

**TOWN OF HADDAM
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
MONDAY, 30 MARCH 2017
UNAPPROVED MINUTES
*Subject to Approval by the Board***

ATTENDANCE

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

1. Call to Order

Mrs. DeBold, vice chairman, called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was recited.

2. Attendance/Seating of the Alternates

Attendance was taken and all regular and alternate members were seated.

Mrs. DeBold explained to Mr. Muller the public hearing process and his options in regard to moving forward with the public hearing. 1) Continue the public hearing when a full Board (five members) is present where a four member majority vote with one opposed or abstaining still would still allow the motion to carry. 2) Holding the public hearing and needing all four Board members to vote in the affirmative in order for the motion to carry. Mr. Muller asked if the Board were to vote the application down, would the application cease. Mrs. DeBold stated yes. Mr. Muller asked if he would be able to come back to the April meeting with new information. Mr. Puska stated due to the lack of a window of variation in terms of the property, there isn't room for a significant variation. After a brief discussion, Mr. Muller chose to move forward with the public hearing.

Mrs. DeBold read the Legal Notice as published in the Middletown Press.

3. PUBLIC HEARING

A Variance to Allow an Accessory Structure to be Located 25 Feet from the Front Property Line Where 40 Feet is Required for Property Located at 400 Beaver Meadow Road, and Shown on Tax Map 53, Lot 005-1

Ron Muller, owner/applicant, was present.

Mrs. DeBold asked Mr. Muller if he had notified the neighbors and if he had the mailing receipts. Mr. Muller submitted the Certificates of Mailing (Exhibit A).

Mr. Muller stated the proposed 16 foot by 24 foot building with wooden foundation on gravel would be used for storage as well as a workshop (16 foot side facing the front). Mr. Muller also stated the property is long and narrow, surrounded by state property to the south and rear, an active residence to the north, and across the street the property is vacant. Using the map, Mr. Muller stated it would be difficult to locate a structure to the south of the house as the property is wooded and hilly and to the north of the house there are wetlands as well as an existing 12 foot by 20 foot shed (recently relocated further back on the property). Mr. Muller noted the existing shed was placed 10 feet from the property line approximately four to five years ago by the previous owner.

Mrs. DeBold asked if the previous owner had received a variance for the existing structure. Mr. Muller stated yes. Mrs. DeBold confirmed the existing structure was closer to the road than what is being proposed for the new structure. Mr. Muller stated yes.

Using the site plan, Mr. Puska stated Mr. Muller has limited alternatives noting the wetland area. Mr. Muller stated if he wished to move the structure further back beyond the 40 foot mark he would probably have to in binge on the wooded area to the north side of the property and get closer to the neighbor. Mr. Puska stated not only closer to the neighbor, but also deeper into the wetland area. Mr. Puska stated both the Wetlands Commission and ZBA have gone through this process with the previous owners and approvals were granted at that time; and now Mr. Muller is trying to make improvements to the property and is doing the same.

Mr. Berchulski asked where the existing building was located. Mr. Muller stated approximately 10 feet off the front property line and a bit to the north of the proposed building. Mrs. DeBold noted it was closer than the proposed building. Ms. Hickish asked the purpose of the existing building. Mr. Muller stated for the storage of mowing equipment. Reviewing the map, Mr. Berchulski stated it appears there is some space; and asked Mr. Muller if he could move the building a bit further back to come more into compliance. Mr. Muller stated he had the original manufactures of the existing shed relocated it to its current location and noted a wet area. Mr. Muller stated the wooded area is a buffer from his neighbor and himself. Mr. Puska noted the area is a wetland.

Mr. Matterazzo stated part of the problem is the proposed shed is facing towards the front noting a door. Mr. Matterazzo also stated if the existing shed had been turned, the proposed shed could have been backed up to it and there would have been the 40 foot variance. Mr. Muller stated given the dimensions of both structures it wouldn't be aesthetically pleasing to him. Mr. Muller also stated the roof line is gamble and will be changed to a hip roof to complement the roof on the proposed building. Mr. Matterazzo asked Mr. Muller to explain the hardship; and if making some the changes presented to him, presents a hardship to do so. Mr. Matterazzo also asked Mr. Muller if he'll be placing crushed stone down to create a driveway to the front of the proposed building. Mr. Muller stated perhaps in the future, but he's not sure he will. Mr. Matterazzo asked if there's a reason for having the garage door to the front of the structure. Mr. Muller stated he will be bringing in something and that it's not illegal to drop something off and drive over the curb. Mr. Matterazzo noted there is quite a bit of timber piled to the back. Mr. Muller stated the timber will be chopped into fire wood, but noted the area is wet.

Mr. Matterazzo asked if the 50 feet from the septic system for the shed was an absolute requirement. Mr. Berchulski stated unless the requirement has changed, it use to be 25 feet from a building. Mr. Matterazzo stated if it were moved over it would still be within the compliance.

Mr. Matterazzo and Mr. Berchulski stated there are options that could bring the project into to compliance. Mr. Matterazzo stated additional work and costs will be required with the options, but it can be done; and using the map, he pointed out potential locations for the sheds to go. Mr. Muller stated in the future, he would like to install solar on the proposed building and he would like it further back to get the sunlight.

Mr. Matterazzo again reviewed the proximity of the neighbors and asked if there was anything submitted either for or against by the neighbors. Mr. Puska stated no.

Ms. Hickish asked Mr. Puska if the changes that have been suggested to Mr. Muller pose a problem with the Wetlands Commission. Mr. Puska stated if the changes involve going deeper into the wetlands, yes it would pose a problem. Mr. Matterazzo stated if the existing shed were moved, would there be any issue with wetlands. Mr. Puska stated no. Mr. Matterazzo asked if the existing shed were turned, would there be any issue with wetlands. Mr. Puska stated it would still be basically in the same area. Discussion followed at length in regard to turning the existing shed which would gain eight feet and although still not in compliance, there would only be a seven foot variance; and if the buildings were placed next to each other, there may be no need for a variance.

Mr. Muller asked if the 40 foot setback was only for this size property or if it applied across the board for all properties. Mr. Puska stated no, it's based on the zone the property is located in. Mr. Puska also stated the recently revised regulations for sheds only affect the side and rear setbacks and would not be of any help in this matter. Mr. Matterazzo stated items in Mr. Muller's favor are there have been no objections filed by the neighbors and the existing shed was closer to the road. Mr. Puska stated the proposal is not customarily out of character for the neighborhood. Mr. Matterazzo stated he hasn't seen anything else that close to the road.

Mr. Muller stated the reason for orienting the smaller shed as he did is in the future it will be his wife's greenhouse and she wants to put row beds in front of it. Mr. Matterazzo asked how that will be done with the proposed building sitting in front of it. Mr. Muller pointed out the location of the row beds on the map.

Mrs. DeBold stated the hardship would be the remaining portions of the lot are either already developed or contain wooded slopes not conducive to construction.

MOTION: Mary Hickish moved to close the public hearing at 8:03 p.m. Tony Matterazzo second. Motion carried unanimously.

4. PUBLIC MEETING

A Variance to Allow an Accessory Structure to be Located 25 Feet from the Front Property Line Where 40 Feet is Required for Property Located at 400 Beaver Meadow Road, and Shown on Tax Map 53, Lot 005-1

Ron Muller, owner/applicant, was present.

Mrs. DeBold asked Mr. Puska if the Wetlands Commission appeal time frame could cause a potential problem should the ZBA approve this matter. Mr. Puska stated no; if an appeal were successful, Mr. Muller would need to go back to the Wetlands Commission.

Mr. Matterazzo stated neighbors are an important part of this aspect and there are no objections from any of the neighbors. Mr. Matterazzo also stated if the sheds had been reoriented to begin with, there would not have been a need to be before the Board.

Mr. Berchulski stated there are alternatives/options to improve what's proposed to bring it more into compliance; and he would like to see those things exercised.

Ms. Hickish had no comment and Mrs. DeBold had no further comments.

MOTION: Mary Hickish moved to approve a variance to allow an accessory structure to be located 25 feet from front property line, where 40 feet is required for property located at 400 Beaver Meadow Road, Haddam and shown on Tax Map 53, Lot 005-1. **Conditions:** 1. Standard Permit Conditions. 2. Special Conditions/Modifications – No. Tom Berchulski second. Motion denied by a vote of 1 to 3. Reasons for denial: alternatives/options available and not explored.

The Board briefly discussed the options available and not explored; the reorientation not being aesthetically pleasing to the applicant; and the proposed future use not a concern of the Board. Mr. Puska stated Mr. Muller at least came before the Board with an application; whereas, the previous owner did not (came in with an after the fact application).

5. Approval/Correction of the Minutes

MOTION: Tom Berchulski moved to approve the 26 January 2017 minutes as submitted. Mary Hickish second. Motion carried unanimously.

6. Open Discussion

Mr. Matterazzo stated the Board seems to be receiving applications regarding variances concerning borders and the Board is being consistent in terms of decisions. Mr. Matterazzo also stated if there is truly a hardship in terms of topography, and not financially or aesthetically, then he doesn't see a problem in approving a variance. Ms. Hickish stated although a weak argument, she believes aesthetics do have something to do with the matter as she doesn't like to drive by properties that are falling apart. Mr. Berchulski stated hardship is topographical, the lay of the land, it's not financial.

7. Adjournment

MOTION: Tony Matterazzo moved to adjourn. Tom Berchulski second. Motion carried unanimously.

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner, Recording Clerk

The next regular meeting is scheduled for Thursday, 27 April 2017.