

**MEMBERS PRESENT:** Chairman Laurie Robinson; Patrick Reading, Michael Solis, Jason Radachy, and Bob Setschinsky; Stan Soby, Board of Selectmen Liaison Staff: Randy Benson, Planning Director and Gail Therian, Clerk

**MEMBERS ABSENT**

**1. CALL MEETING TO ORDER**

Chairman Robinson called this meeting to order at 7:03 p.m.

**2. ADDITIONS TO AGENDA - None**

**3. PUBLIC HEARINGS –**

- A. ZBA#16-002, Colchester Housing LLC Applicant/owner, for property located at 430 Amston Road, Tax Map # 06-18, Lot #007, Suburban Zone. The applicant is requesting a variance to Section 4.5 Minimum Buildable Area to allow for a reduction of the minimum buildable area from 120,000 square feet to 88,000 square feet.**

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

R. Benson distributed copies of a letter from A. Larew dated June 21, 2016 and a revised map of the property. He told the Commission that Mr. Larew had requested an additional variance in this letter and wanted to add another hardship to his application. He told the Commission that they could not speak about the additional variance request as this would need a new application and the new application would need to follow all noticing procedures. He also reviewed his letter dated June 22, 2106 to the applicant. He told the Board that the portion of the property in the R60 zone would not have allowed for a multi-family residence in the prior regulations; and that the portion of the property in the R30 zone would allow for multifamily housing as a Special Exception permit only if it met certain criteria specified in Section 11.6 of the prior regulations.

**Speaking in Favor:**

Andrew Larew, Colchester Housing, LLC, applicant, reviewed the revised map and said that he had the map updated showing the split zones when he purchased the property in June 0f 2014. He said the hardship for the variance is the shape, topography and wetlands on the property. He addressed several of the issues discussed by the neighbors at the last meeting. He said that since the last meeting the camper and four (4) cars have been removed from the property. He said that he did not feel property values would be decreased by the construction of multifamily housing. He said he felt that the increase of the use from a two (2) family unit to a four (4) family unit would not impact the neighborhood. Discussion followed regarding the hardship Mr. Larew presented and the amount of potential units which could be constructed if the variance was granted.

**Speaking in Opposition: -**

Atty. Kimberly C. McGee, Brown Jacobson, representing Thomas and Judith Pipicelli, reviewed the charge of the Zoning Board of Appeals and the Section 8-6 of the Connecticut State Statutes regarding variances. She said that Colchester's Plan of Conservation and Development states that the Town wants to preserve wetlands and natural resources. She reviewed Section 17.3 of the Land Development Regulations regarding the criteria on which a variance must be based upon. She reminded the Board that a hardship must be demonstrated

Robert Blackmore, representing his family at 259 Amston Road, expressed his concerns about the hardship being the wetlands on the property as the wetlands have always been there. He also spoke about the traffic on Amston Road.

**Speaking to Those who Spoke in Opposition**

Andrew Larew, Colchester Housing, LLC, applicant, stated again that his hardship is the amount of wetlands on the property and its impact on the buildable area and the shape and topography of the land. He said he believes that

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Colchester is in need of more low income housing. Discussion followed regarding the criteria of a hardship as listed in Section 17.3.1 in the Colchester Land Development Regulations.

**Motion by:** J. Radachy  
to close the Public Hearing  
**Second by:** B. Setschinsky  
**Vote:** Opposed: L. Robinson All others in favor **Motion carried.**

- B. ZBA#16-003, Robert Gagnon, Applicant/Owner, for property located at 549 Parum Road, Tax Map # 02-06, Lot #016, Rural Zone. Applicant is requesting a variance of 16' to Section 3.4.1.C to reduce the side-yard setback requirement to 9'. The variances are necessary to construct a garage addition to the house.

Chairman Robinson listed the voting members on this application: L. Robinson, P. Reading, B. Setschinsky, M. Solis and J. Radachy.

R. Benson told the Board that the request for a variance is for a two car garage that would go into the setback 16' which would leave a setback of 9'. He said that the property is one of five (5) lots created in the 1950's prior to any zoning or subdivision regulations. The parcel is 2.61 acres with 100 feet of frontage on Parum Road. He said that due to the environmental limitations of the property and the location of the septic system, the only place on the lot where a garage could be located would be the side of the house. Discussion followed regarding the location of the proposed garage and the existing decks and shed on the property.

