

Present: Chairman Thomas Rotondo, Tamara Barry, Theodore Root, Jr., Stephen Sheak, Alternate Member Brooke Cheney, Alternate Member Pamela Root (arriving at 7:10 p.m.) and Land Use Coordinator Polly Redmond
Absent: Peter Brazaitis IV, Alternate Member Lynne Steincamp

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Rotondo called the hearing to order at 7:00 p.m. All members present are seated.
Land Use Coordinator read the call to hearing as published in the Republican American newspaper on March 3, 2023 and March 10, 2023.

2. KEITH AND BETH DABLAIN, 320 HARMONY HILL ROAD, REQUEST FOR A 15.7 FOOT SIDE YARD VARIANCE AND A 61.2 FOOT REAR YARD VARIANCE TO CONSTRUCT A 30' X 36' GARAGE AND TO REQUEST A 56.4 FOOT REAR YARD VARIANCE TO RELOCATE A SHED FROM SECTION 5 OF THE ZONING REGULATIONS.

Mr. and Mrs. Dablain are present. Plans prepared by Clark Land Surveying, LLC, Bristol, CT, titled Zoning Location Survey, 11/2/2022, are reviewed. Proof of certified mailings giving notice to neighbors of this hearing are collected from the applicant. TAHD approval has been received and is dated 12/14/2022. Mr. Dablain explains that there is no access available on the south side of the property off Harmony Hill to get to the area where the new garage is proposed due to the number of trees in that area that he doesn't want to cut down and that the location of the septic system is also a barrier. B. Cheney questions whether it is the barriers or the desire to have the proposed garage on the north side of the property with Mr. Dablain answering that the south side of the property is wooded and the septic location is just about in the center of the lot. S. Sheak questions if there has been any feedback from the neighbors with Mr. Dablain stating that Michael Kelley, abutting neighbor in the back, had no problem with the location of the proposed garage. Chairman T. Rotondo states that the property is flat and that to proclaim a hardship, there must be one regarding topography, wetlands or such but by State Statutes a hardship cannot be self-imposed and must be unique to the land. B. Cheney questions that not wanting to cut down trees cannot be a reason? S. Sheak asks if there is no other location available to place the garage with Mr. Dablain answering that he doesn't want to place the garage directly in front of the house and does not want to cut down any trees. Chairman T. Rotondo states that placement of the house makes it difficult to add anything else with B. Cheney stating that the location of the house could be the hardship.

At this time, the floor is opened for public comment.

Jonathan Manchester and Benjamin Manchester, 8 Silo Drive, are present requesting to only view the site plan and have no comments.

3. CONTINUE OR CLOSE HEARING.

With no further comments from the public or Commissioners, T. Root **motioned** to close the public hearing at 7:10 p.m., seconded by T. Barry. Motion passed unanimously.

Commissioner Pamela Root arrives at this time.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman T. Rotondo called the meeting to order at 7:10 p.m. All regular members present remain seated.

2. **APPROVE MINUTES OF PREVIOUS MEETING:** 9/15/2021

T. Barry **motioned** to approve the minutes of the previous meeting, seconded by T. Root. Motion passed unanimously.

3. **DISCUSSION/POSSIBLE DECISION – KEITH AND BETH DABLAIN, 320 HARMONY HILL ROAD, REQUEST FOR A 15.7 FOOT SIDE YARD VARIANCE AND A 61.2 FOOT REAR YARD VARIANCE TO CONSTRUCT A 30' X 36' GARAGE AND TO REQUEST A 56.4 FOOT REAR YARD VARIANCE TO RELOCATE A SHED FROM SECTION 5 OF THE ZONING REGULATIONS.**

T. Root notes that with the lot containing two acres, there isn't really a hardship and an area within the building envelope could possibly be found. S. Sheak believes it very difficult to find another location based on looking at the site plan but the proposed location is nowhere near the buildable area and by relocating the shed for placement of the barn brings two buildings into non-conformance. Chairman Rotondo reminds Commissioners that the State Statutes on variances are fairly strict and hardships granted might be based on topography, wetlands, and such things unique to the land. Looking at the site plan presented, he does see a buildable area for the garage within the setbacks. T. Barry states that she would like to be generous in the interpretation of the State Statutes and that she doesn't see any other place for the garage. She questions who is going to be harmed by granting the variance and believes the well location is a hardship in granting the variance. B. Cheney states that one must look at future owners and future neighbors and the effects of granting the variance. She believes it is the Commission's obligation to look at things straight forward and based on the State Statutes. She sees the woods on the south side of the property as being a hardship because it's very expensive to remove trees. Chairman Rotondo reminds Commissioners that each application is unique and that the location of the trees and the septic system does not warrant the granting of a variance by State Statute definitions. He reminds Commissioners that variances are granted to the property, not the property owner, and to T. Barry's point, the Commission must abide by State Statutes.

T. Barry states, "With an eye toward being reasonable and that each case is unique, this plan seems to make sense." and due to the hardship of the existing infrastructure and lack of suitable alternative, **motions** to approve and grant the variance. The motion was seconded by B. Cheney.

With no further discussion a vote is taken. In favor of the motion are T. Barry and B. Cheney. Opposed are T. Root and Chairman T. Rotondo. S. Sheak abstains.

In accordance with State Statutes, four affirmative votes are required to grant a variance.

Motion does not carry. T. Barry asks for the reason for not granting the variance with Chairman Rotondo stating the proposed location of the barn and shed is not the only place they can be placed on the property.

4. **CORRESPONDENCE.** None.

5. **ANY OTHER BUSINESS.** None.

6. **INVOICES.** None.

7. **ADJOURN.**

T. Root **motioned** to adjourn the meeting at 7:42 p.m., seconded by S. Sheak. Motion passed unanimously.

Respectfully submitted,