

Zoning Board of Appeals  
June 15, 2010 – Regular Meeting Minutes  
Town Hall – Room #1

**MEMBERS PRESENT:** Chairman Laurie Robinson, Patrick Reading, Arthur Shilosky and Bob Setschinsky;  
Alternate: Patricia Hayn; Selectman's Liaison: Stan Soby; Staff: Craig Grimord, Assistant Town Planner/Zoning Enforcement Officer; Gail Therian, Clerk

**MEMBERS ABSENT:** Michael Solis

1. CALL MEETING TO ORDER.

Chairman Robinson called this meeting to order at 7:03 p.m. Alternate P. Hayn was seated as a voting member.

2. ADDITIONS TO AGENDA None

3. PUBLIC HEARINGS

Chairman Robinson reviewed the ground rules for the hearing and said this was a continuation of the Public Hearing of May 18, 2010.

- A. ZBA#09-017, Bartolto Gallitto, Applicant/Owner, for property located at 289 Chestnut Hill Rd, Tax Map # 03-03, Lot #030-010, R-60 Zone. The parcel is located on the North side of the road, 1400' west of the intersection of Chestnut Hill Rd. and Ridgewood Dr. Applicant is requesting a variance to Section 13.21.2.1 of 7.0' to reduce the front yard setback to 43'. The variance is necessary to allow an already constructed porch to remain in place. (PH opened 5/18/10, continued to June 15, 2010)

The Public Hearing was opened at 7:04 p.m.

Chairman Robinson noted that the voting members for this application are: L. Robinson, P. Reading, B. Setschinsky and P. Hayn. M. Solis was not available this evening and A. Shilosky could not vote on this application as he was not present at the May 18, 2010 meeting.

The following items were added to the Public Hearing Record:

- U. Dated receipt for lumber from Shagbark Lumber
- V. A set of 4 photo's (one dated 7/08) showing the construction of the porch;
- W. Comments from Tim York, Building Official, pertaining to the photo's and onsite inspection;
- X. Copy of Section 8-13a of the Connecticut General Statutes pertaining to non-conforming buildings;
- Y. Copy of Judge Fullers Land Use Law book §53:3
- Z. Staff Memo from Craig Grimord, Assistant Planner & ZEO dated 6/10/10;
- AA. Letter from Scott Reckert to Mr. Barr, dated 6/14/10;
- BB. Live Search Aerial Photo of 285 & 289 Chestnut Hill Road;

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COLCHESTER, CT  
2010 JUN 16 PM 1:57  
NANCY A. BRAY  
TOWN CLERK  
*Nancy A. Bray*

C. Grimord recapped the Public Hearing from the May 18, 2010 meeting and reviewed the additional Exhibit items. He presented the aerial photos showing the distances between the houses located at 285 and 289 Chestnut Hill Road.

Chairman Robinson noted that B. Gallitto, applicant and owner, had not arrived at this time.

Speaking in Favor -- No One Spoke

Speaking in Opposition

Jody Barr, 285 Chestnut Hill Road, asked questions regarding the structure of the porch and if it met current building codes. He also asked if Mr. Grimord had inquired about the year of the photo on the Assessor's card. Mr. Grimord answered that he had spoken with J. Chaponis, Tax Assessor and was told the picture was taken in 2005. Mr. Barr asked about the hardship on the application being that the porch needed to be handicap accessible. He also submitted 3 photos that were taken at the same time but showed three different electronic dates on them. He also questioned the use of the lumber purchased on the receipt listed as Exhibit Item "U" and the Building Official's determination of the lumber being weathered. He had submitted a letter from an appraiser regarding the effect of this porch on the value of his property and he asked the Board not to grant the variance.

Discussion followed regarding the determination of the age of the lumber and the §8-13a and 8-2 of the Connecticut General Statutes regarding non-conforming structures.

Chairman Robinson acknowledged that Mr. Gallitto, applicant/owner had arrived and asked if he had any further information to be submitted. Mr. Gallitto submitted a letter regarding the construction of the porch and his relationship with his neighbors the Barrs. P. Reading read this letter into the record.

Discussion followed about the use of building materials listed on the sales receipt, the handicap ramp and the date the construction began on this porch. B. Gallitto stated that construction started in February of 2007 soon after the lumber was delivered.

Frank Gallitto, 289 Chestnut Hill Road, spoke about the pictures that were taken and the building materials used for the porch. He also noted the distance between the Gallitto property and the Barr property.

**Motion by** P. Reading  
to close the Public Hearing. .

**Second by** B. Setschinsky

**Vote:** Unanimous Time: 8:12 P.M

#### 4. Pending Applications

- A. ZBA#09-017, Bartolto Gallitto, Applicant/Owner, for property located at 289 Chestnut Hill Rd, Tax Map # 03-03, Lot #030-010, R-60 Zone. The parcel is located on the North side of the road, 1400' west of the intersection of Chestnut Hill Rd. and Ridgewood Dr. Applicant is requesting a variance to Section 13.21.2.1 of 7.0' to reduce the front yard setback to 43'. The variance is necessary to allow an already constructed porch to remain in place. (PH opened 5/18/10, continued to June 15, 2010)

Chairman Robinson stated that the Board had two options at this time: to proceed with the deliberations and voting at this meeting with only four (4) members eligible to vote on the application or that the deliberations be postponed to the next meeting and this would allow the two (2) members who had not attended both meetings to listen to the audio portion of the Public Hearings and to review the file. She explained that in order for the variance to be granted all four (4) members seated would need to vote in favor of the application. Discussion followed and Mr. Gallitto was in agreement that the deliberations be continued to the next meeting when there would be at least five (5) members eligible to vote on the application.

**Motion by:** P. Reading  
to continue the deliberations to the next regularly scheduled meeting on July 20, 2010 so that five (5) members of the Board will be eligible to vote on this application. .

**Second by** B. Setschinsky

**Vote:** Unanimous

#### 5. Minutes of Previous Meeting

##### A. Minutes of January 19, 2010 Meeting

**Motion by:** P. Reading  
to approve the minutes of the March 16, 2010 meeting as currently written.

**Second by** A. Shilosky

**Vote:** Abstentions: P. Hayn; In Favor: L. Robinson, P. Reading, A. Shilosky and B. Setschinsky **Motion carried.**

##### B. Minutes of May 18, 2010 Meeting

**Motion by:** P. Reading  
to approve the minutes of the May 18, 2010 as currently written.

**Second by** B. Setschinsky

**Vote:** Unanimous

#### 6. New Business None

#### 7. Old Business

##### A. Commission Chairman's Meeting April 15, 2010-

Chairman Robinson said she attended the Commission Chairman's meeting on April 15, 2010 and updated the Board of Selectman on pending applications and the need for two alternate positions to be filled.

8. **Zoning Enforcement Officer's Report – May 2010**

C. Grimord gave an overview of several of the Enforcement actions and explained the Zoning Complaint Received process.

9. **Correspondence - None**

10. **Adjournment**

**Motion by:** A. Shilosky  
to adjourn  
**Second by:** P. Reading  
**Vote:** Unanimous.

Chairman Robinson adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Gail N. Therian, Clerk