#### Speaking in Favor:

Robert Gagnon, applicant and owner, said that the decks and shed on the property will be removed during the renovation of the house. He said that the location of the septic system constructed in 2006 is limiting the use of the property. He said he would like the garage on the side of the house because of the architectural design. He explained the distances to the neighboring property lines.

Discussion followed regarding the non-conforming structure. R. Benson told the Board that he checked tax records of the surrounding properties and found that these houses do have garages. The tax record of 543 and 545 Parum Road were submitted as a record item. (Record Item M). A letter in support of the application was received from Andre and Gloria Gilbert (Record Item L).

Noyes Collins, 543 Parum Road, spoke in favor of the application. He said he has no issues with the application as Mr. Gagnon is a good neighbor.

**Motion by:** B. Setschinsky  
to close the Public Hearing  
**Second by:** J. Radachy  
**Vote:** **Motion carried unanimously**

#### **4. PENDING APPLICATIONS –**

- A. ZBA#16-002, Colchester Housing LLC Applicant/owner, for property located at 430 Amston Road, Tax Map # 06-18, Lot #007, Suburban Zone. The applicant is requesting a variance to Section 4.5 Minimum Buildable Area to allow for a reduction of the minimum buildable area from 120,000 square feet to 88,000 square feet.

J. Radachy questioned the hardship that Mr. Larew presented. He said that the property is being used and a variance should not be granted on the basis of the applicant's disappointment in the use of the property.

**Motion by:** J. Radachy  
to deny ZBA#16-002 on the grounds that we do not find a hardship as there is an existing use of the property and disappointment in the use of the property does not constitute a hardship.  
**Second by:** P. Reading  
**Vote:** **Motion carried unanimously.**

- B. ZBA#16-003, Robert Gagnon, Applicant/Owner, for property located at 549 Parum Road, Tax Map # 02-06, Lot #016, Rural Zone. Applicant is requesting a variance of 16' to Section 3.4.1.C to reduce the side-yard setback requirement to 9'. The variances are necessary to construct a garage addition to the house.

J. Radachy said that the house has been used without a garage for many years. He also said that although the neighbors are in favor of the application, the owners of the property may change over the coming years. He said that this would be extending the non-conforming use of the property. The Board reviewed the criteria of a hardship as listed in Section 17.3.1 in the Colchester Land Development Regulations.

**Motion by:** J. Radachy  
to deny ZBA#16-003 on the grounds that the lack of a garage is not a hardship as that there has been a beneficial use and enjoyment of the property without the garage.  
**Second by:** L. Robinson  
**Vote:** Motion carried unanimously.

**5. Minutes of Previous Meeting – Minutes of the Regular Meeting May 17, 2016**

P. Reading said regarding the second paragraph under ZBA#16-002, that he believed Chairman Robinson told Atty. Kim McGee that "only applicants can request an extension of time." The clerk will review her notes and listen to the audio portion of the meeting to verify that this was said by the Chairman.

**Motion by:** J. Radachy  
to table the approval of the minutes of the May 17, 2016 Regular meeting.  
**Second by:** L. Robinson  
**Vote:** Motion carried unanimously

**6. APPLICATIONS RECEIVED: - None**

**7. OLD BUSINESS – None**

**8. NEW BUSINESS/APPLICATIONS RECEIVED -**

**A. Discussion on "Verrillo v. Zoning Board of Appeals of the Town of Branford"**

The Board decided to devote the meeting in July to review the "Verrillo v. Zoning Board of Appeals of the Town of Branford."

**Motion by:** P. Reading  
To table the discussion on the Verrillo v. Zoning Board of Appeals of the Town of Branford to the next regularly scheduled meeting on July 19, 2016.  
**Second by:** J. Radachy  
**Vote:** Motion carried unanimously

**9. ZONING ENFORCEMENT OFFICER'S REPORT- None**

**10. CORRESPONDENCE – None**

**11. ADJOURNMENT**

**Motion by:** B. Setschinsky  
to adjourn the meeting at 9:30 p.m.  
**Second by:** J. Radachy  
**Vote:** Motion carried unanimously

Gail N. Therian, Clerk