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**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
REGULAR PUBLIC HEARING AND MEETING**

Gloria Brenden
TOWN CLERK *Asst*

**6:30 PM TUESDAY JANUARY 9, 2018
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

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

Absent: Daniel Delisle

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 6:31 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

John Keithan made a motion to seat Brian Fisk for Application #17-16 and Steven Wygonowski for Application #18-01, seconded by John Whitney. *All in favor; motion passed.*

4. Approval of Agenda

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

5. Public Comments

NONE

6. New Business:

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.

Brian Fisk made a motion to take the application off the table; Seconded by John Keithan. *All in favor; motion passed.* Mr. Driska summarized for the Board his memo dated December 4, 2017. He then said that his comment/recommendation, listed as Item

#2 on a memo dated December 12, 2017, should be deleted. Mr. Popper stated that Mr. Hangland had submitted a chronology of events, a portion of the previous zoning regulations and photographs at the December 12, 2017 meeting, which were included in the Board's packet.

Louis Gagnon, 123 Evergreen Road, began by stating that he was running a business and had no other neighbors complaining about his actions. He said that it was a smaller container of 20 X 8 feet. He said that he had containers on and off his property for the past forty years. He feels that the neighbor's complaint is a waste of town resources. Mr. Gagnon said that he installed a fence around his property. He said that he wants to keep the container and requested that he be granted a variance.

Brian Fisk asked about the nonconforming outbuilding apartment and Mr. Gagnon said that he still had it. John Keithan asked Mr. Gagnon if he had previously said that he would take care of container and Mr. Gagnon said that he wasn't sure if he had said that and instead was asking for an extension. Mr. Gagnon said that he feels that he is being bullied. Brian Fisk asked if the container was being used as part of the business. Mr. Gagnon said yes. He said that it is being used as a shed. John Whitney asked if he had a zoning permit for a shed and Mr. Gagnon said no. Mr. Popper said that sheds less than 200 square feet still require a zoning permit.

There were no public comments.

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

Brian Fisk made a motion to uphold the Zoning Enforcement Officer's order; Seconded by Mark Zampino. Brian Fisk stated that he believed that two years was long enough. Mr. Popper said that commercial trailers are allowed in residential areas via a special permit from Planning and Zoning; not a variance from this Board. Chairman Morin asked about needing a variance to operate a business and Mr. Popper said that home based businesses are allowed via Special Permit as well.

All in favor; motion passed. Steven Wygonowski did not vote. Chairman Morin informed Mr. Gagnon that his options for recourse were to remove the container, leave it as is and be fined, and/or apply to Planning and Zoning for a Special Permit.

- b. Application #18-01: Request for Variances from Section 2.2 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.

John Keithan read the legal notice. Linda Samuelson, 6 Evensen Place, presented the application. She submitted proof of the mailing and said that she had not received any response from the neighbors. Mr. Popper said that the right side yard and rear yard would be reduced to 5 feet. The building coverage would be increased from 15% to

about 17 or 18%. The lot had been created prior to existing zoning regulations and was non-conforming.

Mertie Terry, 589 Main Street, spoke in favor of the application. She said that the lot was created in 1939 and was very small and she did not want the town to penalize someone who bought a small lot in good faith but now couldn't fully utilize it because the zoning regulations had since changed.

John Whitney made a motion to close the public hearing; Seconded by Mark Zampino. *All in favor; motion passed.* John Whitney made a motion to approve the application; Seconded by Steven Wygonowski. *All in favor; motion passed.* Brian Fisk did not vote.

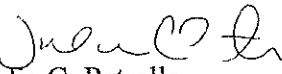
8. Approval of Minutes:

a. December 12, 2017: John Keithan made a motion to approve the minutes; Seconded by Chairman Morin. *All in favor; motion passed.* Mark Zampino, John Whitney, Brian Fisk and Steven Wygonowski all abstained.

Chairman Morin asked Mr. Popper to include the approval of the minutes from the October and November meetings on the February meeting agenda.

9. Adjourn: Motion to adjourn at 7:07 p.m. by John Keithan.

Respectfully Submitted,


Julie C. Petrella
Recording Clerk