St. Cromwell, CT 06416

Dear Mr. Curtin

This is in response to the letter sent, dated June 3, 2016. This letter is being sent as a procedural matter so that the accusation can be tied to an adequate response.

Regarding the items on our property; in order presented

- 1. We do not have a roll off dumpster on the property
- 2. We currently have a mobile job-site trailer, use is obvious and a 20 foot container that will be used for storage while the property continues to undergo changes or renovations that require protection from the elements.
- 3. We do not have any new replacement windows
- 4. There are some old window parts predominantly aluminum window/storm window frame pieces that have been in their current place for quite some time. These pieces are eventually recycled or repurposed for other/projects that may require a rigid part. Some are currently bing used in our garden to support the plantings.

I seem to recall that, quite some time ago, there were numerous and frequent accusations or complaints filed by the residents of 93 Shunpike Road. I also recall that we were extremely hospitable and cooperative with the town and had endured multiple investigations, inquiries or disturbances in order to pacify the occupants prior mentioned.

The end result, during that time, ended at a meeting before he Cromwell Town Council/Board Of Selectmen for which these residents complaints were classified as habitual, were proven out to be baseless, conjecture, inaccurate or fabricated. The Male resident was also spoken to by the police as he provided evidence that he was clearly trespassing at one point while formulating one of the complaints. The residents were never granted permission to be on the property and we never pursued having him arrested, rather we

settled for the police having a lengthy conversation with them. The residents were deemed to be a nuisance after that meeting and the matter was closed. So we thought.

At your convenience, please advise, as to whether this will be a repeat of the previous events so that we may take the appropriate action. We do not intend to endure anything remotely resembling the previous and reserve the right to take whatever action necessary against the residents to insure the same.

I trust that this letter satisfies the town's requirements for a response.

Sincerely yours,

Anthony Gagnon



June 3, 2016

Mr. Anthony Gagnon 139 Field Road Cromwell, CT 06416

Mr. Lou Gagnon 123 Evergreen Road Cromwell, CT 06416

Re:

123 Evergreen Road

Cromwell, CT

Dear Mr. Gagnon's,

I'm in the process of investigating a complaint regarding several items on your property.

Please provide in writing to me why he following items are being kept on your property by June 13, 2016.

- 1. Roll off Dumpster
- 2. Storage Trailer
- 3. Window Replacement New/Old Windows

Please be advised that 123 Evergreen Road is in a Residential Zone and the keeping/storage of replacement windows is prohibited.

Sincerely,

Fred Curtin
Zoning Officer

Town of Cromwell

c: Stuart B. Popper, Town Planner



March 18, 2016

Ms. Janet Hangland 93 Shunpike Road Cromwell, CT 06416

Re: 123 Evergreen Road

Dear Ms. Hangland,

Thank you for stopping at Town Hall on March 17, 2016 with your information.

I'm requesting that he Town Planner, Stuart Popper and myself make an inspection († 123 Evergreen Road from your property and take pictures from inside your house.

Please call me at 860-632-3422 to set up a time and date.

Sincerely,

Fred Curtin Zoning Officer Town of Cromwell

c: Stuart B. Popper, Town Planner

ZONING | IFORCEMENT

8:30 A.M. 1:00P.M.

Busines: | ours: Monday-Friday



## Town of Cromwell

NATHANIEL WHITE BUILDING 41 WEST STREET CROMWELL, CONNECTICUT 06416

December 28, 2015

Ms. Janet Hangland 93 Shunpike Road Cromwell, Conn. 06416

Re: 123 Evergreen Road

Dear Ms. Hangland:

I'm in receipt of your complaint regarding 123 Evergreen Road.

I will follow up and take the appropriate action.

Thank you for bring this to our attention.

Sincerely;

Fred Curtin

Zoning Enforcement officer

Town of Cromwell

C: Stuart Popper, Town Planner

## Cromwell Building, Health and Zoning Complaint Form

PROPERTY LOCATION 123 Evergreen Rd Date: 12-22-15
PROPERTY OWNER(S) Say Non family PHONE
COMPLAINANT Laurence + Janet Hangland PHONE 860 613 2894
complainant address 93 Shunpite Rd.  (adjacent property)
Describe Concerns:
a tractor trailer drove a huge brown Storage container", theolype used on cargo ships, into the adjacent
property. It has now wheels and no obvious openings. I would like to know if this is allowed in an A-residential
Zone and when it would leave.
I understand that the Town of Cromwell is governed by the Code of the Town of Cromwell and the Connecticut General Statutes. Any false statement made which is intended to mislead a public servant in the performance of his or her official duties is a criminal offense punishable in accordance with the Connecticut General Statutes, Section 53a-157b.
Signature of Complainant Date 12-22-15
Print Name Janet Hangland