

ZONING BOARD OF APPEALS
APRIL 26, 2007

The public hearing and meeting was called to order at 8:00 P.M. by Greg Daigle. Board members present were: Greg Daigle, Dan Schies. Board members absent were: Stuart Wood, Diane Quinn and Norman Gobelle. Alternates present were: Jack Agosta, Richard Fiala and Guy Gibb. Jack Agosta was designated to replace Norman Gobelle as a regular member, Richard Fiala was designated to replace Stuart Wood as a regular member, Guy Gibb was designated to replace Diane Quinn as a regular member for this meeting. Dan Schies made a motion Gregg Daigle serve as Acting Chairman for this meeting. Motion seconded by Richard Fiala and carried unanimously.

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

Appeal No. 975 - CONTINUED FROM MARCH 22, 2007

Joseph Broder of 151 Broadway, P O Box 270, Colchester, (Property Owner) and .

Marion J. Campbell of 32 Hungerford Road, East Haddam (Appellant)

The same five Board members that were seated for the first public hearing held on March 22, 2007 were seated for this continued public hearing.

Marion Campbell was present as well as John Pagnani. Joseph Broder was not present. James Ventres, Land Use Administrator, was present and presented his case. He was asked to come to the meeting and explain the request and how it follows more to the compliance to zoning. The application refers to the .34 acre parcel and have a 10% lot coverage where Zoning requires a 5% lot coverage. The purpose of Zoning is to make lots as much conforming as possible. The combination of the two parcels next to this lot may accomplish this goal by allowing a single family dwelling with the square footage requested in the application by allowing a lot line revision. The "L" shaped lot which is a 1.38 acre lot, next to the lot in question, has a dwelling on it. This parcel is located in the R-2 District. He had a map showing that if the Board allowed a lot line revision of the "L" shaped lot, it could be divided in such a way that the lot with the house on it would be .95 acres and the other part of the "L" shaped lot be added to this .34 acre parcel thereby making it .77 acres. Both lots would be closer to the one acre lot size and be more in line with the other lots in the immediate area. There was a discussion held on the names as they would appear on the deeds once divided. Lots once divided could never have the same two names on all the parcels at the same time to avoid the lots being merged by zoning. Right now, the two lots are non-conforming but by doing the lot line revision, the large lot would be more non-conforming. The smaller lot would be non-conforming but be a little larger.

It was suggested at this point that the applicant submit a new application requesting a lot-line revision instead of a lot coverage variance.

At this point, Mr. Pagnani requested to withdraw their application and can the fee be applied to the new application. A lengthy discussion followed. It was decided that the fee cannot be waived on the new application.

Dan Schies made a motion the Board accept Mr. Pagnani's request to withdraw his application No. 975. Motion seconded by Guy Gibb and carried unanimously.

A lengthy discussion followed pertaining to lot line revisions, non-conforming lots, etc. Mr. Pagnani read a statement containing eight different items of hardship pertaining to this lot.

After much discussion, Mr. Pagnani stated that if this next application is to be a new application and another fee is required, he would like to go on with this application and have the Board vote on this application. Therefore, Mr. Pagnani made a request they would like to withdraw their request to withdraw their application. Guy Gibb made a motion the Board accept his request to withdraw his request to withdraw his application. Motion seconded by Jack Agosta and carried unanimously.

The Acting Chairman stated the Board is now re-hearing Appeal No. 975.

Guy Gibb made a motion the Board close the public hearing of Appeal No. 975-Joseph Broder. Motion seconded by Dan Schies and carried unanimously.

Richard Fiala made a motion the Board approve Appeal No. 975-Joseph Broder of 151 Broadway, Colchester, (Property Owner) and Marion J. Campbell of 32 Hungerford Road, East Haddam, (Appellant) request for a Variance of Section 10.1 of the Zoning Regulations for 10% lot Coverage for a dwelling in an R-2 District where 5% is permitted based upon the Board's findings that a hardship exists. The lot is large enough to build a house 450 sq. ft. and this is too small for their needs, they want a house to cover 10% of the lot. Motion seconded by Guy Gibb. The Chairman called for a vote by raising their hands. Three members raised their hands for a yes vote and two raised their hands for a no vote. The motion did not carry. Therefore the Variance was denied.

Said property is located on Hungerford Road in the R-2 district. Assessor's Map 80 Lot 450.

At this time Guy Gibb stepped down from the Board as a regular member and Diane Quinn sat in as a regular member.

Appeal No. 978 - Francis Guerra of 1 Mill Road, East Haddam

Richard Fiala, Board member, stepped down as a member of the Board because he has a plot in the cemetery across the street from this property. Guy Gibb was designated to sit on the Board as a regular member for this hearing in place of Richard Fiala.

Mr. Francis Guerra was present and presented his case to the Board. He submitted a map indicating the perimeter of his parcel, location of his house, septic system, well, driveway and location of the garage he would like to construct onto the front of his dwelling. There is a large bank from the front of his garage to the street and he has a difficult time getting the car into the garage. He would like to add this garage with the doors facing the driveway so it would be easier getting in and out of the garage. Due to the location of the septic system and terrain and topography of the parcel, and the driveway, this is the most feasible location for the garage. The proposed garage is 24'x27'.

He submitted the certified mail receipts indicating he mailed the letters to the adjoining property owners and they were received.

Crary Brownell, a property owner across the street, was present and spoke. He has an historic cemetery across the street and feels aesthetically, the garage will be on the road. In the neighborhood most all the houses are set back away. There is a 40' setback for this area and this garage is planned to be built 21' from the front property line.

The only part of the garage that will be visible from the roadway will be the roof line. In the

summertime, when the leaves are on the trees, the roof will not be visible from the road. There is about a 9' drop from the road to the proposed floor of the garage.

Due to the complexity of this situation, Diane Quinn made a motion the Board hold an on-site inspection of the property. Motion seconded by Dan Schies and carried unanimously.

They unanimously agreed to hold the on-site inspection on Saturday, May 5, 2007 at 10:00 A.M.

The Acting Chairman read a letter from adjoining property owners, Georgia and Severin Hutchinson, stating they do not want the Board to grant this variance, no reasons stated for the denial. Letter on file-Exhibit #1.

Dan Schies made a motion the Board continue Appeal No. 978-Francis Guerra, to the next meeting scheduled for May 24, 2007. Motion seconded by Diane Quinn and carried unanimously.

Minutes

The minutes of March 22, 2007 were read. Motion made by Richard Fiala the minutes be approved as printed. Motion seconded by Guy Gibb and carried unanimously.

Diane Quinn made a motion the meeting be adjourned. Motion seconded by Dan Schies and carried unanimously. Meeting adjourned at 9:25 P.M.

Respectfully submitted,

Greg Daigle, Acting Chairman
Zoning Board of Appeals

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