

**MEMBERS PRESENT:** Chairman Laurie Robinson, Patrick Reading, Michael Solis, Bob Setschinsky and 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 7:12 p.m.

2. ADDITIONS TO AGENDA

C. Grimord asked that "Item A" be added Under New Business/ Applications received "Meeting Schedule for 2012." This was added by consensus of the Board.

3. PUBLIC HEARINGS - None

4. Pending Applications

- A. ZBA#11-001, Leonard & Karen Przekopski, Applicant/Owner for property located at 36 Pine Road, Tax Map # 05-14, Lot #009-000, R-60 Zone, at the South West corner of the intersection of Pine Road and Pine Brook Road. Applicant is appealing the decision of the Zoning Enforcement Officer to deny Zoning Permit Application ZP#11-290 for a Certificate of Zoning Compliance for existing activities on the site. (Application received 4/26/11. Public Hearing scheduled for 5/17/11, rescheduled to Special meeting on 6/14/11; opened on 6/14/11, continued to Special Meeting on 7/12/2011, continued to 8/16/2011. Public Hearing closed on 8/16/2011)

L. Robinson said that the Public Hearing on this application closed at the last meeting held on August 16, 2011 and deliberations had begun. No meeting was held in September because of lack of a quorum. M. Solis made the following motion for discussion purposes.

**Motion by:** M. Solis  
to deny ZBA#11-001, Leonard & Karen Przekopski, Applicant/Owner, for property located at 36 Pine Road, Tax Map # 05-14, Lot #009-000, R-60 Zone, at the South West corner of the intersection of Pine Road and Pine Brook Road. Applicant is appealing the decision of the Zoning Enforcement Officer to deny Zoning Permit Application ZP#11-290 for a Certificate of Zoning Compliance for existing activities on the site for the following reasons.

1. Lack of a Special Permit per Zoning Regulations 4.A.3.5 and 6.7
2. Lack of a Class 2 Site Plan per Zoning Regulations 3.4.2. and 12.3.

And I am further going on to state that and I would be more than willing to strike this next statement

In coming to this conclusion the Board as considered the Przekopski's claim of "by right use" under Section 4.A.2.8 and I believe that the Town's requirement for both a Special Exception permit as well as Class 2 site plan is a legitimate use of the Town's police power.

**No one seconded this motion.** M. Solis withdrew this motion.

P. Reading stated that he felt that the decision should be rendered based on all the reasons that the application was denied by the Zoning Enforcement officer.

**Motion by:** P. Reading  
that it is the decision of this Board to **UPHOLD** the decision of the ZEO to deny Zoning Permit application ZP#11-290 application of Leonard & Karen Przekopski, for a Certificate of Zoning Compliance for Commercial/Industrial "By Right Uses" as described at 36 Pine Road, R-60 Zone for the following reasons:

- 1) Excavation is a specifically defined use in the Regulations that requires a Special Permit approval by the Planning & Zoning Commission.

Received for record at Colchester, Conn.  
on 10/20/11 at 1:30 P.m.

Attest, Nancy A. Bray, Town Clerk

- 2) The site has no valid Special Exception Permit approval for excavation/EMPAR ACTIVITIES in an Aquifer Protection Zone and is currently subject to a Cease & Desist Order to cease these uses until granted approval of a Special Exception Permit; therefore, the site is not in compliance with the Regulations and a Certificate of Compliance cannot be issued.
- 3) Review of Special Exception Uses and associated Site Plans is the purview of the Planning & Zoning Commission. The ZEO has no authority to act on such applications or plans.

**Second by:** B. Setschinsky

Discussion followed regarding the limitations of the Zoning Enforcement officer's authority to approve this application and if a decision should be rendered by this Board on the "by right use" of the property. It was determined that the decision should be only on upholding or rejecting the Zoning Enforcement officer's decision on this application.

Chairman Robinson called for a vote on this application.

**Vote:** Motion carried unanimously

**5. Minutes of Previous Meeting – Minutes Regular Meeting August 16, 2011**

**Motion by:** M. Solis  
to approve the minutes of the Regular Meeting of August 16, 2011 as presented.  
**Second by:** R. Reading  
**Vote:** Motion carried unanimously

**6. New Business/Applications Received -**

**A. 2012 Meeting Schedule**

**Motion by:** T. Hayn  
to approve the 2012 Meeting Schedule for the Zoning Board of Appeals as presented.  
**Second by:** P. Reading  
**Vote:** Motion carried unanimously

**7. Old Business - None**

**8. Zoning Enforcement Officer's Report -September 2011**

The Zoning Enforcement Officer's Report for September 2011 was included in the Board members packets. C. Grimord explained to the Commission the process he is following regarding the enforcement of the temporary sign regulations. Discussion followed.

**9. Correspondence None**

**10. Adjournment**

**Motion by:** P. Reading  
to adjourn the meeting at 8:00 p.m.  
**Second by:** T. Hayn  
**Vote:** Motion carried unanimously

Gail N. Therian, Clerk