

Wednesday, September 11, 2013, Town Hall, 7:00 p.m.

Present: Janet Duchaine, Mark Gelormino, Theodore Root, Nancy Shanley-Schnyer, Kerri Ouellette.

Absent: Tom Rotondo, Jesse Smith.

PUBLIC HEARING #1 -continued

1. Open hearing – establish quorum.

Motion Mrs. Duchaine, second Mrs. Ouellette that Mr. Gelormino presides as Acting Chairman for this evening. The motion passes unanimously. Acting Chairman Gelormino begins the public hearing at 7:05 p.m., which has been continued from the August meeting. He explains hearing and meeting procedures and members of the board introduce themselves. All regular members present are seated and alternate Nancy Shanley-Schnyer. ZBA Clerk Christine Neal is present, with proceedings recorded on audio tape.

2. Timothy Wyllie – application for 6' rear yard variance for an above ground pool, Section 5 (Town Residential) Zoning Regulations, 7 Fitzpatrick Avenue.

ZBA Clerk Mrs. Neal reads the public notice into the record as published in the Waterbury Republican American 8/3/13 and 8/10/13. Mr. and Mrs. Wyllie are present. Applicant Mr. Wyllie presents his application for variance. Members discuss the application, referring to the A-2 survey provided by the applicant. The proposed above ground pool is a 30' diameter pool. The undersized, legal non-conforming 0.58 acre lot has 200' of road frontage and measures 200' in width x 125' in depth. The house is legal non-conforming, about half of it existing in the front yard setback. The entire building envelope for the lot measures 150' wide by 25' deep. The pool is proposed at 60' from the side property line, 45' from the rear property line and 50' from the front property line. Members have reviewed file contents including application, legal notice of hearing, Assessors map of property and abutters, list of abutters noticed, Assessors street card and copy of deed. Members ask questions of the applicant, with Mr. Wyllie answering. Acting Chairman Gelormino opens the floor for public comment to which there is none. With no further comment from those present, Acting Chairman Gelormino closes the public hearing.

PUBLIC HEARING #2

1. Open hearing – establish quorum.

Acting Chairman Gelormino opens the hearing at 7:12 pm. All regular members present are seated and alternate Nancy Shanley-Schnyer. ZBA Clerk Neal is present, with proceedings recorded on audio tape.

2. Robert & Christine Begey - application for 25' rear yard variance for a shed, Section 5 (Town Residential) Zoning Regulations, 129 Lake Harwinton Road.

ZBA Clerk Mrs. Neal reads the public notice into the record as published in the Waterbury Republican American 8/31/13 and 9/7/13. Mr. and Mrs. Begey present the application. Members refer to the A-2 survey provided by the applicants who explain that the proposed placement of the shed allows for continued use of the garden, which has existed in that spot since at least the 1940's. They indicate that the garden would not receive enough sunlight if placed where the shed is proposed. The back of the lot is lined with old growth trees. The applicant plans to take down the existing smaller shed which exists closer to property lines than the proposed shed. The lot is legal non-conforming at 0.69 acres total. The lot is smaller than surrounding area lots, except for the adjacent lot to the south. Members have reviewed file contents including application, legal notice of hearing, Assessors map of property and abutters, list of abutters noticed, Assessors street card and copy of deed. Members ask questions of the applicant. Acting Chairman Gelormino opens the floor for public comment. Neighbor Mr. Tom Muszynski, owner of abutting vacant lot next door, is present, to learn the particulars of the proposal. With no further comment from those present, Acting Chairman Gelormino closes the public hearing.

REGULAR MEETING

1. Open meeting – establish quorum.

Acting Chairman Gelormino opens the regular meeting at 7:25 p.m. All regular members present are seated and alternate Nancy Shanley-Schnyer, with a quorum established. Clerk Christine Neal is present and proceedings are recorded on audio tape.

2. Approve minutes of previous meeting: 8/14/13.

Motion Mrs. Ouellette, second Mr. Root to table approval to the next meeting. Motion passes unanimously.

3. Discussion/possible decision – Timothy Wyllie – application for 6' rear yard variance for an above ground pool, Section 5 (Town Residential) Zoning Regulations, 7 Fitzpatrick Avenue.

Members discuss the application, noting that the lot is small and the building envelope is 25' deep. It is noted that a smaller diameter pool could be placed within the building envelope, not requiring a variance. There is lengthy discussion. **Motion** Mr. Root, second Mrs. Ouellette to grant the variance as requested, hardship being the non-conforming size and shape of the lot. Three members vote for the granting of the variance and two vote against granting the variance. The motion is not carried as by statute, four (4) affirmative votes are necessary to grant a variance. Members discuss appropriate procedure for the board moving forward. **Motion** Mr. Gelormino, second Mrs. Duchaine to suspend any further discussion to the next meeting as there seems to be a question of procedure and/or question if the one motion and vote finalizes the decision on the application. The motion passes unanimously. Although there was a vote on the application, discussion of the vote and next steps, if any, is tabled to the October meeting.

4. Discussion/possible decision – Robert & Christine Begey - application for 25' rear yard variance for a shed, Section 5 (Town Residential) Zoning Regulations, 129 Lake Harwinton Road.

Members discuss the application. There is a legal non-conforming shed on the property which would be removed, with the new shed being less non-conforming. The board reviewed the locations of well, septic and slope. Members note that the new shed would be larger than the existing shed and that the slope of land is not prohibitive in placing the shed elsewhere on the property, either in the location of the existing garden or directly behind the existing home, with either of these locations not requiring a variance. The board discusses the option of further contemplation on the application. **Motion** Mr. Root, second Mrs. Duchaine to table decision until the October meeting to further consider the application with Chairman Tom Rotondo included in the discussion. The motion passes unanimously.

5. Any other business.

Members discuss the draft annual report prepared by Clerk Neal. **Motion** Mrs. Duchaine, second Mrs. Ouellette to approve the draft with revisions as noted. The motion passes unanimously.

6. Correspondence. None.

7. Invoices. None.

8. Adjourn. **Motion** Mrs. Ouellette, second Mr. Root at 8:30 p.m. to adjourn, passing unanimously.

Respectfully submitted,



Christine Neal
ZBA Clerk