

## Zoning Board of Appeals

### Regular Meeting

October 22, 2015

1. **CALL TO ORDER:** Chairman Stuart Wood called the meeting to order at 7:04 p.m.
2. **ATTENDANCE:** All members were present
3. **PUBLIC HEARING**

**Appeal #1069, James & Joan M. Cyrul, 8 Mitchell Road & 10 Mitchell Road, requesting a variance of Section 10.1 of the East Haddam Zoning Regulations in order to construct a ground-mount solar system 2 feet from the property line where 40 feet is required & requesting a variance of Section 10.2.2 of the East Haddam Zoning Regulations – Accessory use, on a property where no principle use is established, in order to construct a ground-mount solar system. Assessor’s Map 22, Lots 25 and 26.**

**First date: October 22, 2015**

**Last date: November 25, 2015**

Mr. Daigle read the legal notice for this appeal.

Mr. James Cyrul informed the Board that two days ago they filed a land exchange with his neighbor to accommodate the property line. He acquired a triangular shaped parcel of property from his neighbor, and swapped a same square foot piece to his neighbor. Therefore, the request for the 2-feet from the property line can be eliminated from his application.

Mr. Cyrul stated when he bought this parcel from the previous owner, he was not told until approximately 3-4 days before closing that the property had been previously subdivided. This is an application for solar panels.

Mr. Ventres stated the solar panels are on Sonotubes, and are not truly permanent structures. He would like to keep these lots separate, as an insurance policy for his wife, should something ever happen to him and she needed to sell the property. However, under the current Code, it is an accessory structure.

Mr. Smith asked what lot line the solar panels were proposed over. Mr. Cyrul stated it would be Lot 8 and Lot 10.

Mr. Cyrul submitted the green, certified receipt cards to the commission.

Mr. Daigle inquired why the applicant could not build on his own lots. Mr. Ventres explained this was because one lot is vacant. One cannot put an accessory structure on a vacant lot without a primary purpose.

Ms. Quinn asked why not just cut down a few trees. Mr. Cyrul stated he did not want to cut any trees down, for his benefit as well as for his neighbors. He stated the trees are good for the environment, and if he were to cut trees for this purpose, he would have to cut acres of them to provide enough sunlight.

Ms. Quinn asked what the hardship would be. Mr. Cyrul stated the original hardship was the 2-foot location of the neighbor's property line. Mr. Ventres stated that only 4 acres at the top of the hill is cleared. The rest of the parcels are wooded. Mr. Ventres stated the other area was sloped and near the septic system.

Mr. Wood noted for the record that there is no public audience here this evening.

**Motion by Mr. Daigle motion to close the public hearing for Appeal #1069, James & Joan M. Cyrul, 8 Mitchell Road & 10 Mitchell Road. The motion was seconded by Mr. Fiala, and carried by unanimous vote.**

**Motion by Mr. Daigle to approve Appeal #1069, James & Joan M. Cyrul, 8 Mitchell Road and 10 Mitchell Road, with the hardship being that the proposal was engineered and the placement of the solar array is to be constructed in the most efficient possible place and the applicant went through the trouble of changing his property lines to reduce one variance. Motion seconded by Mr. Smith, and carried by unanimous vote.**

Mr. Wood stated there is a 15-day appeal period, as well as a 15-day notice, after which he will receive a certified letter. The approval is not official until that certified letter is filed with the Town Clerk on the land records.

Mr. Cyrul asked if he could apply for the building permit. Mr. Ventres stated he could, but at his own risk.

#### **4. MINUTES**

**Motion by Mr. Daigle to approve the meeting minutes of the September 24, 2015 regular meeting. Motion seconded by Mr. Smith and carried by unanimous vote.**

#### **5. BILLS**

Hartford Courant (legal notices)                      \$212.89

**Motion by Mr. Smith, seconded by Mr. Daigle and passed by unanimous vote to pay the Hartford Courant bill.**

Attorney Joseph Broder's invoice for retainer

**Motion by Mr. Daigle to pay the bill. The motion was not seconded. Mr. Daigle withdrew his motion.**

Discussion ensued regarding the time period of the bill, the need for a retained attorney, etc.

**Motion by Mr. Smith, seconded by Mr. Daigle to pay Attorney Broder's retainer fee for the period January 2015 through June 2015. Motion carried by unanimous vote.**

Mr. Wood informed the Board that a bill for the period June 2015 through December 2015 will be forthcoming.

**Motion by Ms. Quinn, seconded by Mr. Smith to have Mr. Ventres contact Attorney Broder regarding a negotiated contract for 2016. Motion carried by unanimous vote.**

**Other:**

Mr. Ventres presented the plan from last month's meeting. He stated the application was correct as stated for the variance required. Mr. Daigle and Mr. Smith would like to see some type of sign off by Mr. Ventres or whoever reviewed the plan before it goes to this board. Mr. Ventres stated it was an appeal of his decision; therefore, it would not be appropriate for him to sign off on it. However, for other applications, he could put a note on it.

The Board reviewed the plan from the last meeting. The Board also requested an outline for each application. Mr. Ventres will have Ms. Talbot send them out.

The Board discussed the December schedule.

**Motion by Mr. Daigle, seconded by Ms. Quinn to hold a special meeting on Thursday, December 10, 2015 at 7:00 p.m. at the River House. Motion carried by unanimous vote.**

**Legal notices:**

Mr. Ventres explained that now that there is a weekly paper, it may be possible to use this avenue for publishing of legal notices. The State requires notice in a weekly publication. Mr. Ventres stated they have been averaging \$180 – \$210 per advertisement. Mr. Daigle asked if the price of a permit would go down. Mr. Ventres stated the price of a ZBA application does not cover legal notices now. Ms. Quinn asked what the Land Use application fee is, to which Mr. Ventres stated it is \$360.00. Discussion ensued.

## **6. ADJOURNMENT**

**Motion by Mr. Daigle, seconded by Ms. Quinn to adjourn at 7:53 p.m. Motion carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina