

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
REGULAR PUBLIC HEARING AND MEETING
6:30 PM TUESDAY, AUGUST 14, 2018
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

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

Absent: Mark Zampino, John Keithan

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.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

John Whitney made a motion to seat Brian Fisk and Steven Wygonowski; Seconded by Dan Delisle. *All in favor; motion passed.*

4. Approval of Agenda

A motion to accept the agenda as presented was made by Brian Fisk; Seconded by Dan Delisle. *All in favor; motion passed.*

5. Public Comments

NONE

6. New Business:

NONE

Chairman Morin noted that "Commissioner Comments" was not included on the agenda. He asked Mr. Popper about the legal notice for a proposed marijuana clinic. Mr. Popper said that the Zoning Regulations had been amended to permit a medical marijuana dispensary in the Highway Business Zone, but as a Special Permit. He said that the applicant, Curaleaf, was a national company that had a growing facility in Simsbury. He said that this was not a retail sale use, but medical only and patients needed a prescription card to even enter the facility. The applicant was proposing to locate its facility in the former Comcast Xfinity building on Willowbrook Road and a public hearing was scheduled for Tuesday night.

7. Public Hearing:

- a. Application #18-13: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard Setback) to allow for the construction of an attached deck that encroaches into the rear yard setback at 6 Smith Farm Road. Cynthia L. Raynis is the Applicant and the Owner.

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

Mr. Popper read the legal notice. He also read his Memo dated August 6, 2018 into the record. He noted that the lot was .57 acres in size and located in the R-25 Zone. The existing house is 3,532 square feet in size. The proposed deck would extend 16 feet into the 57-foot setback, reducing it to 41 feet. He said that the lot was non-conforming as it was not 25,000 square feet in size and that was the hardship in this application.

He also struck the line "Connecticut Department of Transportation is the Applicant and Kimberly E. Chusmir is the Owner" from his Memo.

Cynthia Raynis, 6 Smith Farm Road, presented the application. She said that she wanted to build a deck in her backyard, but the current setback would only allow for an 8-foot deck, which would not fit a grill and patio furniture and her family. She said that her lot was elongated in shape, rather than rectangular like her neighbors', because of its location along the cul-de-sac.

Dan Delisle asked about the abutting property to the rear and the applicant said that her property abutted state property and Adelbrook, and she submitted photographs of the wooded tree line.

Chairman Morin asked Mr. Popper about the history of the non-conforming lot and if it was the subject of a zone change. Mr. Popper said that, based on the 2004 construction date, it could have been part of a conservation subdivision, which would have allowed for a smaller lot size, but did not know for sure. He said that there are a number of undersized lots in conservation subdivisions in town with similar issues as the applicant.

There were no public comments.

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

Brian Fisk made a motion to approve Application #18-13; Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard Setback); Seconded by Dan Delisle.

Chairman Morin said that the application was fairly straightforward.

All were in favor; motion passed.

Chairman Morin advised the applicant to wait fifteen days from the date of publication of the legal notice.

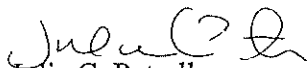
The applicant submitted the Affidavit regarding the sign and the Certificate of Mailing to Mr. Popper.

8. Approval of Minutes:

- a. July 10, 2018: A motion to approve the minutes was made by Dan Delisle; Seconded by John Whitney. In favor: Dan Delisle, Steven Wygonowski, John Whitney. Abstained: Chairman Morin, Brian Fisk. *Motion passed.*

9. Adjourn: Motion to adjourn at 6:52 p.m. by John Whitney. *All in favor; motion passed.*

Respectfully Submitted,


Julie C. Petrella
Recording Clerk