

**TOWN OF HADDAM
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 28 JULY 2016
APPROVED MINUTES
*Approved as Amended at the 29 September 2016 Meeting***

ATTENDANCE

X	Margo Chase-Wells
X	Marjorie W. DeBold, Vice Chairman
X	Mary Hickish
X	Robin Munster, Chairman
A	Kenneth Wendt
X	Thomas Berchulski, Alternate
X	Anthony Matterazzo, Alternate
X	Neal Perron, Alternate - Seated
A	Liz West Glidden, Town Planner
X	Jim Puska, Zoning Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mrs. Munster, chairman, asked Mrs. DeBold, vice chairman, to run the meeting. Mrs. DeBold called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

2. Attendance/Seating of the Alternates

Attendance was taken.

Mrs. DeBold read the Legal Notice, as printed in the Middletown Press, into the record. Mrs. DeBold and Mrs. Munster explained the public hearing/meeting process to the applicants.

3. PUBLIC HEARING

A Variance to Allow a Building Addition (Deck) One Foot from the Side Property Line Where 20 Feet is Required Per Section 4, Table 1, of the Town of Haddam Zoning Regulations for Property Shown on Tax Map 52 Lot 09-A and Known as 189 Filley Road in Haddam.

Christopher and Jeannette Fox, owners/applicants, were present.

Mr. Fox stated they would like to install a deck off the house, Route 9 side of the property, which would allow them to use their property more and would add to the value of the property.

Mrs. DeBold asked the hardship. Mr. Fox cited four hardship points to the back of the house - 1) septic system, 2) the land is uneven, 3) wetlands, and 4) conservation land issues.

Mr. Berchulski asked about the mailing receipts. The Certificates of Mailing (Exhibit A) and two photos of the site (Exhibit B) were submitted into the record. Mrs. DeBold asked if the State had responded to the notification letter. Mr. Fox stated no.

Using the photos, Mr. Fox pointed out the proposed location of the deck and the State right-of-way. Mr. Puska asked Mr. Fox to explain the relationship between the proposed deck location and the door. Mr. and Mrs. Fox stated the deck would come off the kitchen.

Mrs. DeBold asked if the proposed deck would be 15 feet by 19 feet with Mr. and Mrs. Fox responding yes. Mrs. DeBold asked if the 19 feet would be going toward Route 9 with the Foxes responding yes.

Mr. Puska reported he viewed the site and found the way the house is situated, the conservation easement area, the septic area around the back, and the property on the right side is not adaptable to where their kitchen is where they'd like to have the deck; therefore, the deck would not serve any useful purpose on that side of the house. It was noted that Mr. Matterazzo, Mrs. DeBold, Ms. Hickish, and Mrs. Munster had also viewed the site.

In regard to the proposed deck location, Mr. Puska informed the Board that what they cannot see in the photos is where the land begins to slope up towards Route 9 it gives the appearance that the Foxes' property runs up to the highway. Mr. Puska stated there would be no evidence of the proposed deck being too close.

Using the map and pointing to the Letter B at the corner of the house and proposed deck, Mrs. Chase-Wells asked Mr. Puska if the property starts to slope after that point. Mr. Puska stated yes; and noted the kitchen door is also located in that corner of the house.

Mrs. DeBold asked about the right-of-way. Mr. Puska stated the dark dash line on the map is the property line. Mrs. Chase-Wells asked for further clarification in regard to the right-of-way. Mr. Fox stated the State has a maintenance right-of-way along their property line and Route 9. Mrs. DeBold asked if the right-of-way goes on their property. Mr. Puska stated no and pointed it out on the map; and clarified that the right-of-way is only to allow the State access to do any maintenance they may have to do along Route 9 such as brush cutting, drainage work, tree work, etc. Mr. Fox stated the right-of-way is sufficiently adequate to allow large equipment access. Mrs. DeBold asked if the grade goes up quickly. Mr. Fox and Mr. Puska responded no. Mr. Puska stated the area is flat.

Mrs. Chase-Wells asked if the shed (visible in the photos) would need to be moved. Mr. Fox stated the structure is a movable gazebo and was installed to enjoy the outdoors without the benefit of bugs. Mrs. Fox stated the gazebo would be moved onto the deck if the variance is granted.

Mr. Berchulski asked the Foxes if they had looked at other options such as placing the deck on the other side of the house. Mr. Fox stated not much, but the conservation land is close to the doorway and he doesn't want to encroach on it. Using the map, Mr. Puska pointed out the conservation easement line noting it is rather close to the house. Mrs. Munster and Mr. Puska also noted the septic tank, piping to the septic tank, and leaching field are all located on that side of the house. Mr. Berchulski asked if there has been any consideration into changing the shape of the deck so it tucks a little closer to the house without it encroaching on the setback so much as there is quite a bit of variance being requested. Mrs. Chase-Wells and Mrs. DeBold suggested 19 feet by 15 feet. Mr. Fox stated he probably could do that, but didn't want the deck right on top of his driveway.

Mr. Berchulski asked if there was any input from Liz Glidden, Town Planner. Mr. Puska stated no, and that's why he walked the site and was attending the meeting. Mr. Puska also stated Mrs. Glidden had nothing negative to say about the proposal. Mr. Puska stated if the deck ran more towards the end of the driveway, it would take room away from the driveway. Mr. Fox noted during bad weather when the driveway gets slick, he would like some margin for error.

There were no comments either for or against the proposal from the public.

MOTION: Margo Chase-Wells moved to close the public hearing and open the public meeting at 7:45 p.m. Mary Hickish second. Motion carried unanimously.

4. PUBLIC MEETING

A Variance to Allow a Building Addition (Deck) One (1) Foot from the Side Property Line Where 20 Feet is Required Per Section 4, Table 1, of the Town of Haddam Zoning Regulations for Property Shown on Tax Map 52 Lot 09-A and Known as 189 Filley Road in Haddam.

Christopher and Jeannette Fox, owners/applicants, were present.

MOTION: Neal Perron moved to approve the call of the meeting as read by Mrs. DeBold, acting chairman. Robin Munster second. Motion carried unanimously.

Mrs. Munster stated the applicants are boxed in by a number of factors – conservation, septic, Route 9, and existing driveway - and they're trying to utilize the area available. Mrs. Munster also stated the proposal makes sense as it is the only area available.

Mr. Perron stated it makes sense that the applicants would like to come off the kitchen door. Mrs. Munster and Mrs. DeBold agreed.

Mr. Berchulski stated he agreed it's a tough lot to work with, but voiced concern over the percentage of variance being requested. Mr. Berchulski also stated one option would have been to reshape or changed the access of the deck. Mrs. DeBold agreed.

MOTION: Robin Munster moved to approve a variance to allow a building addition (deck) one foot from the side property line where 20 feet is required per Section 4, Table 1, of the Town of Haddam Zoning Regulations for property shown on Tax Map 52 Lot 09-A and known as 189 Filley Road in Haddam.

Conditions: 1. Standard Permit Conditions. 2. Special Conditions/Modifications – No. Neal Perron second. Motion denied by a vote of 3-3.

Mrs. Munster asked Mr. Puska the time line for the applicants to reapply. Mrs. DeBold noted the Board's concerns have been heard and stated she was sure the Town would like to work with Mr. and Mrs. Fox. Mr. Puska explained to Mr. and Mrs. Fox their options (flip deck around) and asked them to call him at the office in regard to the time frame to reapply. Mr. Matterazzo questioned the point of reapplying when there was no clear indicator(s) that the Board would approve a resubmitted application for a reconfigured deck. Mrs. DeBold stated she believes the hardship can be addressed with a reconfiguration of the deck and not encroaching on the State property. Mrs. DeBold also stated she feels there were enough suggestions given that this matter can be resolved. Mrs. Chase-Wells asked the three Board members who voted against the application if they would approve the variance if the deck was reconfigured. Mrs. DeBold stated she didn't feel it was an appropriate question and offered to speak to Mrs. Chase-Wells about the matter after the meeting.

Mr. Berchulski asked how the Board ended up with six voting members. Mrs. Batzner stated six voted and there should be five. Mrs. Munster reviewed the membership list for full members – Mrs. Chase-Wells, Mrs. DeBold, Ms. Hickish, herself and Mr. Wendt (absent) and noted that only one alternate should be seated. Mrs. Batzner stated with one signature removed the vote would still be three to two where four are required to approve an application. Discussion followed in regard to removing Mr. Berchulski's signature as Mr. Perron had made the second on the motion. Mr. Berchulski was agreeable.

MOTION: Marjorie DeBold moved to approve the removal of Tom Berchulski's name from the motion sheet. Robin Munster second. Motion carried unanimously.

5. Approval/Correction of the Minutes

MOTION: Robin Munster moved to approve the 26 March 2016 minutes as submitted. Mary Hickish second. Motion carried unanimously.

6. Open Discussion

Erwin Burr, 1065 Route 81, Higganum, explained that an abutting property owner on Hidden Lake brought in a large amount of fill for a new septic system and pushed his (Burr's) fence over with the dirt (approximately four feet high). Mr. Burr asked if there is a rule or regulation pertaining to this.

Mr. Matterazzo asked Mr. Burr if the dirt was encroaching upon his property or did the abutting property owner just knock the fence over. Mr. Burr stated the abutting property owner pushed the dirt into the fence and knocked some of it over.

Mrs. DeBold advised Mr. Burr that the issue is a civil matter between him and his neighbor and suggested he speak to someone in the Building Department to explain why it would be a civil matter. Mrs. DeBold stated the ZBA cannot rule on this type of matter. Mr. Burr stated he thought there were rules pertaining to this type of issue. Mr. Puska stated there are no rules tied to his situation. Mr. Burr stated he had spoken to Mr. Puska previously. Mr. Puska stated yes, and that he had given Mr. Burr all the information he possibly could. Mrs. DeBold apologized for the Board not being able to help him.

Mr. Burr also informed the Board that prior to the installation of the fence, the abutting neighbor had cut large trees that fell onto his (Burr) property damaging his trees and then the neighbor cut Burr property trees. The Board stated this is clearly a civil matter.

7. Adjournment

MOTION: Margo Chase-Wells moved to adjourn. Mary Hickish second. Motion carried unanimously.

The meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next regular meeting is scheduled for Thursday, 25 August 2016.