

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 7:04 p.m.

2. ADDITIONS TO AGENDA None

3. PUBLIC HEARINGS -

- A. ZBA#13-005, John Henley, Applicant/Owner, for property located at 161 Pine Brook Rd., Tax Map # 4W-09, Lot #009-002, R-60 Zone. Applicant is requesting a 10.1' variance to §13.21.2.1 of the North side yard setback requirement of a flag lot to construct an attached 3-car garage.

C. Grimord read the Public Hearing legal notice published in the Rivereast on May 10 and May 17, 2013. He distributed copies of the Exhibit List with Items A - V.

Chairman Robinson asked the members of the audience if anyone had any concerns or comments about the members of the Commission that were seated for the Public Hearing. No comments were made. She went on to explain the Public Hearing procedure. She stated that the voting members for this evening on this application were: L. Robinson, P. Reading, B. Setschinsky, M. Solis and J. Radachy.

C. Grimord distributed a copy of his Memo dated May 21, 2013. He said that this application is a request for a variance to Section 13.21.2.1 to reduce the requirement of 50' setbacks from the property lines of Flag Lots. Mr. Henley is requesting a 10.1' variance to construct a 3 bay attached garage. He explained why the 50' setback requirement for flag lots was established as a Regulation amendment adopted on 9/27/2003.

John Henley, applicant and owner, said that he was seeking this variance to construct the garage because of the location of the house on the property, the slope of the land, the drainage structure underneath the driveway and the location of the septic system. Discussion followed regarding the topography of the land and the CL&P easement on the adjoining property. Mr. Henley mentioned the seasonal stream and the area around it, but no wetlands delineation had been made by a Soil Scientist, therefore, this could not be considered as a hardship.

The following items were entered into the Record: Item W – Letter from Butch Przekopski and family, dated May 21, 2013 in favor of the variance; Item X – Photos numbered 1 – 4 of the proposed garage site taken in January 2013; Item Y – Reduced scale copy of the Subdivision Map showing the CL&P right of way and lot topography; and Item Z – a full size plan showing three possible alternative sites for the construction of the garage drawn and submitted by Staff.

Speaking in Favor - No one Spoke

Speaking in Opposition – No one Spoke

Motion by: M. Solis
to close the Public Hearing.
Second by: B. Setschinsky
Vote: Motion carried unanimously

4. Pending Applications -

- A. ZBA#13-005, John Henley, Applicant/Owner, for property located at 161 Pine Brook Rd., Tax Map # 4W-09, Lot #009-002, R-60 Zone. Applicant is requesting a 10.1' variance to §13.21.2.1 of the North side yard setback requirement of a flag lot to construct an attached 3-car garage.

The Public Hearing was closed this evening. Discussion followed regarding alternative sites for the garage on the site, the CL & P Easement and power lines across the adjacent property and the location of the on sit septic system.

RECEIVED
COLCHESTER, CT
2013 MAY 22 PM 1:20
NANCY A. BRAY
TOWN CLERK
Nancy A. Bray

Motion by: P. Reading

to approve **ZBA #13-005, John Henley, Applicant/Owner**, for property located at 161 Pine Brook Rd., Tax Map # 4W-09, Lot #009-002, R-60 Zone. Applicant is requesting a variance to §13.21.2.1 of 10.1 Ft. of the 50' setback requirement for a flag lot. The variance is necessary to construct a 3-car garage. The variance is granted for the following reasons:

- A. Granting the variance will not substantially affect the general purpose and intent of the Zoning Regulations or the general zoning plan.
- B. In light of the CL & P power line Right of Way on the adjacent property next to the site of the proposed garage creating an un-buildable 50' buffer, there should be no impacts to the adjacent property owner.
- C. The location of the existing septic system restricts the potential development of the site.

Second by: M. Solis

Vote: In favor: L. Robinson, P. Reading, M. Solis and B. Setschinsky

Opposed: J. Radachy

Motion carried

5. Minutes of Previous Meeting – Minutes Regular Meeting April 17, 2013

M. Solis said that the date at the top of the page of the Minutes needed to be changed to read: **April 17, 2013.**

P. Reading said that on page two (2) - Item B should read: Granting the variances will **not** substantially affect . . .

Motion by: B. Setschinsky

to approve the minutes of the Regular Meeting of April 17, 2013 as amended.

Second by: M. Solis

Vote: **Motion carried unanimously.**

6. Applications Received: - None

7. Old Business – None

8. New Business/Applications Received

- A. **ZBA#13-005, John Henley, Applicant/Owner**, for property located at 161 Pine Brook Rd., Tax Map # 4W-09, Lot #009-002, R-60 Zone. Applicant is requesting a 10.1' variance to §13.21.2.1 of the North side yard setback requirement of a flag lot to construct an attached 3-car garage

This Public Hearing was opened and closed and decided at this evening's meeting.

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

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

10. Correspondence None

11. Adjournment

Motion by: P. Reading

to adjourn the meeting at 8:26 p.m.

Second by: J. Radachy

Vote: **Motion carried unanimously**

Gail N. Therian, Clerk