

**MINUTES**  
**LITCHFIELD ZONING BOARD OF APPEALS**

September 6, 2011 - 7:30 p.m.  
Town Hall Annex, 80 Doyle Rd., Bantam, CT

**Members Present:** Chairman Richard Ducci, Melinda Mennillo, Nancy Amrich, Andrew Ide, Brian Donohue

**Members Absent:** Brian McKernan

The Chair opened the public hearings at 7:30 p.m. and explained the format of the hearings.

**PUBLIC HEARINGS**

**Case 11-9-1** - To discuss and possibly act upon a request from Peter Carpenter for (1) Side & aggregate variance of 10' (2) front yard of 6' and rear yard of 28' (3) Building coverage of 7.8% over existing 36.4% (proposed total 44.2%) from Article IV Section 2. (4) Enlargement variance from Article VI, Section 6(7) for building addition for property at 189 West St. Robert Smith and Peter Carpenter were present for the application and presented return receipt mail cards. Mr. Smith explained that the owner of the business, Mr. Carpenter would like to expand the building to add more floor space. He stated that this is a small pre-existing non-conforming lot and there are no other places to expand without a variance. There will be access to a basement area underneath the new addition. The existing building does not have a basement. No one spoke in favor or opposition to the application. The hearing closed at 7:45 p.m.

**Case 11-9-2** - To discuss and possibly act upon a request from David Patchell for a Side yard variance of 14' from Article IV Section 2 and Enlargement from Article VI, Section 6(7) for a proposed building addition for property at 141 Woodruff Street. David Patchell was present for the application. He explained that they have already constructed a small addition to the building with the intention of sound attenuation for air conditioning units and fans. The sound attenuation issue was requested by the Planning and Zoning Commission when the use was approved last year. They did the work without permits and the Zoning Enforcement Officer noticed it and asked them to stop work until they receive the necessary permits. He stated that he has a building permit for the concrete slab to place the mechanicals on. No one spoke in favor or opposition to the application. Mr. Patchell indicated that he realized he had made a mistake and he would remove the addition if the board feels he needs to. The hearing adjourned at 7:55 p.m.

**Case 11-9-3** - To discuss and possibly act upon a request from Michael & Michelle Persechino for a (1) Side yard variance of 2' (2) side yard of 10' (3) Aggregate of 12' from Article IV Section 2 and (4) Enlargement variance from Article VI Section 6(7) for two proposed decks for property at 22 Meadow Street. Mrs. Persechino was present for the application and submitted return receipt mail cards. She stated they would like to cover the existing side deck to make it more useable and add a new rear deck. The house was built in 1798. There is no egress from the rear of the property where the proposed deck will be built. No one spoke in favor or opposition to the application. The hearing was closed at 8:03 p.m.

**REGULAR MEETING**

**Consider Case 11-9-1** - The Board discussed parking and delivery issues. The right of way on the property was also discussed. A. Ide moved to grant the variance with the hardship being the unique layout of the property and that the lot is pre-existing nonconforming, B. Donohue seconded and the motion passed unanimously.

**Consider Case 11-9-2.-** The Board discussed the issue of the previous approval for the slab. The consensus was that this decision and discussion be continued to the next meeting to get more information from the Building and Land Use Office regarding the approval for the existing slab.

**Consider Case 11-9-3 –** B. Donohue moved to grant the variance with the hardship being the pre-existing non-conforming setbacks of the lot and it will be in harmony with the neighborhood because the house next door has a similar deck, M. Mennillo seconded and the motion passed unanimously.

The Chair recognized a group of Boy Scouts present in the audience and invited them to ask questions if they had any. The boys are working on a merit badge that requires them to attend a town meeting and ask questions.

**Approval of Minutes of August 2, 2011 –** M. Mennillo moved to approve the minutes, N. Amrich seconded and the motion passed unanimously.

**Possible Executive Session to discuss pending litigation –** B. Donohue moved to go into executive session to discuss pending litigation at 8:26 p.m., N. Amrich seconded and the motion passed unanimously. The board came out of executive session at 8:38 p.m. with no action taken.

**Adjournment -** N. Amrich moved to adjourn the meeting at 8:38 p.m.

Richard M. Ducci  
Chairman

Date