

**MEMBERS PRESENT:** Chairman Laurie Robinson, Patrick Reading, Arthur Shilosky, Michael Solis 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:** None

1. CALL MEETING TO ORDER.

Chairman Robinson called this meeting to order at 7:00 p.m.

2. ADDITIONS TO AGENDA None

3. PUBLIC HEARINGS - None

4. Pending Applications

- A. ZBA#10-017, Bartolito 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 and closed June 15, 2010)**

C. Grimord stated that A. Shilosky and M. Solis have listened to the audio portion of the meeting that they missed and have signed an affidavit stating that they feel comfortable voting on this application. A. Shilosky stated that he felt the original voting members on this application should be seated as voting members and he stepped down as a voting member.

Chairman Robinson noted that the voting members for this application are: L. Robinson, P. Reading, B. Setschinsky, M. Solis and P. Hayn.

C. Grimord gave a brief synopsis of the application. He said that he had asked the applicant to look for documentation or dated pictures that would provide a time line for the construction of the encroaching porch at the May meeting. At the June meeting, the applicant submitted a copy of the materials invoice (Exhibit U) and pictures of the early construction of the porch (Exhibit V) on of which was dated 7/15/08. A letter from Tim York, Building Official, was submitted (Exhibit W) stating that in his professional opinion the porch has been constructed for at least 3 ½ years. He said based on the information provided, he believes that CGS §8-13 applies. This Statute states that if a non-conforming building that has been situated for three years without the institution of legal action, the building becomes a non-conforming use. He said that the applicant was not aware of this Statute when he was asked for this information. He said that based on this information, staff believes the front porch is more than 3 years old and that CGS §8-13a and CGS §8-2 Statutes would apply.

The Board again reviewed the pictures and materials submitted. Discussion followed regarding the option of "taking no action" as a decision.

**Motion by:** B. Setschinsky  
to **Take No Action** on ZBA application #10-017, for property located at 289 Chestnut Hill Road, Assessor Map 03-017, Lot #30-010, R-60 Zone; for a variance to Section 13.21.2.1. of 7.0 feet to the front yard setback requirement of 50 feet for flag lots for the following reason:

Based on the evidence and testimony received at the Public Hearings it has been determined that the subject porch encroachment has been in existence for at least 3-years and no civil action has been taken to enforce the setback requirement as required and therefore the subject encroachment is considered and protected as a non-conforming structure per §8-13a and . §8-2 of the CGS.

**Second by** P. Hayn  
**Vote:** Unanimous

5. Minutes of Previous Meeting

A. Minutes of June 15, 2010 Meeting

P. Reading said that two additional items should be added to the Exhibit list for application ZBA#10-017: Item CC

RECEIVED  
COLCHESTER, CT  
2010 JUL 21 PM 1:00  
NANCY A. BRAY  
TOWN CLERK

“Three Photos of Porch, submitted by Mr. Barr with deliberately changed dates”; Item DD: “Letter from Mr. Bartolo Gallitto, applicant to the Zoning Board of Appeals”; and EE “Two Color Pictures of the Porch submitted by the applicant with painted lumber”.

**Motion by:** P. Reading  
to approve the minutes of the June 15, 2010 meeting as amended.  
**Second by** B. Setschinsky  
**Vote:** Abstentions: M. Solis All others in Favor: **Motion carried.**

**6. New Business**

- A. ZBA#10-018 RMD Land Development, LLC C/o Robert Gagnon, Applicant/Owner Variances requested to construct a Single Family Home at 764 Middletown Road- Assessor's Map #03-19, Lot #060-000, R-60 Zone. **(Public Hearing scheduled for September 21, 2010)**

This application was for receipt only. C. Grimord told the Board that a similar application was submitted to the Zoning Board of Appeals in 1998 and there are discrepancies between the two plans in regards to wetlands locations, lot area, and lot frontage. The applicant is in the process of obtaining a third surveyor to obtain a new plan. The Public Hearing is scheduled for the September 21, 2010 meeting in order to allow time for a new plan and any changes to the variances required to be submitted. This will allow time to properly advertise the application. The applicant will also be required to submit an application to the Conservation Commission and no decision can be rendered by the Board until a report is received from the Conservation Commission.

**7. Old Business**

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

C. Grimord told the Board that most of the Enforcements listed have now been cleared. He also mentioned that the State of CT Motor Vehicle Department will not be issuing registration windshield stickers for vehicles and how this will affect the enforcement of the Zoning Regulations regarding unregistered vehicles.

**9. Correspondence - None**

**10. Adjournment**

**Motion by:** A. Shilosky  
to adjourn  
**Second by:** B. Setschinsky  
**Vote:** Unanimous.

Chairman Robinson adjourned the meeting at 7: 58 p.m.

Respectfully submitted,

Gail N. Therian, Clerk