



**TOWN OF KILLINGLY, CT
ZONING BOARD OF APPEALS**

Thursday – December 10, 2020

Regular Meeting

7:00 PM

MINUTES

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Original
2020 DEC 16 11:19:21
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- I. **CALL TO ORDER** – Chair, Andrew Farner called the meeting to order at 7:01 p.m.
- II. **ROLL CALL** - William Menghi; David Izzo, Sr.; Lynn LaBerge (Vice-Chair); Andrew Farner (Chair).

Others Present – Jonathan Blake, Planner I and Zoning Enforcement Officer.

- III. **CITIZEN PARTICIPATION** -- Pursuant to Governor's Executive Order 7B, all public comment can be emailed to publiccomment@killinglyct.gov or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website www.killinglyct.gov.

The above was read aloud by Andrew Farner.

Jonathan Blake announced that no comments from the public had been received.

- IV. **PUBLIC HEARINGS – (Review/Discussion/Action)**

If a member of the public would like to comment on the following public hearing during the meeting, please call 1-415-655-0001; Meeting Number (access code): 132-995-1736.

All calls will be answered as received.

1. **Application #20-825 of Alec Fontaine** to vary the Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from the sideline from 20' to 17' to allow for a deck. Property located at 12 Humes Road; GIS Map 54 Lot 96; Low Density Zone.

Mr. Farner read aloud the information above regarding how the public could access this meeting to comment on this public hearing.

Jonathan Blake referred to his Staff Report (included in packets to Board Members) and explained that Humes Road was established prior to Zoning/setbacks and that there are two ways to interpret setbacks. Staff feels that both ways could be argued and Mr. Blake suggested that the Board Members focus more on what the Applicant is looking to do.

Alec Fontaine gave an overview:

- There is an awning and concrete steps that extend out in front of the house (which are in rough condition). He is rehabilitating the entire home and would like to put in a wrap-around deck.
- The concrete steps extend about six feet from the roadway and he is looking to extend an additional two feet. Therefore, he is requesting a variance that the setback be reduced from 20' to 17'.

Mr. Blake explained that, with the concrete stairs, there is an existing encroachment of about a foot over the setback and that removing the stairs and adding/extending the deck is asking for about two more feet and, therefore, he does not feel that a survey is pertinent for this application. He said that the property is unique in terms of trying to figure out the existing setbacks.

Ms. LaBerge commented that it is a non-conforming lot.

There were no further comments or questions from Board Members.

Mr. Blake stated that there were no callers offering public comment.

Motion was made by Lynn LaBerge to close the public hearing for **Application #20-825 of Alec Fontaine** to vary the Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from the sideline from 20' to 17' to allow for a deck. Property located at 12 Humes Road; GIS Map 54 Lot 96; Low Density Zone. Second by David Izzo. No discussion. Motion carried unanimously (4-0-0).

- 2. Application #20-826 of Ronald & Stephanie Pino** to vary the Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from the street line from 75' to 68' to allow for the construction of a 24' x24' detached garage. Property located at 66 Pine Knolls Drive; GIS Map 121 Lot 15; Rural Development Zone.

Mr. Farner, again, read aloud the information above regarding how the public could access this meeting to comment on this public hearing.

Jonathan Blake stated that the Applicant's Contractor had contacted him earlier in the today to inform him that they would like to modify the original Application to change the setback from 70' to 60' rather than 68' (a sketch and photos were provided to Board Members earlier in the day). The reason given for the change is that it is a flatter area and it is more advantageous to the Applicant due to the slope of the lot. Mr. Blake referred to his Staff Report (included in packets to Board Members) noting that it reflects the 68' request rather than 60' request. Mr. Blake explained that, because this is a public hearing, modification requests are typically allowed because the public was notified of the meeting and would have opportunity to call in and to be made aware of the modification.

Modification is allowed because the public was notified of the public hearing.

Ronald Pino gave an overview:

- Basically, it is an addition of a detached garage – 24' x 24'.
- Location is pertinent to those dimensions because of the slope.
- Trees offer plenty of buffering.

Mr. Blake noted that the Contractor had stated to him that the buffering of the trees (within the 38' setback) will remain if the garage is built. Mr. Blake asked Mr. Pino if that is correct. Mr. Pino stated that it is correct and that he actually prefers the buffer. Mr. Blake asked if it is both along the roadway and on the side (in the area of the turn-around). Mr. Pino agreed that it is both and in the area of the turn-around.

QUESTIONS/COMMENTS FROM STAFF AND BOARD MEMBERS:

Mr. Blake asked if the septic is behind the house (information from the original subdivision was included in packets to Board Members). Mr. Pino answered that it is.

