

Present: Chairman Thomas Rotondo, Michael Durstin, Mark Gelormino, Theodore Root, Jr. and Land Use Coordinator Polly Redmond

Absent: Janet Duchaine

PUBLIC HEARING #1

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Rotondo called the hearing to order at 7:13 p.m. All members present are seated. Chairman Rotondo explains to the applicants that there are four members present to hear the applications but when a vote is taken, there must be four affirmative votes to approve. They have the option of postponing the hearing or the decision until the full five member board is present. Each applicant wishes to have their application heard and decided upon tonight.

2. MICHAEL PETERS, 76 CATLIN ROAD, (LC ZONE) – APPLICANT IS REQUESTING A 24.1' REAR YARD VARIANCE FROM SECTION 5 OF THE ZONING REGULATIONS TO CONSTRUCT A 32' X 16' DECK.

LUC Redmond reads the call to hearing as published in the Republican American on 9/29/16 and 10/7/16. Four notifications to neighbors have been mailed certified. Return receipts (4) have all been received. Mr. Peters is present. Site plans by Dufour Surveying Associates titled Improvement Location Survey, dated 4/28/10 are reviewed. Mr. Peters states that there is a cove along the lake that gives him less lawn in the backyard directly behind the deck. This cove cuts into his back yard restricting him from meeting the 50 foot rear yard setback to the property line of the 0.35 acre lot. Chairman Rotondo asks for any public comment. Brett Stone, 325 Hill Road, speaks in favor of the application. There are no further comments.

3. CONTINUE OR CLOSE HEARING.

M. Gelormino **motioned** to adjourn the public hearing at 7:20 p.m., seconded by M. Durstin. Motion passed unanimously.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Rotondo called the hearing to order at 7:20 p.m. All members present are seated. LUC Redmond has read the call to hearing as published in the Republican American on 9/29/16 and 10/7/16 at the opening of Public Hearing #1.

2. LAFFERTY ENTERPRISES, INC., 19 CARLTON ROAD (TR ZONE) - APPLICANT IS REQUESTING A 2' REAR YARD VARIANCE AND A 1.2' SIDE YARD VARIANCE FROM SECTION 5 OF THE ZONING REGULATIONS TO CONSTRUCT A 12' X 30' DECK.

Brett Stone is present for the applicant and explains that the deck is already built. A Zoning permit was taken out for the deck to be 10' x 30'. Six months after the Zoning approval was received, the deck was then built to be 12' x 30'. An engineered as-built was provided to the Land Use office where it was determined that the increase in size of the deck's overhang made it two feet over the rear setback line of 50 feet. It also made the deck 1.2 feet over the side yard setback. Return receipts (9) have all been received. Mr. Stone states that the land is sloped and even though there is a land to the rear of the house, the lot is an undersized lot at .29 acres. Chairman Rotondo asks for any public comment to which there is none.

3. CONTINUE OR CLOSE HEARING.

T. Root **motioned** to adjourn the public hearing at 7:27 p.m., seconded by M. Gelormino. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Rotondo called the meeting to order at 7:27 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 7/13/16

M. Gelormino **motioned** to approve the minutes of the previous meeting, seconded by M. Durstin. Motion passed unanimously.

3. DISCUSSION/POSSIBLE DECISION - MICHAEL PETERS, 76 CATLIN ROAD, (LC ZONE) – REQUEST FOR A 24.1' REAR YARD VARIANCE FROM SECTION 5 OF THE ZONING REGULATIONS TO CONSTRUCT A 32' X 16' DECK.

M. Gelormino states that the shape of the lot is odd with the cove cutting in. The applicant owns property surrounding the cove and therefore, he sees no problem of encroachment to abutting properties or to the water's edge by the construction of this deck. M. Durstin states that it is a large variance but adding the deck does not exceed the 15% lot coverage requirement. T. Root states that the deck is not extending past the existing building footprint on the south side and shouldn't affect the neighboring property.

T. Root **motioned** to grant the variance requested for the reasons that the lot is undersized, the shape of the lot is irregular and the location of the house on the lot presents a hardship. M. Gelormino seconded the motion and it passed unanimously.

4. LAFFERTY ENTERPRISES, INC., 19 CARLTON ROAD (TR ZONE) – REQUEST FOR A 2' REAR YARD VARIANCE AND A 1.2' SIDE YARD VARIANCE FROM SECTION 5 OF THE ZONING REGULATIONS TO CONSTRUCT A 12' X 30' DECK.

M. Gelormino states that the lot is undersized and believes the deck not to be unusually large. T. Root states that the hardship is that no structures on the lot are conforming. M. Durstin **motioned** to grant the variance requested for the reasons that the lot is undersized and the topography of the lot presents a hardship. M. Gelormino seconded the motion and it passed unanimously.

5. CORRESPONDENCE.

None.

6. INVOICES.

None.

7. ADJOURN.

None.

Respectfully submitted,


Polly Redmond, Land Use Coordinator/ZBA Clerk

RECEIVED FOR RECORD AT HARWINTON CT
ON 10/17/16 AT 10:31 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK