

East Haddam Zoning Board of Appeals
River House, 7 Main Street, East Haddam, CT

REGULAR MEETING MINUTES

August 24, 2017

1. **CALL TO ORDER:** Chairman Daigle called the meeting to order at 7:00 p.m.
2. **ATTENDANCE:**

Present: Chairman Greg Daigle, Richard Fiala, William Smith, Laurie Alt (alternate), Jim Ventres (Land Use Administrator), Bruce Dutch, Ronald Popolizio, Karen Popolizio and Jacqueline Malloy.

Absent: Stuart Wood, and Diane Quinn.

Laurie Alt was seated for Stuart Wood.

3. **PUBLIC HEARING**

- A. **Appeal #1093 – Dutch 41, LLC, 40 Wm. F. Palmer Road, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations to increase the maximum lot coverage to 22.1% where 20% is the maximum allowed. Assessor’s Map 65, Lot 140.**

First Date: August 24, 2017

Last Date: September 27, 2017

Mr. Dutch presented the return receipt cards and reviewed site plans. Mr. Dutch requested to have a 22.1% lot coverage where 20% is permitted. He explained that the current regulation would produce an undue hardship because East Haddam/Moodus had a limited amount of commercially zoned property and the 20% coverage would limit the potential use. He explained the hardship may not be unique due to the limited number of commercial lots available; and that the proposed addition was to the rear and would hardly be noticed.

Mr. Ventres stated the Town of East Haddam had only 5% land under commercial property and that only about 3% was usable due to wetlands, slope and ledge.

Mr. Daigle questioned the building use. Mr. Dutch replied there was an exercise company (Annino Strength and Conditioning) needing additional space as well as expansion of Dutch Oil.

There were no audience comments.

Motion by Mr. Fiala, second by Ms. Alt and unanimously passed to close the public hearing for appeal #1093 – Dutch 41, LLC, 40 Wm. F. Palmer Road, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations to

increase the maximum lot coverage to 22.1% where 20% is the maximum allowed. Assessor's Map 65, Lot 140.

Motion by Ms. Alt, second by Mr. Smith to approve #1093 – Dutch 41, LLC, 40 Wm. F. Palmer Road, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations to increase the maximum lot coverage to 22.1% where 20% is the maximum allowed. Assessor's Map 65, Lot 140 because the hardship is due to the lack of commercial space in town. Motion passed unanimously.

B. Appeal #1094 – Ronald & Karen Popolizio, 167 Lake Shore Drive, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations to construct a garage 16 feet from the rear property line where 25 are required and 12 feet from the side property line where 25 feet are required. Assessor's Map 80, Lot 218.

First Date: August 24, 2017

Last Date: September 27, 2017

Mr. and Mrs. Popolizio presented the return receipt cards and reviewed the site plans. They requested a variance to Section 10.1 to construct a garage 16 feet from the rear property line and 12 feet from the side property line where 25 feet are required. Strict application of the regulations would produce an undue hardship due to the topography of the property. They explained it would be unfeasible to build a garage in such a heavy slope if they were to build the proposed garage 25 feet from the property line. The applicant did not want to put the garage too close to the septic system. They explained that 25 feet from the side property line would put the garage within 17 feet of the septic system. They explained that the hardship created was unique and not shared by other properties alike in the neighborhood because their property was originally consisted of three 50 foot frontage lots, explaining most property owners had between 50 feet and 100 feet of frontage. They explained the variance would not change the character of the neighborhood because many of the houses were constructed on 50 feet of frontage and many of the homes in the area had less frontage from their house structure to their property line than what the applicant was proposing.

Mr. Fiala asked if there was a neighbor behind to applicant. Mr. Popolizio replied yes. Mr. Ventres explained the northwest corner was the flattest area where the garage was proposed and moving south from that area was towards the septic. The building will be a single story structure. Mr. Popolizio explained the height of the building was not high and would not disrupt the back neighbor's view to the lake. The placement at the required 25 feet would impair the back neighbor's view. The overall height on the plans from the barnyard plan presented is 11 feet, 3 inches. The proposed building will be a pre-built arriving in two sections.

Mr. Smith questioned if the structure could be located closer to the house. Mr. Popolizio replied no due to the location of the septic system, deck on the house and slope.

Mr. Daigle reviewed the septic leaching fields in relationship to the proposed location of the structure. Mr. Ventres explained the leaching field locations was also another reason for the location of the proposed garage.

The proposed garage will be for storage, not daily parking of vehicles.

Jacqueline Malloy, the property owner directly behind the applicant, voiced concern for the application, stating that placement of the structure could impose hardship and significantly reduce her property value because she would no longer be able to see the lake. Ms. Malloy stated she was a full time resident and was concerned with the negative impact on her property as a result of having the proposed structure directly behind her property. Mr. Fiala questioned if the house obstructed Ms. Malloy's view. She replied yes, noting when the leaves were off the trees, they had a very good view of the lake. Mr. Ventres reviewed the structure height and topography. He stated her property would look over the proposed garage and she would be able to see the lake.

Motion by Mr. Fiala, second by Mr. Smith and unanimously passed to close the public hearing for appeal #1094 – Ronald & Karen Popolizio, 167 Lake Shore Drive, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations to construct a garage 16 feet from the rear property line where 25 are required and 12 feet from the side property line where 25 feet are required. Assessor's Map 80, Lot 218.

Mr. Daigle questioned if it was possible to lower the elevation of the garage by putting the base a little lower. Mr. Ventres replied no due to the storm water drainage from the backside. Mr. Popolizio stated the garage would be placed on gravel. Mr. Ventres will inspect the gravel layer before the garage is placed on site. Mr. Popolizio noted the garage was not on the site line of Ms. Malloy's deck.

Motion by Ms. Alt to approve appeal #1094 – Ronald & Karen Popolizio, 167 Lake Shore Drive, requesting a variance to Section 10.1 of the East Haddam Zoning Regulations to construct a garage 16 feet from the rear property line where 25 are required and 12 feet from the side property line where 25 feet are required. Assessor's Map 80, Lot 218 with the stipulation that the structure does not exceed 11 feet 3 inches noting it was a hardship to the area but that the location is in the least invasive spot due to topography. Second by Mr. Fiala and unanimously passed.

4. MINUTES

Motion by Mr. Smith, seconded by Ms. Alt to approve the June 22, 2017 meeting minutes as presented.

Favor: Daigle, Smith, Alt
Oppose: None
Abstain: Fiala

Motion passed.

5. BILLS-There were none.

Mr. Ventres distributed the quarterly newsletter.

6. ADJOURNMENT

Motion by Mr. Fiala, second by Ms. Alt to adjourn at 7:40 p.m. Motion passed unanimously.

Respectfully submitted,

E. Ruth Ziobron
Recording Secretary