

**MINUTES
SPECIAL MEETING**

**Zoning Board of Appeals
Remote Access**

**October 1, 2020
6:30 PM**

Members Present: Catherine Newlin, Vice Chair; Michele Kripps; Warren Mackenzie
Members Absent: Joshua. Friedman, Chair; Anne Darling, Secretary
Alternates Present: Jason Maryeski, Darcy Van Ness
Alternates Absent: Danielle McCarty
Staff Present: Jill Pisechko, Zoning Official; Robert Avena, Town Attorney; Anna Scanlon, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Vice Chair Newlin called the meeting to order at 6:32 PM and appointed Darcy Van Ness to sit for Joshua Friedman and Jason Maryeski to sit for Anne Darling.

2. APPROVAL OF MINUTES

MOTION: Motion made by Michele Kripps seconded by Jason Maryeski to approve the minutes of the August 13, 2020 and the September 3, 2020 meetings as written.

VOTE: 5-0

3. RECEIPT OF APPLICATIONS

The following application was received by the board:
Ellen Ward Road, ZBA-20-7.

4. PUBLIC HEARING

Application #ZBA-20-5 - Appeal of Nevil C. & Gloria J. Petrini, owners and applicant and James Bernardo, LS, agent at 23 Division Street, R-20 zone. Variance is requested from zoning regulations section 4.4.1—Front yard setback variance of 20 feet to allow a front yard setback of 30 feet. Variance is required to construct an addition to an existing single family dwelling as proposed on plan entitled "Zoning Location Survey, Property of Nevil C. Petrini & Gloria J. Petrini for property located at 23 Division Street" dated August 28, 2020.

The following Exhibit List was read into record by Vice Chair Newlin:

- EXHIBIT 1. Application and supporting documentation.
(Application, Street Card, List of Property Owners Within 150 feet, Deed, Floor Plans).
- EXHIBIT 2. Surveyed Plan Entitled "Zoning Location Survey, Property of Nevil C. & Gloria J. Petrini; For Property Located At: 23 Division Street, Waterford, Connecticut; Zone: R-20; Scale: 1"= 20', August 28, 2020."
- EXHIBIT 3. Staff Report Memo Titled: Application # ZBA-20-5; Single Family Residential; Setback Variances; 23 Division Street, September 14, 2020

- EXHIBIT 4. Copy of notification letter to applicant regarding the requirement to mail the notice of Public Hearing to property owners within 150 feet of the property, dated, September 16, 2020
- EXHIBIT 5. Condensed Comments, dated September 15, 2020
- EXHIBIT 6. Certificates of Mailing, dated September 21, 2020

James Bernardo, agent addressed the board. Mr. Bernardo stated that a variance is needed to construct an addition onto the side of the house on a non-conforming lot. The original structure was built with a 25 foot setback, prior to the current zoning regulations of a 50 foot setback.

The owners are currently working with a structural engineer to address the existing deck's location relative to flood compliance. Mr. Bernardo indicated the addition is proposed in this configuration to avoid construction in the flood zone. Mr. Bernardo discussed the section, Criteria for Decisions 27.5 a.-k.; relative to the application.

No questions for the applicant from the board.

The Zoning Official, commented on Exhibit 3, Staff Report, asking the board to consider if the proposal is the minimum configuration to vary the zoning regulations and whether or not a legal hardship exists in order to allow such a variance to be approved. Then asked if the Town Attorney had any comments.

Attorney Rob Avena asked the agent, Is the lot under a different setback requirement then when the lot was originally developed; and the need for legal hardship is to add an addition that will not comply to with the present zoning? Discussion ensued.

Attorney Rob Avena asked the board if they have any questions of the applicant or of himself.

Darcy Van Ness asked the agent about their plans for erosion and sediment control during the construction process and not impacting the environment in any way?

Mr. Bernardo indicated the in-ground pool is to be removed and filled in and a sediment fence is to be used. He indicated it was reviewed by staff, including the Town of Waterford's Environmental Planner, and they had no concerns

The Zoning Official confirmed Mr. Bernardo's assertion.

Vice Chair Newlin, asked if there was anyone in the audience who wished to speak regarding this application? There was no one to answer.

MOTION: Motion made by Darcy Van Ness and seconded by Michele Kripps to close the public hearing.

VOTE: 5-0

There being no further comments or questions, the public hearing was closed at 6:51 PM.

5. APPLICATION REVIEW

There were no applications to review.

6. OLD BUSINESS

No old business was discussed.

7. NEW BUSINESS

Discussion and Consideration of Application #ZBA-20-5 - Appeal of Nevil C. & Gloria J. Petrini, owners and applicant and James Bernardo, LS, agent at 23 Division Street, R-20 zone. Variance is requested from zoning regulations section 4.4.1—Front yard setback variance of 20 feet to allow a front yard setback of 30 feet. Variance is required to construct an addition to an existing single family dwelling as proposed on plan entitled "Zoning Location Survey, Property of Nevil C. Petrini & Gloria J. Petrini for property located at 23 Division Street" dated August 28, 2020.

MOTION: Motion made by Darcy Van Ness and seconded by Jason Maryeski to table **Application #ZBA-20-5** for the next meeting.

VOTE: 5-0

2021 Meeting Schedule

MOTION: Motion made by Darcy Van Ness and seconded by Michele Kripps to approve the amended 2021 Meeting Schedule.

VOTE: 5-0

8. CORRESPONDENCE

There was no correspondence.

9. ADJOURNMENT

MOTION: Motion made by Darcy Van Ness and seconded by Michele Kripps, to adjourn the meeting at 7:01 PM.

VOTE: 5-0

Respectfully Submitted,
Anna Scanlon
Recording Secretary