

Thomaston Zoning Board of Appeals
Special Meeting Minutes of
March 29, 2016

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

Others Present: Jeremy Leifert, Glenn and Lisa Durante, Cheryl Roberts, Mario Chiovetti

The Public Hearing convened at 7:09 pm.

J. Wilson recused himself from being seated for the first agenda item.

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

B. Flanagan informed the Board that the agenda states that the Board must act on each of the applications by May 3, 2016 and render a decision by June 2, 2016 and explained that because the regular March 19, 2016 was cancelled, the agenda should read the hearings must be closed no later than April 19, 2016 and a decision must be rendered no later than May 19, 2016.

A motion was made by B. Flanagan and seconded by T. Langlais to correct agenda items #1 and #2 under Public Hearings to read the Board must close the hearing no later than April 19, 2016. Motion unanimously passed.

A motion was made by B. Flanagan and seconded by M. Kamens to correct agenda items #1 and #2 under Old Business to read if the hearing is closed at this meeting, a decision is required no later than May, 19, 2016. Motion unanimously passed.

Agenda Item #1 – Application #2016-02-19-02 for a variance of 20 feet of the 40 foot required rear yard setback to allow a 20 foot setback for construction of a garage at 543C North Main St.

Agent(s): G. & L. Durante

L. Durante explained that they would like to construct an attached garage with a living space above on the right side of their house.

The Board reviewed the site plan and discussed the hardships of the property, which included the shape of the lot, and the locations of the well, septic, and shared driveway. Discussion ensued.

Staff noted that no verbal or written communications were received regarding this application.

Public Comment: None

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

Seated were B. Skinner, C. Yoos, T. Langlais, B. Flanagan, and J. Wilson as Chairman.

Agenda Item #2 - Application #2016-02-25-01 for a variance of 8.5 feet of the required 10 foot side yard setback to allow a 1.5 foot setback and 8.8 feet of the required 25 foot front yard setback to allow a 16.2 foot setback for a rebuild and expansion of a damaged garage at 65 High St.

C. Roberts presented a site plan and architectural drawings for review, noting that the 2 sidewalks shown on the plan will be removed.

M. Chiovetti explained that the garage and several vehicles were damaged from a fire, that the new garage will be 7 ½' larger in one direction and 4' larger in the other direction, and that the plans also show a new curb cut for a new driveway, which has already been reviewed by Public Works, that will allow enough room for all their vehicles to park and turn around on the property and not in the road.

The Board discussed that the existing garage was non-conforming and that the property has 2 front yards because it is a corner lot. Discussion ensued.

J. Leifert informed the Commission that no verbal communications were received regarding this application, but that written communications were received from the Recreation Dept. in support of the Board approving application. J. Wilson read the letter for the record.

Public Comment: None

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

REGULAR MEETING:

Minutes:

A motion was made by C. Yoos and seconded by B. Flanagan to accept the minutes of January 19, 2016 as amended to read (pg. 1 Public Comment) P. Nedderman asked if there are supposed to be so many parking space. Motion unanimously passed.

Old Business:

J. Wilson recused himself from being seated for the first agenda item.

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

Agenda Item #1 - Deliberation/decision on application #2016-02-19-02 for a variance of 20 feet of the 40 foot required rear yard setback to allow a 20 foot setback for construction of a garage at 543C North Main S.

T. Langlais commented that the shape of the property limits where the garage can be located and that garages are usually constructed near exterior doors, which in this case, is on the right side of the house.

B. Flanagan commented that the garage can't be located anywhere else on the property because of the close proximity to Route 8 and the locations of the well and septic.

B. Skinner commented that there would also be the same issues if the garage were to be constructed on the other side of the house.

M. Kamens agreed with the comments made.

C. Yoos commented that the proposed location does seem to be the only location where the garage can be constructed.

A motion was made by B. Flanagan and seconded by B. Skinner to approve Application 2016-02-19-02 based on the following information:

Whereas the Thomaston Zoning Board of Appeals (ZBA) has received Application 2016-02-19-02 from Glenn and Lisa Durante of 543C North Main St., Thomaston, which is an application for a variance of Section 4.5 Schedule B – Table of Bulk Regulations - of 20 feet of the required 40 foot rear yard setback to allow for a 20 foot setback for the construction of a garage at 543C North Main St., Assessor’s Map 17 Block 02 Lot 11 in the RA-15 Residential Zone.

Whereas the ZBA held a public hearing and deliberations and has reviewed all of the documents associated with Application 2016-02-19-02 on March 29, 2016.

The map submitted with the application is entitled:

Improvement Location Survey – Dufour Surveying, LLC - Carmine J. Matrascia – L.S.

Dated: 2/18/2016

Prepared for:

Glenn E. and Lisa-Ann Durante

543C North Main St.

Thomaston, CT

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 location of the lot, which is in very close proximity to Route 8, and the location of the well and septic system on the property.

The motion unanimously passed.

Seated were B. Skinner, C. Yoos, T. Langlais, B. Flanagan, and J. Wilson as Chairman.

Agenda Item #2 - Deliberation/decision on application #2016-02-25-01 for a variance of 8.5 feet of the required 10 foot side yard setback to allow a 1.5 foot setback and 8.8 feet of the required 25 foot front yard setback to allow a 16.2 foot setback for a rebuild and expansion of a damaged garage at 65 High St.

B. Flanagan commented that it is a modest request and that it would improve the safety of entering and exiting the property.

T. Flanagan commented that the footprint already exists, that 80-90% of the garage could be re-constructed without a variance, that the reconfiguring of the garage is for the safety of entering and exiting the property from the road, that it is a corner lot, and that it is difficult to relocate the garage anywhere else on the property.

B. Skinner commented that the hardship is the location of the existing building and the lack of a suitable location elsewhere on the property.

J. Wilson commented that the variance will allow more conformity with regards to the safety of exiting and entering the property, and that the hardship is the location of the pre-existing garage, the property being on a corner lots, and the proximity to the recreation field.

A motion was made by B. Flanagan and seconded by C. Yoos to approve Application 2016-02-25-01 based on the following information;

Whereas the Thomaston Zoning Board of Appeals (ZBA) has received Application 2016-02-25-01 from Cheryl Roberts of 65 High St., Thomaston, which is an application for (2) two variances:

- 1) a variance of 8.5 feet of the required 10 foot side yard setback to allow a 1.5 foot setback;**
- 2) a variance of 8.8 feet of the required 25 foot front yard setback to allow for a 16.2 foot setback for the rebuilding and expansion of a damaged garage at 65 High St., Assessor's Map 40 Block 18 Lot 06 in the General Commercial Zone.**

Whereas the ZBA held a public hearing and deliberations and has reviewed all of the documents associated with Application 2016-02-25-01 on March 29, 2016.

The map submitted with the application is entitled:

Zoning Location Survey – Robert Green Associates, LLC – Robert Green – L.S.

Plot Plan for Garage – Land Owned by Cheryl Roberts – 65 High St. – Thomaston, CT

Dated: 2/18/2016

Revised: February 24, 2016

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 – it is on a corner lot and the non-conforming location, the pre-existing footprint, the expansion improves safety with regards to entry and exiting the property and with the regards to the proximity to the recreation field.

Motion unanimously passed.

New Business:

Agenda Item #1 – Expiring Term, April 1, 2016 – Becky Skinner

B. Skinner informed the Board that she would like to be re-appointed to the Board and will contact her party for their endorsement.

Agenda Item #2 – Discussion of legal notice issues and timing

B. Flanagan discussed legal notices having to be published within 15 days of the Board's decision for legal purposes. Brief discussion ensued.

Communications and Bills:

Agenda Item #1 – CFPZA Quarterly Newsletter – Winter 2016

J. Leifert presented the Winter 2016 issue of the CFPZA Newsletter to the Board.

Reports of Officers, Staff, and Committees: None

Executive Session:

**Agenda Item #1 - Discussion on litigation strategy for pending court case: Tillson, James v
Zoning Board of Appeals of the Town of Thomaston**

A motion was made by B. Flanagan 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 8:24 pm.

A motion was made by B. Flanagan and seconded by T. Langlais to move out of Executive Session at 8:33 pm with no action taken. Motion unanimously passed.

Adjournment:

A motion was made by C. Yoos and seconded by J. Wilson to adjourn at 8:34 pm. Motion unanimously passed.

Respectfully submitted,

Pat Santa Maria,
Recording Secretary