

Branford Zoning Board of Appeals
Town of Branford
Branford, Connecticut 06405

Minutes

The Branford Zoning Board of Appeals meeting Tuesday January 19, 2021, at 7:00 p.m. via remote technology as authorized by [Executive Orders 7B and 7I](#) to conduct Public Hearings and the following decisions were made:

Chairman James Sette then called the meeting to order at 7 p.m. Those present were ZEO Daniel Brennan and members David Laska,, Leonard Tamsin, Brad Crerar and Donald Schilder. Absent: Peter Berdon and Barry Beletsky. Also, attending was Anthony Beccia, who did not participate because he was not yet been sworn in.

Old Business

20/11 – 1. Talia Polino, Owner/Matthew Nobile Reale, Applicant, 29 Hotchkiss Grove Road: This item was continued from December 15, 2020 to allow Atty. Timothy Lee to acquaint himself better with the application due to opposition to the proposal at the previous meeting (See the Minutes of December 15, 2020 for those opposed and their reasons.)

The application was represented by Atty. Lee who proceeded to address the opposition to the application by citing a court decision concerning our ZBA that found wherein making a nonconformity less nonconforming it was seen as a reason to grant a variance. He went on to describe how the applicants would achieve this by making their addition smaller by a foot and a half (or 18 inches) along the property line in question, however as pointed out in answer to a question by Leonard Tamsin concerning height of the current garage, Atty. Lee said the existing one is 25 ft.1 in. and the proposed is 25 ft. 8 in., which while higher, is well within the height regulations of 35 ft.

The same opposition was present and expressed the same concerns as last month. Attorney Sean Clark from Weathersfield representing the Laudano opposition, answered that in doing the math, it remains nonconforming and overall it is just a matter of quarter inches less when given consideration of the entire length which had been extended and height of the proposed building being higher than the original garage while remaining very close to their property line. Asking for variances when it showed on the previous owner's plans there was room for an addition to the rear of the house that would not require variances. It also did not address the concerns of the neighbors as presented at the previous meeting who were still stating those concerns currently being mainly, though not only, the blocking of sunlight required to dry out the leaching and septic area on the adjoining property and constricting entry by emergency vehicles in case of fire or medical emergency.

In rebuttal, Atty. Lee pointed out that even though slight, it was still a reduction in nonconformity, no matter how minor and Ms. Polino, explained that there was slope on the property that caused a problem extending the house to a proposed addition shown on the previous Connolly owner's plan and the applicants felt that difficulty in trying to match it to the current house due to slope would be an expense they couldn't accept.

Opening for discussion, Board members felt that when you considered the length and height of the building, it would appear as one long high wall and concurred that it didn't seem in keeping with the intent of the regulation concerning lessening of nonconformity's that it be by quarter inches.

David Laska felt the plan was too aggressive and reminded that there was an original plan by a prior owner to add an addition to the rear of the home elsewhere on the property without variances

required which should also be considered and cost is not a legal hardship. It was also mentioned that the need for an office addition might not be required in the future when the current pandemic has ceased to be a problem

So, the hearing was closed and on Jim Sette's motion to approve, seconded by Bran Crerar the Board voted as follows: Leonard Tamsin, nay; Donald Schilder, no; Brad Crerar, no; David Laska, no and James Sette, yes; therefore he variance was denied 4/1.

20/12 – 3. Alan and Cynthia Brooks, 94 Stannard Avenue: This application was continued from December 15, 2020 to allow time for information as to the exact location and description of the requested carport. The applicants had explained at the previous meeting why they were requesting the variances (See the Minutes of December 15).

They were returning to submit the additional information requested at that meeting to the satisfaction of the Board. Although the Board did not find the carport aesthetically attractive, it was unobtrusive and acceptable, however members stressed that this did not mean that variances would be granted carte blanche in the future for these type variances without definite hardship shown and David Laska stressed that the structure should in no way be enclosed so that was made part of the motion to approve by Jim Sette, second by Don Schilder and **the variance was specific to grant the application with conditions that it not be an enclosed structure.** They were joined in voting to approve by David Laska, Brad Crerar and Leonard Tamsin and was granted 5/0.

New Business

21/1- 1. Marc Reed, 46 Parish Farm Road: The applicants are requesting a side line setback from 20 ft. to 10 ft. and a rear line setback from 50 ft. to 34 ft. because to build a detached garage with storage above in their preferred location would require more turn around area to enter and exit the proposed structure due to contours of a hill. The building would be located to the rear of the property which borders on RWA property. The space above the garage will be used for storage only and will have a slight overhang which would allow viewing of the neighboring natural open space property, but would not obstruct any other views.

On Jim Sette's motion to approve, second by Leonard Tamsin, and Dave Laska, Donald Schilder Brad Crerar voted in agreement and the variance was granted 5/0.

The following application was heard out of order when the next in order was skipped over.

21/1 – 3. Marilyn Cassella, Trustee/ Victor Cassella, Applicant, 23 Prospect Hill Road: The applicant was represented by Atty. James Perito, with Jim Petti, Criscuolo Engineering and Anthony Terry, Architect. Atty. Perito explained that this is the narrowest lot on that entire side of the street requiring a narrow envelope in which to build. In order to improve the home, they would be going from four (4) bedrooms to three (3) and due to the cost, all FEMA regulations would be followed. Tony Terry, the Architect showed step by step the various methods to be used to make the home FEMA compliant. On the motion by Jim Sette, second by Don Schilder and Dave Laska, Brad Crerar and Leonard Tamsin in agreement the **variances were granted 5/0.**

Also, on the Coastal Site Plan Review, Engineer Jim Pretti explained that the project entails removal of existing 4 bedroom house and construction of new FEMA compliant 3 bedroom home and installation of upgraded compliant waste water system and all the required measures to protect the environment would be used. These plans will be seen in more detail when submitted to the Planning and Zoning Commission for review. On Jim Sette's motion, Brad Crerar second and the CAM was accepted.

The application that had been missed was heard next with apologies.

21/1 – 2. Jay Gauvin, 65 Dorchester Lane: The applicant represented that the property is presently vacant, but had been in the family for years after his grandfather had made the purchase in 1968 with plans to build. He inherited the 1.25 acre parcel from his father and was prepared to follow the original plan to construct a single family home on the end of Dorchester Lane which is impacted by a small brook and pond, which restricts following the Zoning Regulations as now written. He described the plans for a single family residence and supporting utilities to be serviced by public water supply and on site septic system as approved by the East Shore District Health Department and the Inland Wetlands Agency, both of which have given their approval.

As had been stated this was an approved building lot which is located in an R-5 zone with larger setbacks and the major problem to overcome is placement the house in relation to the necessary septic system due to the high water table making it impossible to install one on the front portion of the lot. It also must stay 100 ft. away from wetlands at the back and side of the property while required to keep 25 ft. between the septic system and the proposed house.

There is no opposition and neighbors encouraged Mr. Gavin to develop the property and are delighted with the prospect of a new home on the vacant lot. On the motion to approve by Jim Sette with a second by Don Schilder, Brad Crerar, David Laska and Leonard Tamsin were in agreement and the variances were granted 5/0 with wishes of good luck from all members.

21/1 – 4. Mark and Katherine Swift, 32 Ark Road: The application as presented was pretty straightforward to simply add a covered porch to the front of a home with steps to grade where there is currently a bump out and small porch which will remain. It would add aesthetically to the house with no major change to the living space.

Jim Sette made the motion, second by Dave Laska and after discussion, with Don Schilder, Leonard Tamsin and Brad Crerar in agreement the **variance was granted 5/0 with the condition that the porch not be enclosed.**

Other Business:

The Minutes of December 15, 2020 were accepted on the motion by James Sette and the meeting adjourned at 9:15.

James Sette
Chairman

Prior to calling the meeting to order, Jim Sette and members had discussed the possible need for hearing more applications than are currently accepted each month and the discussion continued after this meeting was adjourned with members agreeing to hearing as many as eight (8) variance requests since the number of requests have increased and they should be heard so long as opposition is given consideration. If a major issue was to be scheduled with lots of opposition, fewer applications should be accepted for hearing that night or the one with many objections be assigned its own hearing on a night when fewer requests are made. The members agreed, but they left it to Dan Brennan's discretion as the ZEO who is accepting the applications to make the decision as to number of applications per meeting to accept.