Mr. Blake asked about the location of the well. Mr. Pino stated that it is on the south side/right-hand side of the house.

Ms. LaBerge asked if there was any explanation of the hardship claim.

Mr. Blake explained that there are four main points of criteria as they pertain to the property (none of which should be financial). Mr. Blake read the criteria aloud and asked that Mr. Pino comment as they relate to his property.

Mr. Pino's comments:

First Point – Mr. Pino stated that it is correct and then elaborated that it is relatively flat in the location of the turn-around which makes it accessible to drive in. Past that area, the grade slopes dramatically which would make it difficult in snow/ice. It would also be difficult to get machinery down there to pour a foundation, etc.

Second Point - Mr. Blake stated that the front setback would be the interpretation in question.

Third Point - Mr. Pino stated that he bought the house after it was built (including utilities/septic).

Fourth Point – Mr. Blake stated that he is not sure about the front setback, but he believes that there are two detached garages in the same subdivision, one of which, is on a property where there is only a detached garage and the house has never been built.

Ms. LaBerge asked what the need is for another garage. Mr. Pino explained that he has three vehicles and the attached garage is for two vehicles, so it would be for his third vehicle, lawn equipment, maybe a trailer. He said it is just for personal use, no work would be done there.

There were no further comments from Staff or Board Members.

Mr. Blake stated that there were no callers offering public comment.

Motion was made by William Menghi to close the public hearing for **Application #20-826 of Ronald & Stephanie Pino** to vary the Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from the street line from 75' to 60' (changed from the original 68' in the Application) to allow for the construction of a 24' x24' detached garage. Property located at 66 Pine Knolls Drive; GIS Map 121 Lot 15; Rural Development Zone.

Second by David Izzo. No discussion. Motion carried unanimously (4-0-0).

V. UNFINISHED BUSINESS – (Review/Discussion/Action)

- 1. Application #20-825 of Alec Fontaine** to vary the Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from the sideline from 20' to 17' to allow for a deck. Property located at 12 Humes Road; GIS Map 54 Lot 96; Low Density Zone.

Motion was made by David Izzo to approve **Application #20-825 of Alec Fontaine** to vary the Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from the sideline from 20' to 17' to allow for a deck. Property located at 12 Humes Road; GIS Map 54 Lot 96; Low Density Zone.

Second by William Menghi.

Discussion:

Lynn LaBerge stated reasons for approval: It is a non-conforming lot, the house was built prior to Zoning, and she doesn't feel that the Applicant is asking for anything that his neighbors wouldn't want to put on their home.

Roll Call Vote: David Izzo – yes; Lynn LaBerge – yes; William Menghi – yes; Andrew Farner – yes. Motion carried unanimously (4-0-0).

2. **Application #20-826 of Ronald & Stephanie Pino** to vary the Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from the street line from 75' to 68' to allow for the construction of a 24' x24' detached garage. Property located at 66 Pine Knolls Drive; GIS Map 121 Lot 15; Rural Development Zone.

Motion was made by William Menghi to approve **Application #20-826 of Ronald & Stephanie Pino** to vary the Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from the street line from 75' to 60' to allow for the construction of a 24' x24' detached garage. Property located at 66 Pine Knolls Drive; GIS Map 121 Lot 15; Rural Development Zone, based on hardship of location, septic and well, as well as the topography of the land. There is really no other location to put it.

Second by Lynn LaBerge.

There was discussion regarding the tree line buffer. Mr. Blake noted that the Applicant had testified during the hearing regarding his intentions and that, if approved, Staff would work with the Applicant.

Roll Call Vote: Lynn LaBerge – yes; William Menghi – yes; David Izzo – yes; Andrew Farner – yes. Motion carried unanimously (4-0-0).

VI. NEW BUSINESS – None.

VII. ADOPTION OF MINUTES

- a. September 10, 2020 Regular Meeting

Motion was made by David Izzo to accept the Minutes of the Regular Meeting of September 10, 2020. (It was noted that the Agenda contained a scrivener's error: Incorrect meeting date of April 9, 2020.)

Second by Lynn LaBerge.

Discussion:

Lynn LaBerge noted the following correction: Her last name is spelled with a capital "B" - LaBerge.

Motion carried unanimously (4-0-0).

VIII. CORRESPONDENCE TO THE BOARD

Mr. Blake stated that there were some items regarding the By-Laws from the last meeting that he is still working through and he will e-mail the information to Board Members by the end of December. He will add it to the next agenda.

IX. COUNCIL LIAISON – No representation.

X. ADJOURNMENT

Motion was made by William Menghi to adjourn at 7:31 p.m. Second by David Izzo. Motion carried unanimously (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary