

**Thomaston Zoning Board of Appeals
Meeting Minutes of August 16, 2016**

Members Present: Jamie Wilson, Christine Yoos, Becky Skinner, Tom Langlais, Bob Flanagan, Matt Kamens, Rob Mandino

Others Present: Jeremy Leifert, John Pizzano, David Petroccia - Surveyor, Dennis McMorrow of Berkshire Engineering & Surveying, Barbara Kleb

The Public Hearing convened at 7:00 pm.

T. Langlais recused himself from being seated for the first public hearing.

Members Seated: C. Yoos, B. Flanagan, J. Wilson, B. Skinner, M. Kamens

Agenda Item #1 - Application #2016-07-14-01 for a variance of the 13 feet of the rear yard setback requirement of 30 feet to allow a 17 foot rear yard setback for construction of a commercial building addition at 268 Watertown Rd.

Agent(s): J. Pizzano, D. Petroccia

D. Petroccia explained that the owner would like to construct an addition to the back of the existing building for storage of paperwork, vehicles, and equipment, that the addition would be approximately 1,500 square feet and is positioned as shown on the site plan in order to have proper access to pull vehicles into it, that the addition can't be located anywhere else on the property because of the locations of the wetlands, fuel tanks, and well, and that the hardship is that he needs to expand in order to continue to operate at this location.

The Board reviewed the site plan.

J. Pizzano explained that the current building has three bays, but one bay is being used for storage of documentation that is required to be kept on the premises, parts, and equipment, and that the addition will not have lifts in it.

B. Flanagan explained that the hardship cannot be financially and that he is struggling with it being financial from the testimony given.

J. Pizzano explained that the addition isn't for financial growth and that the extra storage would help with the appearance of the site and help to prevent people from stealing from him.

J. Wilson commented that the hardship includes the property being irregularly shaped and the locations of the well and tanks.

Public Comment: G. Gibeault commented that it is nice to see a business expanding and that vehicles are bigger than they use to be and require bigger spaces.

A motion was made by B. Flanagan and seconded by B. Skinner to close the Public Hearing. Motion unanimously passed.

Members Seated: C. Yoos, B. Flanagan, J. Wilson, B. Skinner, T. Langlais

Agenda Item #2 – Application #2016-07-29-02 for a variance of 20 feet of the front yard setback requirement of 50 feet to allow a setback of 30 feet and a variance of 8 feet of the rear yard setback requirement of 50 feet to allow a setback of 42 feet for a single family home construction at 730 North Main St.

Agent(s): D. McMorrow, B. Kleb

D. McMorrow explained that B. Kleb would like to purchase the property and construct a new home on it, that the original house was demoed in 2015, and that the hardship is the unique shape of the of the undersize property, the steep topography, and that the property is located in a flood plain.

D. McMorrow presented a site plan of the proposed house with an aerial view showing the original house and explained that the proposed house will positioned as close as possible to where the previous house was located.

B. Flanagan asked D. McMorrow if it is his testimony that the property is undersized and is in a flood plain and if so, should it be written on the application.

D. McMorrow replied yes.

Public Comment: None

A motion was made by T. Langlais and seconded by B. Skinner to close the Public Hearing. Motion unanimously passed.

REGULAR MEETING:

Minutes:

A motion was made by B. Flanagan and seconded by B. Skinner to approve the minutes as amended for July 19, 2016 to read B. Flanagan where R. Flanagan is written and to read (Executive Session) Chairman Wilson noted that all present members are invited to attend the executive session, as well as the Land Use Administrator and Town Counsel. Motion unanimously passed.

Old Business:

T. Langlais recused himself from being seated for the first agenda item.

Members Seated: B. Skinner, C. Yoos, T. Langlais, M. Kamens, and B. Flanagan as Chairman.

Agenda Item #1 – Deliberation/decision on Application #2016-07-14-01 for a variance of the 13 feet of the rear yard setback requirement of 30 feet to allow a 17 foot rear yard setback for construction of a commercial building addition at 268 Watertown Rd.

B. Flanagan commented that the property is irregularly shaped, but the variance would make the business more economically viable, which is not a hardship.

B. Skinner commented that she feels it would be very difficult to proceed with the use without the variance.

J. Wilson commented that he considers the shape of the lot a hardship and that he feels the footage of the variance is minimal.

B. Flanagan read the definition of a hardship to the Board.

B. Skinner commented that she is concerned with the way the existing business is being conducted without significant storage.

C. Yoos commented that she is concerned with how the records are being stored on top of the furnace because there is enough room for storage and read a portion from the definition of a hardship regarding public health, safety, etc.

