



ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
September 6, 2016, 7:00 pm
Mallory Town Hall

FINAL

Commissioners Present: Samantha Addonizio, Rick Hudson, Will Jones, Kathy Fazzone and Alternates: Brooke O'Dwyer and Kenric Gubner

Absent: Rich Lenihan

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

Public: First Selectman C. Cope, Michael Carpanzano

Call to Order: **S. Addonizio Called the Meeting** to Order at 7:16 p.m.
 Alternate K. Gubner was Elevated to Voting status.

OCT 13 2016
3:20 PM
[Signature]

Public Hearing

Case- 664 Carpanzano, Michael- 9 Locust Lane (M- 73 , L- 24) Requesting a Variance of Section 332.5 Minimum Setback Requirements, Side Yard Setback- from 25' to 3.0' for construction of a 24' x 50' pavilion in the footprint shown on the A-2 Survey entitled "Property Survey prepared for Michael Carpanzano, Locust Lane & Cedar Lane, Town of Sherman, Fairfield County, CT. Dated January 26, 2015, Revised May 4, 2016 for update / additional as- built" Zone B.

Chair S. Addonizio reviewed the contents of the application file. R. Hudson read the Legal Warning into record. The Legal Warning was published in the Town Tribune on August 25th and again on September 1, 2016. Four abutting property owners were identified and sent a Certified letter with the warning. No correspondence was received in reference to this application. Health Approval has been issued as of July 13, 2016 for a 24' x 50' pavilion with no water. Also in the file is a letter of hardship which was read into record. The letter states the lot predates the creation of Section 321.3, the lot is steep, narrow and long with a vernal pool and large rocky outcroppings. Mr. Carpanzano states in the hardship letter that the proposed pavilion roof would house solar panels and by placing it at the three feet off of the northern edge of the property line would maximize the Southerly exposure of sun. Hand drawn building plans and an A-2 survey map showing the area of proposed activity was also in the file. Chair Addonizio asked Mr. Carpanzano to come forward to speak in reference to the application. Mr. Carpanzano explained the proposed activity in the location and existing conditions, pointing out there are many large trees that he feels wetlands would not allow removal due to their proximity to a vernal pool on the Southern side of the property which additionally limits placement of the pavilion. Mr. Carpanzano referred to a Certificate of Compliance letter written by ZEO R. Cooper dated February 2, 2011 which stated "the parcel was created prior to the adoption of Zoning and Sub-Division Regulations in the Town of Sherman to be a legal non-conforming lot. Development of the lot must adhere to sanitary/ building codes and Zoning Regulations that are in effect at that time." This letter was filed on the Land records on April 9, 2013. Discussion followed regarding the configuration of the lot in relation with the hardships listed. Mr. Carpanzano provided a new survey map that shows the location of rocky outcroppings in the area proposed for the pavilion and discussed the unique topography of the land. One abutter is the Town of Sherman, First Selectman C. Cope was present to speak. First Selectman C. Cope stated he has no objection to the proposed location of the pavilion. Mr. Carpanzano stated the proposed placement would maximize the length of exposure to sunlight for the solar panels. He is trying to avoid cutting any of the large trees on the property. He has explored placing the pavilion in alternative location but would need to apply for a variance no matter where he proposes the building. The solar array would be placed on the South facing portion of the roof. The Board discussed at length the Certificate of Compliance and agreed they would like to ask the ZEO to clarify the intent of the phrase " Development of the lot must adhere to sanitary/ building codes and Zoning Regulations that are in effect at that time." The Board requested if the Applicant had any objection to continuing the Case to October 4, 2016 to gather more information from the ZEO. The applicant was not opposed.

R. Hudson Moved to Continue Case 664 Carpanzano, Michael- 9 Locust Lane, to clarify the intent of the Certificate of Compliance letter issued by the ZEO, dated February 2, 2011. This case will be continued at the next Regular meeting scheduled for October 4th, 2016 beginning at 7:00pm at Mallory Town Hall.
Seconded by: W. Jones **Vote: For: Unanimous**

Deliberation: Case- 664

No deliberation took place.

Approval of Minutes

Minutes of Regular Monthly Meeting August 2, 2016

B. O'Dwyer Moved to Approve Minutes of Regular Monthly Meeting of August 2, 2016 as amended.
Seconded by: W. Jones **Vote: For: 5 Abstain: 1 (K. Gubner)**

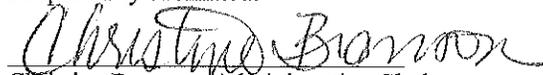
Approval of Zoning Board of Appeals Annual Report of FY 2015-16

R. Hudson Moved to Approve the Zoning Board of Appeals Annual Report of FY 2015-16 as written.
Seconded by: K. Gubner **Vote: For: Unanimous**

Adjournment

K. Gubner Moved to Adjourn the meeting at 9:52 p.m.

Respectfully submitted:



Christine Branson, Administrative Clerk

September 13, 2016

APPROVED AS FINAL AT THE OCTOBER 4, 2016 RMM