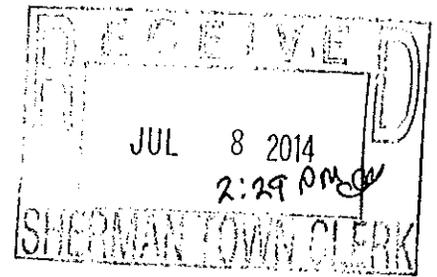




ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
May 6, 2014
7:00 pm
Mallory Town Hall



FINAL

Commissioners present: Dale Baird, Joseph Chiamonte, Kathy Fazzone, Alternates: Lucy Pollack, and Gary Smolen

Absent: Will Jones, Samantha Addonizio and Rick Hudson

Also in Attendance: Christine I. Branson, ZBA Administrative Clerk

Alternates Lucy Pollack and Gary Smolen were Elevated to Voting status

Call to Order:

Chairman D. Baird Called the Meeting to Order at 7:08 p.m.

Public Hearing:

Case: 645- Hall, Daryl- 27 Chapel Hill Road- (aka. Map 006, Lot 016) – requesting variance of Section 322.1-B- to allow construction of a 7' high deer fence (with entrance gates) in the front lot, as indicated on an A-2 Survey Map entitled "Improvement Location Survey For Proposed Fence, Sheet: SD.1, Dated March 3rd, 2014" and "Overall Site Map, Sheet: OSD.1, Dated January 5th, 2010", both prepared for Daryl Hall, 27 Chapel Hill Road, Town of Sherman, Fairfield County, CT, Zone A

Acting Agent, Paul Szymanski, of Arthur H. Howland & Associates P.C. spoke on behalf of the application. Mr. Szymanski presented an A2 survey to the Board and highlighted several hardships unique to the property. There is an extensive wetland area, brook, and pond to the rear and side of the dwelling as well as several rock outcroppings. The historic home sits approximately 30 feet from the road and predates Zoning Regulations. The proposed application for variance is to construct a deer fence and gates, which would exceed 6 ft. within the front yard setback area. The property has many natural plantings which the homeowner would like to protect from damage caused by deer. The proposed fence would run the entire border of the property and consist of lattice like construction which is ¼ open. The proposed gate is a "bow" shape and at its tallest point would be approximately 8 ft. The pedestrian gate is proposed to have an arch above which would be approximately 9.5 ft at the tallest point.

The ZBA closed the Public Hearing of Case # 645

Business:

Case: 645- Hall, Daryl- 27 Chapel Hill Road- (aka. Map 006, Lot 016) –

This Case was originally scheduled for a Public Hearing on April 1, however the applicant requested a continuance to tonight. The Board discussed many aspects regarding the deer fence and property. There were several questions in reference to the materials and placement proposed. The Board shared concern if the Case were continued again, the application would exceed 65 days of receipt. Following a brief discussion, the Mr. Szymanski withdrew the Application.

Case # 645 was withdrawn by Agent.

Public Hearing:

Case: 646- TLF Holdings, LLC- 159 & 161 Green Pond Road (aka. Map 068, Lot 066 & Map 064, Lot 033)- requesting variance of Section 321.4 and 332.3 (iii) to allow reconstruction of principal dwelling on slopes greater than 25%. Section 332.5 to allow reconstruction of dwelling , bridge as close as 10' to front line & Section 384 to allow reconstruction and expansion of non-conforming structure as indicated on an A-2 Survey Map entitled " Existing Conditions & [Proposed Construction] Zoning Location & Merger Map, prepared for TLF Holdings, LLC 161 Green Pond Road, Town of Sherman, County of Fairfield, State of Connecticut. Date: January 16, 2014, Sheet: ZL.2" Prepared by Arthur H. Howland & Associates, P.C. Revised 4-08-2014 Lot 18 Added (Proposed to be merged) Zone B

Acting Agents Erich Diller of Evolve Design Group, LLC and Paul Szymanski, of Arthur H. Howland & Associates P.C. spoke on behalf of the application. The property owner intends to merge the lots," Parcel A" is .5 acres and "Parcel B" is .45 acres to help relieve some Regulation restrictions. The property has a unique slope, which in some areas is as steep as 111%. The proposal is to create an addition at the rear of the existing footprint and remove 1,600 square feet of pre-existing non-conforming structure. The home as it exists is in disrepair, and has no winter access. The proposal includes creating a footbridge which would bring the front entry to grade and improve safer access to the home in all seasons. The existing structure is 1,275 square feet. The proposed rebuild with addition would total 1,890 square feet. The dwelling would not be altered in height or width, but would increase in length by 14 feet.

The ZBA closed the Public Hearing of Case # 646

Business:

Case: 646- TLF Holdings, LLC- 159 & 161 Green Pond Rd. (aka. Map 068, Lot 066 & Map 064, Lot 033)

The Board discussed the slope of the land and appreciated the reduction of non-conformity, the merging of the two lots and agreed the proposed renovation and addition was of modest size, however struggled to agree in reference to slope. The Board requested guidance concerning the slope from the land use Attorney and agreed to continue this Case at the June 3, 2014 ZBA Meeting.

G. Smolen Moved to Continue the Public Hearing of Case # 646 to June 3, 2014 in order to seek the advice of Counsel.

Seconded by: L Pollack Vote: For: 4 Abstain: 1 (J. Chiaramonte)

Approval of Minutes:

Regular Monthly Meeting of March 4, 2014

G. Smolen Moved to Approve the Minutes of Regular Monthly Meeting March 4, 2014 as Amended.

Seconded by: K Fazzone Vote: For: Unanimous

Adjournment:

K. Fazzone Adjourned the Meeting at 9:15 p.m.

Respectfully submitted by:

Christine Branson, ZBA Administrative Clerk
May 14, 2014

*APPROVED WITH AMENDMENTS AT THE JULY 1, 2014 MEETING