



Town of Griswold



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GRISWOLD ZONING BOARD OF APPEALS REGULAR MEETING MINUTES

FEBRUARY 3, 2010

GRISWOLD TOWN HALL

I. REGULAR MEETING/PUBLIC HEARING(S) (7:00 P.M.)

1. Call to Order

Theodore Faulise, Chairman, called this meeting of the Griswold Zoning Board of Appeals to order at 7:00 p.m.

2. Roll Call

Present: Theodore A. Faulise, Dorothy Doucette, Ronald Anthony, Ronald Jodoin, William Przulucki, Alternates Louis Demicco, III Maryann Manning, Duane Button, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent:

3. Determination of Quorum

There was a quorum for this regular meeting of the Zoning Board of Appeals.

4. Matters Presented for Consideration

A. ZBA 10-10 Dziadul, Kenneth, 596 Bethel Road, Griswold, CT. Requesting relief from Town of Griswold Zoning Regulations Section 10.3 and Section 10.4 to reduce the front yard requirement from 50 ft. to 0 ft., the left side yard requirement from 30 ft. to 0 ft. and Section 10.1.1, to reduce the driveway requirement from 50 feet to 0 ft. in order construct a 50 ft. x 12 ft. ground mounted solar array. The property is zoned R-60.

T. Faulise asked if the applicant was present and asked him to explain his variance request. Kenneth Dziadul was presented and submitted the abutters' notifications to the Board.

K. Dziadul explained that the Planning & Zoning Commission ruled that he would require a variance to modify the front yard and side yard setbacks and the driveway requirement. He explained that he is asking for the boundary setbacks to be zero to cover the basis. He stated that P. Zvingilas advised him to ask for 0 ft. variances. T. Faulise asked for specific measurements. K. Dziadul stated that he was going to put the array the way it is shown on the diagram. T. Faulise stated that it will be 15 ft. on the side yard. K. Dziadul explained that there were recent two surveys of the property which showed that the boundaries were different and it could be less than 15 ft. He stated that it would not infringe on David Sorensen's property D. Doucette asked if the surveys were done by two different surveyors. K. Dziadul stated yes. T. Faulise asked if the two surveys showed what

changes to the map. K. Dziadul stated that the distances can be a difference of at least 2 ft. of the property line. There was discussion of this matter.

T. Faulise stated that he was concerned with the 0 set backs and that it should have a number so that the array cannot be put on the road or the property line. P. Zvingilas recommend 0 ft. and that the board would pick a number that the applicant would use for the distance. He stated that the board should reference the date of the plan.

T. Faulise stated that the board is familiar with the application. He asked if there was anyone to speak in favor of the application as well as anyone to speak in opposition. He asked if the abutter had concerns last time. David Sorensen, 594 Bethel Road stated that he had the property resurveyed and that the boundary line is right but the pin distance were off 2 to 3 feet and that was his concern. He is satisfied with the surveys. T. Faulise asked if there were others in opposition. He stated that there was no correspondence in the file for or against the application.

T. Faulise stated that the array needs to stay where it is on the plan and that it can be no less that 300 ft. off the road and that it can be no less that 12 ft. from the right side yard set back and that the front yard set back can be reduce from 50 ft. to 0 ft. There was discussion of this matter.

T. Faulise closed the public hearing and entertained a motion.

R. Jodoin made a motion to grant the variance with the following conditions: that it can be no less that 300 ft. from the road and that it can be no less that 12 ft. from the left side yard set back and that the frontage can be reduce from 50 ft. to 0 ft. D. Doucette seconded the motion. All were in favor. The motion was carried.

T. Faulise explained that there is a 15 day appeal period after the legal notice appears in the newspaper.

B. ZBA 11-10 Chamness. Douglas & Tina, 142 Bitgood Road, Griswold, CT. Requesting relief from Town of Griswold Zoning Regulations Section 10.4 to reduce the left side yard requirement from 50 ft. to 45 ft. in order to construct a 24 ft. x 32 ft. two-bedroom addition. The property is zoned R-80.

T. Faulise asked if the applicant was present. Doug Chamness was present and submitted the abutters' notifications to the board. T. Faulise asked him to explain his request for a variance.

D. Chamness explained that he would like to put a 24 ft. x 32 ft. addition to add more living space. He explained that based on the well and septic and the space in the front yard, the proposed location is the best location for the addition. R. Jodoin called Phil Yurechko, Jr. he had no problems with it.

T. Faulise asked if the addition was on the left side and the request is for 5 ft., and that it will be 24 ft. wide by 35 ft. deep D. Chamness stated yes. R. Anthony asked if it was a two story addition. D. Chamness stated that it was a single story with a basement.

T. Faulise asked if there was anyone to speak in favor; he asked if anyone was opposed. He stated that there was no correspondence in the file for or against. P. Zvingilas stated that the lots were created when it was originally an R-60 zone and the set back would only have been 30 ft.

T. Faulise asked for comments. R. Jodoin stated that he was satisfied with it. T. Faulise stated that 5 feet would not affect any property values.

T. Faulise closed the public hearing and entertained a motion. R. Anthony made a motion to grant the variance as presented. D. Doucette seconded the motion. All were in favor. The motion was carried.

T. Faulise explained the 15 day appeal period.

C. ZBA 12-10 Woznica, Casimir, P.O. Box 339, Voluntown, CT 06384. Property location: 170 Mackin Drive, Griswold, CT. Requesting relief from Town of Griswold Regulations Sections 10.4 & 10.5 to reduce the side yard requirement from 30 ft. to 4.6 ft. and to increase the lot coverage from 15 percent to 16 percent in order to construct a 22 ft. by 28 ft. detached garage. The property is zoned R-60.

Norm Thibeault, professional engineer with Killingly Engineering Associates representing Casimir Woznica. T. Faulise asked for the abutters' notifications to the board. N. Thibeault submitted a revised site plan dated February 03, 2010. He explained that Sanitarian A. Gosselin recommended that there be a septic repair area causing the proposed garage to be set further back on the lot which will be 65 feet off the road and does not affect the front yard set back.

R. Jodoin stated that it is a grand fathered lot and when zoning went into effect it created a non-conforming lot. N. Thibeault stated yes explained the lot was 18,095 square feet in the R-60 zone. He showed the location of the existing house and the proposed L-shaped addition and that there is very little room on the non-conforming lot of record. He stated that the septic is at the front of the house and the well is at the back of the house with a very small back yard. He stated that anywhere you put the garage will create non-conformity. N. Thibeault explained there is a proposed 18 inch to 2 ft. high retaining wall to raise the garage to create a septic repair location and will alleviate any grading toward the wetlands. He stated that they were asking for 16 % lot coverage for a total of 2,800 sq. ft. of impervious for the lot.

N. Thibeault stated that the existing house is 17 feet from the property line and that the addition which is over the set back line but is not more conforming than the existing house already is and he asked if a variance would be required which was raised by P. Zvingilas. He stated that the application could be modified if the board required it. R. Jodoin asked about the left hand side had no room at all. N. Thibeault stated that the lot was completely filled with 5 to 6 feet of material. R. Anthony asked the distance between the house and the garage. N. Thibeault stated that it was 10 to 14 feet between the house and the proposed garage.

T. Faulise asked if the existing house would remain and the 1 percent represented what amount of square footage. N. Thibeault stated that it would be a total of 2,800 sq. ft. D. Doucette asked if all the dark parts are what are being proposed. N. Thibeault stated that only the addition and the garage are new; the dark areas on the property line are existing structures. He explained that the addition is a 3-season room because only a repair area can be installed instead of a septic reserve area because of the fill material on the lot. He explained the 3-season room requirements.

T. Faulise asked if there was emergency access and construction equipment access. N. Thibeault stated that there are 13 feet on one side and 11 feet on the other side. There was discussion of this matter. R. Jodoin asked about the wetlands. N. Thibeault showed where the wetlands are located. T. Faulise asked about the house on the left side of the property. N. Thibeault stated that there is not house, it is all wetlands. P. Zvingilas stated that it was 100% swamp. There was discussion of this matter including that all the water runs off through the wetlands.

T. Faulise asked P. Zvingilas if the applicant should come back for a variance for the 17 ft. P. Zvingilas explained that he wanted a clarification that it is no further into the front yard setback. T. Faulise stated that it is new construction and it does not meet the side yard requirement and that the footprint is not expanding. N. Thibeault stated that the addition will be built on the existing patio. There was discussion of this matter. T. Faulise stated that you are building on a concrete slab that is already there. D. Doucette stated that if it is already there, then it is not new. P. Zvingilas stated that the lot coverage is already established.

P. Zvingilas stated that there are no permits for the sheds on the property. D. Doucette asked how long they have been there. C. Woznica stated that the larger shed is new and the little one was there a long time. D. Doucette asked why he didn't get a permit for the shed. C. Woznica stated that he didn't think that he needed a permit. There was discussion of this matter.

N. Thibeault showed photographs of other houses on the road and that they were all non-conforming lots and these conditions exist all along the road with structures close to the property line.

T. Faulise asked if there was anyone to speak in favor of the application; he asked if there was anyone opposed. He stated that there is no correspondence either for or against in the file. He asked for comments. R. Jodoin looked at the property and he had no problem with it. R. Anthony stated that he didn't see a problem on the left side because of the wetlands. T. Faulise stated that it is a pre-existing lot and all the other lots are small.

T. Faulise asked about the shed issued. There was discussion of this matter. P. Zvingilas stated that the applicant should come before the board for a variance for the existing shed.

T. Faulise entertained a motion. R. Jodoin made a motion to grant the variance as presented. W. Przylucki seconded the motion. All were in favor. The motion was carried.

5. Old Business

A. Approval of Minutes of December 2, 2009

T. Faulise asked for any corrections or omission of the minutes. R. Anthony made a motion to approve the minutes as presented. W. Przylucki seconded the motion. All were in favor. The motion was carried.

B. Discussion of Fitzgerald vs. Zoning Board of Appeals that was before the courts on January 6, 2010.

T. Faulise explained that the town received a Memorandum of Decision dated January 27, 2010 from the Superior Court citing that the variance granted by the Zoning Board of Appeals is supported under the law and that the variance is affirmed and the appeal is dismissed. There was discussion of this matter.

6. New Business

There was no new business.

7. Correspondence

8. Adjournment

R. Jodoin made a motion to adjourn. W. Przylucki seconded the motion. All were in favor. The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary