



TOWN OF KILLINGLY, CT ZONING BOARD OF APPEALS

Thursday – March 10, 2022

Regular Meeting – Hybrid Meeting

7:00 PM

Town Meeting Room – 2nd Floor

Killingly Town Hall

172 Main Street

Killingly, CT

MINUTES

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RECEIVED
TOWN OF KILLINGLY, CT
2022 MAR 14 PM 9:02
Elizabeth M. Wilson

- I. **CALL TO ORDER CALL TO ORDER** – Chair, Andrew Farner called the meeting to order at 6:59 p.m.
- II. **ROLL CALL** - David Izzo, Sr.; Lynn LaBerge (Vice-Chair); William Menghi (all present via WebEx). Andrew Farner (Chair) was present in person.

Staff Present – Jonathan Blake, Planner I and Zoning Enforcement Officer (in person).

Others Present – Peter Cunha and Rachel Houle, Applicants (via WebEx); Raymond Wood II and Ulla Tiik Barclay, Town Council Liaisons (both via WebEx); J.S. Perreault, Recording Secretary (in person).

- III. **CITIZEN PARTICIPATION** -- 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.

Andrew Farner read the above aloud. Jonathan Blake stated that no public comment had been received and that there were no members of the public either in the audience or online.

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): 2631 993 3891.

All calls will be answered as received. Note the meeting is also open to the public.

Andrew Farner read the above call-in information aloud.

1. **Application #22-830 of Peter Cunha & Rachael Houle** to vary the Town of Killingly Zoning Regulations, Section 450, Table A, Min. side setback to construct a two-bay garage. Property located at 46 Pleasant View Dr; Map ID# 3071, Alt ID 54-25; Low Density Zone.

Peter Cunha and Rachel Houle were present via Webex and represented themselves. Ms. Houle explained that they would like to have a two-bay garage with a bedroom above, attached to the house. There are currently two bedrooms upstairs and they would like to add a third bedroom to that floor.

Mr. Cunha explained that they need the width of the garage to fit their two vehicles and also because of the location of the bulkhead which is why it is further away from the house. He said that the neighbor on that side of the property are not opposed to the addition near the property line.

QUESTIONS/COMMENTS FROM STAFF:

- Mr. Blake asked about the bedrooms.
Mr. Cunha explained that they currently have four bedrooms in the raised ranch: two upstairs and two downstairs and would need the additional bedroom on the second floor for an additional child.
- Mr. Blake referred to the Staff Guidance (included in packets to Board Members) and commented that the width was a concern because it is a 30-foot garage and approximately 32 feet to the side setback. There is no survey. Staff recommends that a survey be done to stake out the footings, if the variance is granted, to ensure that it fits and that it is on their property. There is nothing that would permit the building to be on the neighbor's property.
- Mr. Blake asked if the shed had been removed.
Mr. Cunha explained that it is being used for storage at this time, but it will be relocated to the backyard.

QUESTIONS/COMMENTS FROM BOARD MEMBERS:

- **Lynn LaBerge** stated that she is concerned about the size and whether there is enough room between the edge of the building and the property line to put up a ladder or to do maintenance on the garage.
Mr. Blake asked the Applicants if any other size options had been considered for the two-bay garage.
Mr. Cunha explained that they could probably make it a little smaller (four or five feet), but did not want to go any higher.
Ms. Houle explained that they do want to be able to maintain that side of the building and that they would talk with the builder to make it work.
Ms. LaBerge asked if it could be turned so that the garage goes toward the back of the property rather than the side.
Mr. Cunha explained that they would not be able to do that because of the way the driveway is and that they wouldn't be able to get around and that the backyard is like a hill.
- **David Izzo** asked about septic and the bulkhead.
Mr. Cunha stated that they are on Town sewer and that the well is in the back. The bulkhead would be built into the garage and would still be accessible.

Mr. Blake stated that garage applications are usually in two-foot increments. He explained that the ZBA not only looks at hardships, but also looks to grant the minimum variance necessary for reasonable use of the property. This is why they ask if other options had been explored.

Ms. Cunha said that he had spoken with a couple of builders and they felt that they could go a little smaller, although it would be a tight squeeze mostly because of the bulkhead. He said they could do 28 feet wide if they have to. He said that they would try to work with whatever the Board would approve.

Mr. Blake noted that assuming the two-foot side setback that was left at 30-feet wide was correct, it would now be a four-foot wide side setback. He asked if the Board had any questions or input regarding this.

- **Ms. LaBerge** asked if 28-feet is the least they could go.
Mr. Cunha explained that it is because of access to the bulkhead and to fit the two vehicles in the garage.
- **Mr. Izzo** asked about the neighbor not having a problem with it.
Mr. Cunha stated that they would sign stating that they don't have a problem with it.

Mr. Blake stated that a placard was put on the property as required. He said there was no one present to speak either for or against the Application.

Mr. Izzo commented that he feels that it should be slimmed down and he also was concerned for resale value.

Mr. Blake asked the Applicants if they would be looking to amend their application to 28 feet.

Mr. Cunha stated that they would probably be able to make 28 feet work.

- **Andrew Farner** asked whether the 20-foot depth would change.

Mr. Blake explained the depth isn't limited as much from the front setback. The well would trigger a B-100 application from NDDH, so it would be up to the Health Department.

Mr. Blake asked the Applicants if they would be looking to change the depth of 20 feet.

Mr. Cunha stated that they would stay with the 20-foot depth.

- **Mr. Izzo** asked if they were adding one or two bedrooms.

Mr. Cunha stated one bedroom.

Mr. Blake asked if it would connect to the rest of the house.

Mr. Cunha stated that it would so they can walk through.

Motion was made by William Menghi to close the public hearing for **Application #22-830 of Peter Cunha & Rachael Houle** to vary the Town of Killingly Zoning Regulations, Section 450, Table A, Min. side setback to construct a two-bay garage. Property located at 46 Pleasant View Dr; Map ID# 3071, Alt ID 54-25; Low Density Zone.

Second by David Izzo. No discussion.

Roll Call Vote: David Izzo – yes; Lynn LaBerge – yes; William Menghi – yes; Andrew Farner – yes.

Motion carried unanimously (4-0-0).

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

1. **Application #22-830 of Peter Cunha & Rachael Houle** to vary the Town of Killingly Zoning Regulations, Section 450, Table A, Min. side setback to construct a two-bay garage. Property located at 46 Pleasant View Dr; Map ID# 3071, Alt ID 54-25; Low Density Zone.

Motion was made by William Menghi to approve **Application #22-830 of Peter Cunha & Rachael Houle** to vary the Town of Killingly Zoning Regulations, Section 450, Table A, Min. side setback to construct a two-bay garage, 20-feet deep by 28-feet wide. Property located at 46 Pleasant View Dr; Map ID# 3071, Alt ID 54-25; Low Density Zone.

Second by David Izzo.

Discussion:

Mr. Farner suggested a four-foot setback.

Ms. LaBerge suggested that the motion be amended to add that stakes be put in before the footing is done.

Mr. Blake explained that a motion can be made to amend the motion to approve (to include conditions) and that the amendment would need to be voted on, then the motion as amended would be voted on.

Motion was made by Lynn LaBerge to amend the Motion to approve **Application #22-830 of Peter Cunha & Rachael Houle** to vary the Town of Killingly Zoning Regulations, Section 450, Table A, Min. side setback to construct a two-bay garage, 20-feet deep by 28-feet wide. Property located at 46 Pleasant View Dr; Map ID#

3071, Alt ID 54-25; Low Density Zone, to include that the size of the garage be staked out, by a surveyor, before the footings are put in.

Second to the Amendment by William Menghi. No discussion.

Motion to Amend the Main Motion carried unanimously by voice vote (4-0-0).

There was no discussion.

Roll Call Vote on the Main Motion as Amended: Lynn LaBerge – yes; William Menghi – yes; David Izzo – yes; Andrew Farner – yes.

Main Motion, as Amended, carried unanimously (4-0-0).

Mr. Blake explained to the Applicants that they were approved for a 28' by 20' garage with an approximate 4-foot setback and that it will have to be staked out by a surveyor to ensure that it fits. He said that if it does not fit, it can be discussed at the Staff level to look at options. The Applicants will receive an approval letter within about a week and it will be published in the Norwich Bulletin within about 48 hours which will start the 15-day appeal period.

VI. NEW BUSINESS – None.

VII. ADOPTION OF MINUTES

1. February 10, 2022, Regular Meeting

Motion was made by David Izzo to adopt the Minutes of the Regular Meeting of February 10, 2022.

Second by Lynn LaBerge. No discussion.

Roll Call Vote: William Menghi – yes; David Izzo – yes; Lynn LaBerge – yes; Andrew Farner – yes.

Motion carried unanimously (4-0-0).

VIII. CORRESPONDENCE TO THE BOARD

Mr. Blake reminded the Board Members about training, with the Town Attorney, to take place on March 22nd, at 6:00 p.m., for all of the Land Use Commissions.

IX. COUNCIL LIAISON

Raymond Wood II reported on recent discussions/actions of the Town Council:

- Met with the EDC regarding revitalizing the Downtown area (presentation available on the website.
- Approved the Collective Bargaining Agreement with DPW.
- Approved basic financial statements.
- Authorized the Town Manager to execute a 20-year lease with VCP Realty to put solar panels on the capped landfill. This can be taxed.

X. ADJOURNMENT

Motion was made by Lynn LaBerge to adjourn at 7:28 p.m.

Second by William Menghi. No discussion.

Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary