

**ZONING BOARD OF APPEALS**  
Mallory Town Hall  
9 Route 39 North  
Sherman, Connecticut 06784-0039

**ZONING BOARD OF APPEALS MEETING MINUTES**  
**FEBRUARY 7, 2012**

Acting Chairman Chiaramonte called the meeting to order at 7:00 p.m. at Mallory Town Hall. Commissioners present: Joseph Chiaramonte, Samantha Addonizio, Kathy Fazzone, and Alternates Lucy Pollack, Gary Smolen and Helen Bray. Absent were Dale Baird and William Jones. Michele Battaglia, clerk was also in attendance. There was no audience member recording or video taping the meeting.

**Public Hearing**

**Case #618: State of Connecticut Department of Transportation** – requesting a variance for Joan Lord, 3 Old Greenwoods Road of Section 331.3 “Minimum Lot Area” to reduce the lot size to allow the acquisition of a small portion of a lot that is considered legal non-conforming in size. Since the remaining portion of said property becomes less conforming in area, the taking area that the DOT is acquiring should be considered and added to the property’s remaining square footage to calculate property size for the application of zoning requirements in the future.

Commissioners Chiaramonte, Addonizio, Fazzone, Pollack and Bray were seated for this case. Mr. Derrick Ireland, Project Coordinator was in attendance representing the Connecticut Department of Transportation. He stated that in conjunction with State Project 127-88, the DOT is proposing to acquire 456+/- square feet of the Lord property in order to incorporate the existing bridge wing wall into the highway right-of-way. This proposed acquisition would reduce the lot area from 35,719 square feet to 35,263 square feet. He had met with Mrs. Lord and she did not have a problem with the acquisition. The 456 square foot parcel is located on the down side of any usable portion of the property and is dense with trees and brush. Commissioner Smolen motioned to close the public hearing. Commissioner Pollack seconded the motion and all voted in favor.

**Deliberations**

**Case #618:** The Commission discussed the fact that the property owner had no issues with this acquisition and that in the future the area that the DOT is acquiring will be added back into the property’s remaining square footage for zoning application requirements. Commissioner Bray motioned to approve the variance as requested and Commissioner Fazzone seconded the motion. Commissioners Chiaramonte, Addonizio, Fazzone, Pollack and Bray all voted in favor (5-0).

## Public Hearing

**Case #619: Michael & Karen Hersch – 18 Atchison Cove Road** – requesting variance from Section 324.3B “Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment” to allow the pool equipment to be located outside of the required 25’ maximum allowed distance.

Commissioners Chiaramonte, Addonizio, Fazzone, Bray and Smolen were seated for this case. Dirk Sabin, Landscape Architect was in attendance representing Mr. Hersch. He stated that the furthest point of the equipment pad was installed 29.3’ from the edge of the pool, whereas the zoning regulations state that it has to be within 25’. He stated that the steep slopes, rock ledge and rock outcrops created a hardship. Prior to construction, the pad was staked out at 22’ from the pool edge, but as construction proceeded, the site proved to be difficult. Mr. Chris Bruzy, contractor, stated that while digging for a retaining wall they hit an underground stream and had to put in drainage pipes, etc. In his haste, the equipment pad was inadvertently shifted to avoid these pipes, rock ledge and utility trench. If the pad was to be moved, it would require major digging, the building of a 5’ stone wall, and the digging up and moving of the utility trench. Commissioner Smolen motioned to close the public hearing. Commissioner Addonizio seconded the motion and all voted in favor.

## Deliberations

**Case #619:** The Commission discussed that the steep slopes and the rock ledge create a hardship on the property and that in order to move the pad, major excavation would have to be done. Commissioner Smolen motioned to approve the variance as requested and Commissioner Fazzone seconded the motion. Commissioners Chiaramonte, Addonizio, Fazzone, Bray and Smolen all voted in favor (5-0).

Commissioner Addonizio motioned for adjournment. Commissioner Smolen seconded the motion and all voted in favor. Meeting was adjourned at 8:04 p.m.