

MEMBERS PRESENT: Chairman Laurie Robinson; Patrick Reading, Bob Setschinsky, Michael Solis and Jason Radachy;
Selectman's Liaison: Stan Soby; **Staff:** Craig Grimord, Assistant Town Planner/Zoning Enforcement Officer; Gail Therian, Clerk

MEMBERS ABSENT: No one

1. CALL MEETING TO ORDER.

Chairman Robinson called this meeting to order at 7:02 p.m.

2. ADDITIONS TO AGENDA None

3. PUBLIC HEARINGS -

- A. ZBA#13-004, A. Falk von Plachecki, Applicant, B. Dimberg & N. Wasniewski, Owners,** for property located at 4 & 6 River Rd., Tax Map # 06-12, Lot #029-000, R-80 Zone. The applicant is requesting variances to Section 13.21.2.1 of 108,079.74 Sq. Ft. of lot area, and Section 13.21.2.4 to allow for an access easement over other property. The variances are necessary to correct the existing non-conformity of two single-family dwellings on one parcel and to allow for each dwelling to be on its own lot. (Received and PH opened on 3/19; PH continued and closed on 4/16)

C. Grimord stated that this was a Continuation of the Public Hearing from the March 19, 2013 meeting. He said the Public Hearing legal notice had been published in the Rivereast on March 8 and March 15, 2013. He distributed copies of a memo "Staff Suggested Motions" dated March 19, 2013.

C. Grimord told the Board members that B. Setschinsky had listened to the audio portion of the March 19, 2013 that he had missed and signed an affidavit stating that he was sufficiently familiar with the application to be eligible to vote. The affidavit will become part of the application file.

She stated that the voting members for this evening on this application were: L. Robinson, P. Reading, M. Solis. and B. Setschinsky. New member Jason Radachy was not eligible to vote on this application. There were no questions or comments from the Board.

Speaking in Favor - No one Spoke

Speaking in Opposition - No one Spoke

Motion by: P. Reading
to close the Public Hearing.
Second by: M. Solis
Vote: Motion carried unanimously

4. Pending Applications -

- A. ZBA#13-004, A. Falk von Plachecki, Applicant, B. Dimberg & N. Wasniewski, Owners,** for property located at 4 & 6 River Rd., Tax Map # 06-12, Lot #029-000, R-80 Zone. The applicant is requesting variances to Section 13.21.2.1 of 108,079.74 Sq. Ft. of lot area, and Section 13.21.2.4 to allow for an access easement over other property. The variances are necessary to correct the existing non-conformity of two single-family dwellings on one parcel and to allow for each dwelling to be on its own lot. (Received and opened Public Hearing on 3/19; PH continued and closed on 4/16)

Public Hearing closed this evening. Discussion followed regarding how the variances would reach the goal of zoning that non-conforming uses should be abolished or reduced to conformity.

Motion by: P. Reading
to approve ZBA#13-004, A. Falk von Plachecki, Applicant, B. Dimberg & N. Wasniewski, Owners, for property located at 4 & 6 River Rd., Tax Map # 06-12, Lot #029-000, R-80 Zone. Variances are granted to Section 13.21.2.1 of 108,079.74 Sq. Ft. of lot area, and Section 13.21.2.4 to allow for an access easement as shown on the submitted plan over other property. The variances are necessary to divide the property to correct the existing non-conformity of two single-family dwellings on one parcel.

The variances are granted for the following reasons:

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- A. Granting of the variances allow the applicant to seek subdivision approval that will bring the properties into conformance with §13.2.1 of the Regulations.
- B. Granting the variances will substantially affect the general purpose and intent of the Zoning Regulations or the general zoning plan of the area and will remove an existing non-conforming use.
- C. The size of the parcel and the location of the existing dwellings create an unusual situation that cannot be corrected by a strict adherence to the letter of the Zoning Regulations; thus causing a hardship different from that affecting other properties.

Second by: M. Solis

Vote: Motion carried unanimously

5. Minutes of Previous Meeting – Minutes Regular Meeting March 19, 2013

Motion by: M. Solis

to approve the minutes of the Regular Meeting of March 19, 2013 as written.

Second by: P. Reading

Vote: Abstentions: B. Setschinsky All others in favor Motion carried.

6. Applications Received: - None

7. Old Business – None

8. New Business/Applications Received

A. Review of the Non-conforming Regulation comments from the attorneys

A. Turner briefed the Board on Zoning Regulations relating specifically to how Non-Conformities are related directly or indirectly to a number of State Statutes. He said that he had asked the Town Attorney to review the proposed Non-conformity section and make suggestions and corrections. Discussion followed regarding nonconforming uses, enforcement relating to alleged nuisances and performance standards.

C. Grimord told the Board members that if they had any further questions or concerns they should be forwarded to A. Turner via email.

9. Zoning Enforcement Officer's Report - ZEO Report for March 2013

C. Grimord said that a copy of his March 2013 report was included in the Board Member's packets. Discussion followed on several of the outstanding enforcement actions.

10. Correspondence

A. Appointment of new ZBA member – Jason Radachy

Chairman Robinson introduced the new Zoning Board of Appeals member Jason Radachy.

11. Adjournment

Motion by: P. Reading

to adjourn the meeting at 8:04 p.m.

Second by: J. Radachy Solis

Vote: Motion carried unanimously

Gail N. Therian, Clerk