

ZONING BOARD OF APPEALS
JANUARY 26, 2006

The public hearing and meeting of the Zoning Board of Appeals of the town of East Haddam was called to order by the Chairman, Stuart Wood. Board members present were: Stuart Wood, Greg Daigle, Diane Quinn & Dan Schies. Norman Gobelle was absent. Alternates present were: Jack Agosta and Richard Fiala. Guy Gibb was absent. Richard Fiala was designated to sit as a regular member for this meeting in place of Norman Gobelle.

The legal notice was read and recorded on tape.

Appeal No. 951 - David Zito LLC of 15 Southwinds Drive, Moodus (Property Owner) and Rober L. Doane, Jr., P.E., L.S. of 15 Deep River Road, Centerbrook (Agent)
Mr. Doane was present and presented his case to the board. He submitted an A-2 survey indicating the perimeter of the lot, location of the existing dwelling, which indicates that it is over the building line by about 7' over the building line. Therefore, he is requesting a 6 ¼" side yard variance. Mr. Doane is the surveyor on this job. He stated that when they were shooting the line from up on the road way, they used the wrong coordinate which resulted in the dwelling being too close to the building line. They also hit upon ledge, which lead them to moving the foundation over about five feet.

It was noted that the property owner to the side where the house is infringing is William & Helen Archbold. In checking the certified mail receipts, it was noted the letter was mailed but the receipt of receiving the letter has not been returned yet. Their daughter, Leigh Ann Archbold-Rankin, was present and reported to the Board she has spoken to her parents. They had not received their letter up to a few days prior to this meeting, but they should have received it by now but there was not enough time to return the green card. She submitted a letter stating she could speak for them. (Letter on file) Her parents do live next door. Both the houses are very close to the property line. They are at present time 58' apart of each other. Due to ledge on their lot, the house had to be located where it is. They left all the trees they could because they wanted them and the scenery. She stated that her parents stated they would plant more trees between the two houses in order to have more privacy. They do not feel that by the house being 6' closer to their house would make a significant difference just so they could be guaranteed that no more trees would be removed from the land between the two houses.

There was a very lengthy discussion on the type of trees that should be planted either between the two houses or on the Zito property or the Archbold property also, who would be doing the buying and planting of the trees. They are to come up with some kind of an agreement between the two parties involved before the next meeting. It was also noted that this is not a matter for the Zoning Board of Appeals to act on. It is strictly a matter between the two parties.

Mr. Doane stated that this is the first error of this nature he has made in his many years of surveying.

Bob Casner stated that he was the developer of this area and sold both these properties. He has retained the right of architectural approval and site plan approval. He signed off on the first site plan for Zito because it did comply with the Zoning Regulations. Now the privacy of the Archbold property is being encroached on and their privacy should be protected.

Diane Quinn made a motion that the Board continue the public hearing of Appeal No. 951, David Zito and Robert Doane, to the next scheduled public hearing, to give both parties time to discuss

and reach an agreeable easement which could resolve the present privacy problem that has now been created. Motion seconded by Greg Daigle and carried unanimously.

Said property is located on Southwinds Road in the R-1 District. Assessor's Map 66 Lot 2.

Minutes December 22, 2005.

After the minutes were read and discussed, Dan Schies made a motion, seconded by Greg Daigle, the minutes of December 22, 2005 be accepted as printed. Motion carried unanimously.

Correspondence-Bills

Bill from Attorney Broder-His retainer bill from July 1st to December 31, 2005 -\$750.00. Greg Daigle made a motion, seconded by Richard Fiala, the Board pay the bill from Attorney Broder. Motion carried.

Bill from Suburban Stationers-envelopes and tapes-\$49.95.

Greg Daigle stated he does not like the new envelopes.

Diane Quinn made a motion, seconded by Dan Schies, the Board pay the bill for Suburban Stationers. Motion carried unanimously.

Joint Commission Meeting

The Chairman reminded the Board members that there would be a joint meeting of land use Commissions on January 30th. Attorney Joseph Broder and Attorney Mark Branse will be the Moderators of the meeting. All were asked to attend.

Hart Court Case

The Chairman stated that the Judge ruled that the ZBA lost the case. But before the Judge had ruled, the Building Official had issued the Certificate of Occupancy for the Hart house and no one had appealed this action. They had 30 days to appeal the issuance of the CO. Therefore, the case has been closed. Any further action should come from the town.

Parady Court Case

The Chairman stated that Attorney Broder has reported to him that nothing has transpired on this case yet.

There being no further business, Diane Quinn made a motion, seconded by Richard Fiala, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:50 P.M.

Respectfully submitted,

Stuart Wood, Chairman
Zoning Board of Appeals

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