A motion was made by B. Skinner and seconded by B. Flanagan to approve Application #2016-07-14-01 based on the following information;

Whereas the Thomaston Zoning Board of Appeals (ZBA) has received Application 2016-07-14-01 from John Pizzano of 268 Watertown Road, Thomaston, Assessor's - Map 59 Block 5 Lot 04 in the General Commercial Zone which is an application for a variance of Section 4.5 Schedule B – Table of Bulk Regulations - of 13 feet of the required 30 foot rear yard setback to allow for the construction of a commercial building addition at 268 Watertown Road, Assessor's Map 59 Block 05 Lot 04 in the General Commercial Zone.

Whereas the ZBA held a public hearing and deliberations and has reviewed all of the documents associated with Application 2016-07-14-01 on August 16, 2016.

The map submitted with the application is entitled:

Building Plot Plan Prepared For:

Village Service Center Improvement

268 Watertown Road

Thomaston, CT

Dated: 6/24/2016

Prepared by:

David P. Petroccia

Licensed Land Surveyor

3 Lake Drive

Oxford, CT 06478

Scale 1" = 20'

Reason for Approval – This approval is based on the map submitted with the application and referenced above. The granting of the variance will be in harmony with the purpose and intent of the Thomaston Zoning Regulations and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare of the community.

Hardship – due to the irregular lot shape.

Condition: An A2 As-Built will be presented and signed off by the ZEO prior to the final Certificate of Occupancy being granted.

Motion unanimously passed.

Members Seated: C. Yoos, B. Flanagan, J. Wilson, B. Skinner, T. Langlais

Agenda Item #2 – Deliberation/decision on Application #2016-07-29-02 for a variance of 20 feet of the front yard setback requirement of 50 feet to allow a setback of 30 feet and a variance of 8 feet of the rear yard setback requirement of 50 feet to allow a setback of 42 feet for a single family home construction at 730 North Main St.

B. Flanagan commented that this application is a text book case with regards to the variances being requested and that they are trying to mimic the same location of the previous house as close as possible.

T. Langlais agreed with B. Flanagan.

J. Wilson commented that it will be a good improvement to the property.

A motion was made by B. Skinner and seconded by C. Yoos to approve Application #2016-07-29-02 based on the following information;

Whereas the Thomaston Zoning Board of Appeals (ZBA) has received Application 2016-07-14-01 from Barbara Kleb of 730 North Main Street, Thomaston, Assessor's - Map 17 Block 07 Lot 04 in the RA-80 Residential Zone which is an application for 1) a variance of Section 4.5 Schedule B – Table of Bulk Regulations - of 20 feet of the required 50 foot front yard setback to allow a 30 foot setback and 2) a variance of 8 feet of the required 50 foot rear yard setback to allow a 42 foot setback for the construction of a single family home at 730 North Main Street, Assessor's Map 17 Block 07 Lot 04 in the RA-80 Residential Zone.

Whereas the ZBA held a public hearing and deliberations and has reviewed all of the documents associated with Application 2016-07-14-02 on August 16, 2016.

The map submitted with the application is entitled:

Zoning Location Survey showing

Proposed House Location

Prepared for:

Barbara Kleb

North Main Street

Thomaston, Connecticut

Prepared by:

Berkshire Engineering and Surveying

143 Bantam Lake Road

Bantam, CT 06750

Date: 6/28/16

Scale 1" = 20'

Reason for Approval – This approval is based on the map submitted with the application and referenced above. The granting of the variance will be in harmony with the purpose and intent of the Thomaston Zoning Regulations and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare of the community.

Hardship – The unique topography, smaller lot size for the zone, steep slopes of the property, and the shallow depth wetlands.

Condition: An A-2 As-Built survey must be present and signed off by the ZEO prior to the final Certificate of Occupancy being granted.

Motion unanimously passed.

New Business: None

Communications and Bills:

J. Leifert distributed/discussed the following;

Agenda Item #1 - Revised and updated Zoning Regulations

Agenda Item #2 - Summer 2016 Newsletter of the CT Federation of Planning and Zoning Agencies

Reports of Officers, Staff, and Committees: None

Executive Session:

Agenda Item #1 - Discussion on litigation strategy - Tillson, James vs Zoning Board of Appeals

A motion was made by C. Yoos and seconded by T. Langlais to move into Executive Session to discuss litigation strategy for pending court case Tillson vs ZBA with all members present and staff J. Leifert and P. Santa Maria. Motion unanimously passed.

The Board moved into Executive Session at 8:29 pm.

A motion was made by B. Flanagan and seconded by T. Langlais to move out of Executive Session at 8:35 pm with no action taken. Motion unanimously passed.

Adjournment:

A motion was made by C. Yoos and seconded by B. Flanagan to adjourn at 8:36 pm. Motion unanimously passed.

Respectfully submitted,

Pat Santa Maria,
Recording Secretary