

ZONING BOARD OF APPEALS
MAY 26, 2011

The public hearing and meeting of the Zoning Board of Appeals was called to order at 8:00 P.M. by the Chairman, Stuart Wood, at the River House. Board members present were: Stuart Wood, Diane Quinn, Richard Fiala. Board members absent were: Greg Daigle and Norman Gobelle. Alternates present were: Laurie Alt, William Smith and Guy Gibb. Laurie Alt was designated to sit for Greg Daigle as a regular member for this meeting and William Smith to sit for Norman Gobelle as a regular member for this meeting.

Diane Quinn read the legal notice and the meeting was recorded on tape.

Appeal No. 1026, 2011 - Salvatore & Donna Bartolotta of 2 Whitman Road, Moodus
Mr. & Mrs. Bartolotta were present and presented their case to the Board. They submitted a site plan which indicated where they would like to construct a 12'x24' shed on their property. They own ¼ acre, The plan indicated the location of their dwelling, location of the septic system, well, and the proposed shed and due to the location of these, this is the only feasible location to place the shed. To place the shed in this location, they need a 15' Rear Yard Variance where 25' is required and a 4' Side Yard Variance where 25' is required. There are no other dwellings on this side of their property. There were no comments received from the audience and there were no objections received from any one in the area. They submitted the certified mail receipts indicating the letters were sent to their adjoining property owners and were received.

Laurie Alt made a motion the Board close the public hearing of Appeal No. 1026, Salvatore & Donna Bartolotta. Motion seconded by Richard Fiala and carried unanimously.

Laurie Alt made a motion the Board grant Appeal No. 1026, Salvatore & Donna Bartolotta of 2 Whitman Road, Moodus, their request for a 15' Rear Yard Variance where 25' is required and a 4' Side Yard Variance where 25' is required of Section 10.1 of the Zoning Regulations to build a 12'x24' shed due to the fact there is no other feasible place to construct the shed and no one stated objections to the placement of the shed. Motion seconded by William Smith and carried unanimously.

Said property is located on Whitman Road, Moodus, in the L District. Assessor's Map 66 Lot 112.

Appeal No. 1027 - Alphonse F. Rauccio & Nancy D. Kelly of 1 Taylor Lane, East Haddam
Both Alphonse Rauccio & Nancy Kelly were present and presented their case to the Board. They submitted a survey map of their property indicating the location of their dwelling, septic system, well and the barn. They appeared before the ZBA in 2009, they obtained a 45' Variance to construct a barn 30' from the side property line and not from the road. They measured exactly 40' from the road and not their property line and that is where the confusion came from. The barn has been in existence for 22 months now. It is structurally sound, it is anchored with hurricane anchors in the concrete, and there has not been any complaints from the neighbors. It has underground water connected to it and has electricity. It is visible from the road. Therefore, they are requesting a 10' Side Yard Variance in order to leave the barn where it is. They want to be in compliance with Zoning. They requested that the Board grant the variance. The Board had granted a 45' Variance at the last meeting and by granting this additional 10' will make it a 55' Variance. He has a 2 acre lot. He did not realize where his property ended and where the road property line is.

He submitted the certified mail receipts indicating he mailed the letters to the adjoining property owners and the letters were received all but one which is addressed to M&W Construction of Colchester, 334 Lebanon Ave., Colchester, Ct. Dorothy Morowka of M&W Construction was present and stated they never got notice of the letter because it never came to her house. They accepted the letter at the meeting and the Secretary noted on the green receipt that the letter was received at the meeting of 5/26/2011.

Dorothy Morowka of M & W Construction, adjoining property owner, was present and stated they complained about the horse manure odor and nothing seems to be getting done about it.

(Many people were speaking and nothing was understood)

M & W Construction stated they are building a house two lots down from the barn and they can smell the horse manure odor. She has complained a few times.

There was a discussion on if the odor would be less noticeable by moving the barn 10' further up into the lot closer to the other building lots.

Mr. Rauccio presented photographs of his barn and the surrounding area and a photo of the barn from the street.

Mr. Rauccio stated that his is agricultural area and there will be dust and odors. Down the street from his place are more horses and cows.

James Curtin, adjoining property owner, stated that about every day someone spreads manure on the fields around this property and there is odor for a day or two.

Mr. Gilligan, adjoining property owner, never complained about the odor and has no complaints. He would rather they not be made to move the barn because it would then be closer to his home. They seem to take care of their property and he is not complaining about the barn.

All the building lots in this subdivision are 1+ acres to 3.3 acre lots..

Laurie Alt made a motion the Board close the public hearing of Appeal No. 1027, Alphonse Rauccio and Nancy Kelly. Motion seconded by Richard Fiala and carried unanimously.

After some discussion, William Smith made a motion the Board approve Appeal No. 1027, Alphonse Rauccio and Nancy Kelly of 1 Taylor Lane, East Haddam, request for a Variance for a 10' Side Yard Variance of Section 10.1 of the Zoning Regulations which is a modification to a previously approved 45' Side Yard Variance which will now be a 55' Side Yard Variance due to the fact that the Board approved it once and it will be next to impossible to move the barn and it will not make any difference to the neighbors. Motion seconded by Laurie Alt. The Chairman called for a vote, those in favor of the motion, raise their right hand. Those opposed, raise their right hand. Four voted in favor and one opposed. The person voting no stated she voted no because she was not satisfied with the hardship given. The Chairman stated the motion passed.

Said property is located on Taylor Lane, East Haddam, District R-1. Assessor's Map 37 Lot 94.

Appeal No. 1028 - Karen Scott of 64 Ackley Cemetery Road, East Haddam

Karen Scott was present and presented her case to the Board. She submitted a site plan indicating the perimeter of her surveyed lot, location of her dwelling, septic system, well, wetlands and proposed addition to existing dwelling. She would like to add the addition onto her kitchen and it will come 31' from the side property line where 40' is required. Therefore, she is requesting a 9' Side Yard Variance. She cannot purchase any additional land to that side of her property.

She submitted her certified mail receipts indicating she mailed the letters and they were received all but one who had not picked up their letter, Ralph & Catherine Mackenzie. There were no comments from the audience nor correspondence received.

Diane Quinn made a motion the Board close the public hearing of Appeal No. 1028-Karen Scott. Motion seconded by William Smith and carried unanimously.

Diane Quinn made a motion the Board approve Appeal No. 1028-Karen Scott of 64 Ackley Cemetery Road, request for a 9' Side Yard Variance of Section 10.1 of the Zoning Regulations in order to construct an addition onto an existing dwelling 31' from the side property line where 40' is required based upon the Board's findings that she has no other property to obtain to make the kitchen bigger, there were no neighbors objecting to this placement, and it would not make any sense to place the addition onto the opposite side of the dwelling because of the location of the kitchen and this is the room that needs the addition. Motion seconded by Laurie Alt and carried unanimously.

Said property is located on Ackley Cemetery Road in the R-2 District Assessor's Map 79 Lot 21.

There being no further business, Diane Quinn made a motion the meeting be adjourned. Richard Fiala seconded the motion and carried unanimously. Meeting adjourned at 9:00 P.M.

Respectfully submitted,

Stuart Wood, Chairman
Zoning Board of Appeals

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