

**ZONING BOARD OF APPEALS  
MARCH 23, 2006**

The public hearing and meeting of the Zoning Board of Appeals of the Town of East Haddam was called to order at 8:00 P.M. at the Town Office Building Annex by the Chairman, Stuart Wood. Board members present were: Stuart Wood, Greg Daigle, Diane Quinn & Dan Schies. Norman Gobelle was absent. Alternate present was Jack Agosta. Alternates absent were Guy Gibb & Richard Fiala. Jack Agosta was designated to sit as a regular member for this meeting in place of Norman Gobelle.

The legal notice was read and public hearing recorded on tape.

**Appeal No. 953 - CONTINUED FROM FEBRUARY 23, 2006**

Peter and Constance Trella (Property Owners) of 350 Norwich-Salem Road, East Haddam, CT and Scott Jezek, Esq. (Agent) of P O Box 376, Moodus, CT. 06469

Peter & Connie Trella were present and were represented by their attorney, Scott Jezek. He stated that he represented his clients at the previous public hearing held Feb. 23<sup>rd</sup> when he presented the case to the Board. At that time an on-site inspection was called for and then the hearing continued to this March 23<sup>rd</sup> public hearing. The on-site inspection, upon proper notice given, was held Feb. 26, 2006 with Stuart Wood, Dan Schies and Greg Daigle in attendance. Jack Agosta went out to the site at his convenience.

He stated that the Trella's own 10 acres in the R-4 Districts. They have a home industry to the rear of the property that was granted to them in 1972 by this Board. For personal reasons, they would like to divide their parcel into two lots, continue living in their dwelling to the front of the property and have the home occupation/industry on a separate lot to the rear. The front lot with the dwelling would consist of 3.3 acres and the rear lot would consist of 6.7 acres, both non-conforming lots. Therefore, they are requesting a Variance of Section 10.1 Minimum Lot area And Minimum Lot Width of the Zoning regulations. They would like to draw the division line along the stream that bisects the property. Once the variance is granted, they must go to the PZC for subdivision approval.

In 1972, Special Exceptions Home Occupations were granted by the ZBA. In recent years, the Zoning Regulations have changed and home occupations are now granted by the PZC.

At this time the Chairman read the decision letter the Trella's received from the ZBA in July 1972. Letter identified as Exhibit #1 3/23/06.

There was a very lengthy discussion with the Board members and their attorney pertaining to the home occupation/industry after the division of the property and when the rear lot of the subdivision is sold. It was determined at the meeting that the ZBA only has jurisdiction on the division of the property, where the PZC now has the jurisdiction over the home occupation/industry use. The adjoining property owners are not willing to sell property to the Trella's at this time.

Mary Ellen Klinck spoke in favor of the Board granting the variance. The home occupation has been in operation since 1972.

Peter Trella stated that he would like to sell the rear property with the building on it. If he has to build a dwelling on the lot to make this a conforming situation, then he will build a dwelling. He was granted this home occupation 30 years ago and thought that he could divide this land and sell

the home occupation today. But the Zoning Regulations have changed and it is a different story today with the present Regulations.

Dan Schies made a motion the Board close the public hearing of Appeal No. 953-Peter and Constance Trella,. Motion seconded by Greg Daigle and carried unanimously.

After much discussion, Diane Quinn made a motion the Board approve Appeal No. 953, Peter and Constance Trella of 350 Norwich Salem Road, request for an area Variance of Section 10.1-Minimum Lot Area and Minimum Lot Width of the East Haddam Zoning regulations in order to subdivide their property into two non-conforming lot. The front residential lot is approximately 3.3 acres and the manufacturing lot is approximately 6.7 acres, and minimum lot width of 25 feet for the 6.7 acre parcel based upon the Board's findings that a hardship has been proven, there is no other land available to purchase to make the lots conforming, there were no objections received from the neighborhood. This Variance is for area and acreage requirements only and the Board is not endorsing any violations of any other zoning requirements nor any non-conforming uses. If there are any questions about the home occupation, they will be addressed by the Planning & Zoning Commission. Motion seconded by Dan Schies. The Chairman called for a vote of raising of the hands. All five Board members raised their hands. Motion carried unanimously.

Said property is located on Norwich Salem Road, North Plains, East Haddam, in the R-4 District. Assessor's Map 25 Lot 3.

**Appeal No. 954 - CONTINUED FROM FEBRUARY 23, 2006**

Bruce and Kristine Fletcher (Property Owners) of 62 Dover Road, New Britain, and Scott Jezek, Esq. (Agent) of P O Box 276, Moodus, CT.

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Mr. & Mrs. Fletcher were not present but were represented by their attorney, Scott Jezek. This request is for a Minimum Lot Size Variance of Section 24.1.1 in order to convert their seasonal cottage to a year round dwelling. They have about 94% acreage requirement for year round. He submitted a copy of the assessor's field card which gives the size of the house which is a few feet short of 1,000 sq. ft. The on-site inspection, upon proper notice given, was held February 26, 2006 with Stuart Wood, Dan Schies and Greg Daigle in attendance. Jack Agosta and Diane Quinn went out at their convenience.

Attorney Jezek reiterated his case, showing the maps and site plans he presented at the past meeting. The septic system as shown on the site plan was put in a few months ago and has been approved by the Town Sanitarian. There is no additional property to purchase as the adjoining lots all have dwellings on them. The dwelling has been owned by the family for many years. Bruce Fletcher purchased the dwelling in 1987. They live in New Britain and only use this cottage during the summer months. With the Association Regulations and Town Regulations, a seasonal cottage cannot be used from October to April. He would like to use the cottage during the winter months but it must be a year round dwelling. There are some year round dwellings on the street now but is mostly cottages. The property line along the lake is shown as a straight line. They really own more property on the other side of the straight line but surveyors will not go out beyond the tie line. So in actuality, they could have enough property because of the additional land as shown on the survey but is not calculated in the acreage of the lot.

There were no comments from the floor.

Greg Daigle made a motion the Board close the public hearing of Appeal No. 954, Bruce and Kristine Fletcher. Motion seconded by Dan Schies and carried unanimously.

Greg Daigle made a motion the Board approve Appeal No. 954, Bruce and Kristine Fletcher of 62 Dover Road, New Britain, request for a Minimum Lot Size Variance of Section 24.1.1 of the Zoning Regulations for conversion from seasonal to year round use based upon the Board's findings that a hardship exists due to the fact no additional property can be purchased and the land as surveyed, showing the straight survey line as drawn along the waterway, does not take into account the irregular portions of land outside of that straight line and yet not under water. If the land were calculated in the acreage, they probably would have the required acreage. Motion seconded by Diane Quinn. The Chairman called for a vote by raising of the hands. There were 4 affirmative votes and one negative vote by Dan Schies. Motion carried by an affirmative vote.

Said property is located on Bailey Road in the L&R District. Assessor's Map 57 Lot 35.

**Appeal No. 955 - Tom and Rebecca Hayes of 123 River Road, East Haddam, CT**

Tom and Rebecca Hayes were present. They requested that their public hearing not be opened because they did not send the letters to the adjoining property owners properly by certified mail. The appeal was moved to the April meeting.

**Appeal No. 956 - Raymond and June Melluzzo of 6 East Lane, Lake Hayward, East Haddam, CT**

Raymond Melluzzo was present and presented his case to the Board. He submitted a drawing of his property locating the dwelling, garage, septic system and well. The garage is located 8' from the rear property line and he would like to construct a staircase to the rear of the two story, three car garage 3' from the property line. The staircase presently is located through the middle of the garage and he is limited to the use of the interior of the garage. He uses the second floor of the garage for storage only. They only put things up on the second floor occasionally so with the staircase to the outside, it will not be used often. Due to the location of the garage doors located on two sides of the garage and a well on the other side, this is the only place to put the staircase. He further stated he does not want a pull-down staircase. There presently is no heat in the garage.

He read a letter from Robert Day, the adjoining property owner, stating they have no objections to the Board granting the Variance. Letter on file.

He submitted his certified mail receipts indicating he sent the letters to the adjoining property owners and the letters were received. There were no comments from the floor.

Greg Daigle made a motion the Board close the public hearing of Appeal No. 956, Raymond and June Melluzzo. Motion seconded by Diane Quinn and carried unanimously.

Dan Schies made a motion the Board approve the request of Raymond and June Melluzzo of 6 East Lane, Lake Hayward a 22' Side Yard Variance of Section 10.1 of the Zoning Regulations in order to construct an exterior staircase 3' from the property line where 25' is required but the garage is now 8' from the property line based upon the fact that this is the only place to put the staircase on the garage due to the location of the garage doors and due to the pitch of the roof and access to the second floor. This is the best place to put the staircase. Said Variance is granted with the stipulation that the staircase will be used for access to the second floor for storage and not to make it a living area, Jack Agosta seconded the motion. The Chairman called for a voice vote with four affirmative votes cast and one negative vote cast by Diane Quinn. Motion carried by an affirmative vote.

Said property is located on East Lane, Lake Hayward, in the L&R District. Assessor's Map 80 Lot 128.

### Correspondence

Two bills were submitted for payment, Suburban Stationers and CFPZC.

Diane Quinn made a motion to pay the Suburban Stationers bill in the amount of \$37.68. Motion seconded by Greg Daigle and carried unanimously.

Diane Quinn made a motion to pay the CFPZC Membership Dues to Oct. 2007 in the amount of \$90.00. Motion seconded by Dan Schies and carried unanimously.

### Zoning Board of Appeals Books from CFPZC

The Secretary informed the Board she received a notice from CFPZC that the new edition of *Connecticut Zoning Boards of Appeal* by Thomas P. Byrne is available.

Diane Quinn made a motion the Board purchase 10 issues of the new edition of *Connecticut Zoning Boards of Appeal* by Thomas P. Byrne. Motion seconded by Jack Agosta and carried unanimously.

### Minutes

Minutes of January 26, 2006 - Diane Quinn made a motion the minutes of January 26, 2006 be accepted as corrected. Motion seconded by Dan Schies and carried unanimously.

Minutes of February 23, 2006 - Diane Quinn made a motion the minutes of February 23, 2006 be accepted as corrected. Motion seconded by Greg Daigle and carried unanimously.

Greg Daigle made a motion, seconded by Diane Quinn, made a motion the meeting be adjourned Motion carried unanimously. The meeting adjourned at 10.25 P.M.

Respectfully submitted,

Stuart Wood, Chairman  
Zoning Board of Appeals

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