

Minutes of Zoning Board of Appeals Regular Meeting Held Monday, May 22, 2023, by Go-To-Meeting at 7:00 PM.

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1. Call to Order and Seating of members

Chairman Dodson called the meeting to order at 7:01 PM. Members present and seated were Dodson, Martens, Young, Charney, Judge. Warren and Vecchitto were also present. Perry was absent. Vecchitto noted she had looked at the February video.

Others present included Tom Hogarty, George Brencher, Andrew Morin, Scott K., and Caller 01 (?).

2. Continued Public Hearing and Consideration of Application

Notice of Public Hearing was read into the record by Brown. Bonnie Lynne Patten (owner), 17 Chestnut Hill Road, Killingworth, Map 26, Parcel 20-A, for variance of Section 500-19 (A) for Setback (Front), 500-36 (B) for Change to a Non-Conformity, 500-37 (B) Extension or Expansion, 500-13 (Buildings), 500-14 (Improvements) and 500-15 (Changes) in order to remove a 1940s circa addition on the north side of the existing ca. 1800 farmhouse and replace it with a modestly larger addition that will better conform to the period aesthetic and style of the original home.

Bonnie Patten, Danielle Bercury, Joe Wren and Stu Lathers were present representing the applicant. Certificates of Mailing were shown for the abutters. Joe Wren reviewed plans A-3-1 and A-3-2. It was noted this is a variance for 17 Chestnut Hill Road for an addition on an 1800's farmhouse.

This was a continued public hearing from February. At that time some members had questions about granting a variance for nonconforming structures. Meetings in March and April were cancelled due to lack of a quorum. Notice letters had been previously provided and part of the record.

The following seven letters of support were submitted and read into the record.

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1. Sheridan W. Perkins, 22 Chestnut Hill Road dated February 19, 2023.
2. David and Dawn Barson, 11 Chestnut Hill Road dated February 22, 2023.
3. Christopher C. Plum, individually, dated April 19, 2023.
4. Christopher C. Plum, acting as CT State Arborist, dated April 19, 2023.
5. John Collinson, 10 Chestnut Hill Road, dated April 21, 2023.
6. Elizabeth Disbrow, 83 Roast Meat Hill Road and Chair of Killingworth Historic Review Committee, dated April 22, 2023.
7. Christopher W. McDonald, 25 Chestnut Hill Road, signed by Chris McDonald and Gregory Lizotte, dated April 24, 2023.

Bercury gave an overview of the project which entailed seeking a variance to remove garage, breezeway, a 1950's addition and replace with a 2 story addition in harmony with historic building to be used as extra space for handicap parents. The application would allow for removal of parking area in front of the garage. Its too small for backing out on Chestnut Hill Road.

The proposed renovation is in harmony with 1800's farmhouse. The hardship is unique to this property, welfare and property views. There's also a very large Maple tree directly behind existing home. It has large canopies that go over the house. The trees are very old and large. 72" in diameter and 42" in diameter. The root system is probably similar in size and goes underneath the house. Killingworth Regulations encourages the keeping of trees. The tree meets the definition of specimen tree.

The variance is for the front yard setback. Originally there were questions about the size of the addition. They are not seeking a size variance for the addition. The property is 3.7 acres. It was noted a similar variance was granted in 2011 on Roast Meat Hill and unanimously approved. There would be a reduction in the nonconformity as the stairs for the garage and breezeway will be eliminated.

Questions from the original hearing in February as to whether or not this could be granted. 500-194(B) certain variances are prohibited, use variances are

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prohibited. There is no prohibition on expanding a nonconforming structure. The preservation of the trees and historic structures is encouraged as is the removal of the parking area which is unsafe.

Martens noted this was discussed with legal counsel. Atty. Morin noted this is the Board's decision. The applicant has submitted everything and the Board can close the public hearing and make its decision.

Charney asked what the net change was to the step area being removed. Stu Lathers, Architect, reviewed the area of the step being proposed to be removed on the map. It was a net reduction of approximately 50 s.f.

Dodson noted this is a nonconforming property. The proposed change would reduce the nonconformity by removing the step and driveway and proposed addition would be no more of an incursion into the front setback and less than now.

Motion by Martens, second by Charney, to close the public hearing at 7:36 PM. PASSED UNANIMOUSLY.

3. Public Hearing and Consideration of Application

Brett and Kelly Azeredo, 188 Reservoir Road, Killingworth, Map 25, Parcel 02A, for variance of Section 544D(5) for side yard of 16 ft. where 30 ft. are required for a 14' x 36' shed, due to the limited nature of the property's layout.

It was noted this is an application for a storage shed, no apartment, location to be far away from the road. Significant wetlands on the property. Property drops off in the back yard. The hardship is the wetlands and limited space to where a structure can be located. Location is limited due to septic tank, well and garage. It is the only feasible place to locate it. The structure will be on a gravel path, prebuilt 14' x 36' Kolar Farms. There is no accessibility to back yard on the property.

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The hardship was reviewed, specifically whether it is a unique feature of the property or a self-imposed hardship. Mr. Azeredo reviewed the area of the wetlands and the leaching field. He also noted he spoke to the neighbors and they have no problem. Kim and Ryan Marsels have no objection.

Dodson noted we don't want to create a noncomplying situation. The property does drop off where the leach field is. To request a variance on the other side would require a larger variance.

Motion by Charney, second by Young, to close the public hearing at 7:51 PM. PASSED UNANIMOUSLY.

4. Public Hearing and Consideration of Application

Papoosha Real Estate Investors LLC, 212 Route 80, Killingworth, Map 28, Parcel 39, for appeal of decision of the Zoning Enforcement Officer per letter dated 3/20/2023 re: retail nursery and commercial greenhouses, 219 Route 80.

Motion by Judge, second by Young, to table this application to the next meeting in June. PASSED UNANIMOUSLY.

Dodson noted this would be the last virtual meeting. In person meetings will start in June.

Consideration of Patten application. It was noted this was a thorough application and impressive that so many neighbors were in favor. No concern about the continuation of a nonconformity because its less than it is now. Martens noted concerns have been rectified. Young agreed with Martens. He was comfortable with the application. Charney noted the impact was minimal.

Motion by Young, second by Charney, to approve the variance. Dodson, Martens, Young, Charney in favor; Judge opposed. Variance Granted.

Consideration of Azeredo application.

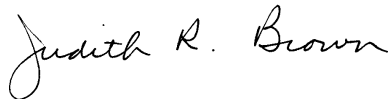
Motion by Judge, second by Charney, to approve the variance. Dodson, Young, Judge, Charney in favor; Martens opposed. Variance Granted.

5. Any Other Business – none.

6. Adjournment

There being no further business, meeting adjourned at 8:15 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown".

Judith R. Brown, Recording Secretary