

**Zoning Board of Appeals**

**SPECIAL AGENDA**

**PUBLIC HEARING**

**MORRIS CT 06763**

Received 10:12 AM  
February 10, 2021  
Susan J. Jeanfavre  
Assistant Town Clerk

**February 24, 2021 at 7 PM via ZOOM**

**Join the Zoom meeting at**

**<https://us02web.zoom.us/j/83598952089>**

**Meeting ID : 835 98952 089**

**Passcode: 118563**

**Dial by your location 1 929 205 6099 US (New York)**

**Call to order**

**Presentation of Request for Variance – 142 Island Trail**

**Discussion**

**Vote on Decision**

**Adjourn**

XX

**ZONING BOARD OF APPEALS APPLICATIONS**  
**TOWN OF MORRIS**  
3 East Street, P.O. Box 66, Morris, CT 06763

<b>Date:</b> January 08, 2021	<b>Permit #:</b>
<b>Billing Name:</b> Application for Variance - Grenier	
<b>Billing Address:</b> 365 Main Street, Watertown, CT 06795	
<b>Property Location in Morris:</b> 142 Island Trail, Morris, CT	
<b>Contact Phone Number</b> Pilicy & Ryan, P.C. 860-274-0018	
<b>Contact Cell Number</b> N/A	

Fees listed are the minimum required and are to be paid upon receipt.

.....

**SECTION I: ZONING BOARD OF APPEALS**

Zoning Board of Appeals Variance (4500-468-0)	\$	240.00	
ZBA Surcharge (4502-475-0)	\$	60.00	

<b>GRAND TOTAL:</b>	<b>\$ 300.00 Enclosed</b>
---------------------	---------------------------

Print 3 Copies.

Original to Treasurer with Check or Cash

1 copy to Client, 1 copy to P&Z, I/W, or ZBA

**ZONING BOARD OF APPEALS APPLICATIONS**  
**TOWN OF MORRIS**  
**3 East Street, P.O. Box 66, Morris, CT 06763**

- Transcript of the Record of Hearing may be made available upon formal request at the prevailing price.
- A Plot Plan 24" X 36" showing grade elevations drawn up by a registered surveyor with a photograph of the property and the land in question should be attached to this application.
- Request for postponement of Hearing shall be treated as a new application including all costs.

**ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**

DATE \_\_\_\_\_

APPLICANT \_\_\_\_\_

Location \_\_\_\_\_

Hearing Held \_\_\_\_\_

Action Taken \_\_\_\_\_

**FEE SCHEDULE**

All Applications to the Zoning Board of Appeals shall include a receipt from the Town Clerk that appropriate fee has been paid as follows:

Fees: \$240.00 Town plus \$60.00 State

\* **Total Fees are: \$300.00**

\*1 Appeal from Decision of Zoning Officer

\*2 Application for Variance

WEBSTER BANK  
WATERTOWN, CT 06795

4884

51-7010/2111  
209

**PILICY & RYAN, P.C.**  
365 MAIN ST.  
WATERTOWN, CT 06795-2230

1/8/2021

PAY TO THE ORDER OF Zoning Board of Appeals, Town of Morris

\$ \*\*300.00

Three Hundred and 00/100\*\*\*\*\* DOLLARS

Zoning Board of Appeals  
Town of Morris  
3 East Street, P.O. Box 66  
Morris, CT 06763

MEMO

Application Fee



AUTHORIZED SIGNATURE



⑈004884⑈ ⑆211170101⑆10 0010404601⑈

**PILICY & RYAN, P.C.**  
**ATTORNEYS AT LAW**

FRANKLIN G. PILICY  
[fpilicy@pilicy.com](mailto:fpilicy@pilicy.com)  
Also Admitted in MA

DONALD J. RINALDI  
[drinaldi@pilicy.com](mailto:drinaldi@pilicy.com)  
As of Counsel to the Firm

365 Main Street  
P.O. Box 760  
Watertown, Connecticut 06795  
Ph: 860-274-0018  
Fax: 860-274-0061  
[www.pilicy.com](http://www.pilicy.com)

CHARLES A. RYAN  
[crayan@pilicy.com](mailto:crayan@pilicy.com)  
Also Admitted in MA

JEFFREY M. GEORGE  
[jgeorge@pilicy.com](mailto:jgeorge@pilicy.com)  
Also Admitted in RI

JILLIAN A. JUDD  
[jjudd@pilicy.com](mailto:jjudd@pilicy.com)

January 08, 2020

VIA OVERNIGHT DELIVERY

Town of Morris, Planning and Zoning Office  
Zoning Officer Tony Adili  
3 East Street  
Morris, Connecticut

Re: Zoning Board of Appeals Application  
Application for Variance  
142 Island Trail, Morris, CT

Dear Planning & Zoning Commission,

Enclosed please find Zoning Board of Appeals Application for Variance. The following submittals are attached:


1. Application form
2. Attachment – Variance Requested
3. A Copy of Section 26 of the Zoning Regulations
4. Notes with a timeline prepared by Grenier
5. Copy of Zoning Location Survey prepared by Berkshire Engineering & Surveying, LLC for Roger & Mary Grenier, 142 Island Trail, Morris CT
6. Check for application fee in the amount of \$300.00 (#4884)

If additional copies of this application and/or enclosures are needed, please let me know and same will be promptly delivered to the Zoning Office. Please let me know when this matter will be added to the Planning & Zoning Commission Agenda.

If you have any questions or concerns, please contact the undersigned at your convenience.

Respectfully,

Pilicy & Ryan, P.C.

  
\_\_\_\_\_  
Franklin G. Pilicy, Esq.

ZONING BOARD OF APPEALS APPLICATIONS  
TOWN OF MORRIS  
3 East Street, P.O. Box 66, Morris, CT 06763

APPLICATION FOR VARIANCE

Applicant Roger & Mary Grenier Date January 08, 2021  
Location 142 Island Trail, Morris, CT 06763 Mailing Address c/o Pilicy & Ryan, P.C  
Phone # 203-502-9913 365 Main Street, Watertown, CT  
Property Owner (if not applicant) 860-274-0018  
Mailing Address \_\_\_\_\_  
Phone # \_\_\_\_\_

STATE CLEARLY VARIANCE REQUESTED

See Attached Statement.

\*\*\*\*\*OVER\*\*\*\*\*

**PILICY & RYAN, P.C.**  
**ATTORNEYS AT LAW**

FRANKLIN G. PILICY  
[fpilicy@pilicy.com](mailto:fpilicy@pilicy.com)  
Also Admitted in MA

DONALD J. RINALDI  
[drinaldi@pilicy.com](mailto:drinaldi@pilicy.com)  
As of Counsel to the Firm

365 Main Street  
P.O. Box 760  
Watertown, Connecticut 06795

Ph: 860-274-0018  
Fax: 860-274-0061  
[www.pilicy.com](http://www.pilicy.com)

CHARLES A. RYAN  
[crvan@pilicy.com](mailto:crvan@pilicy.com)  
Also Admitted in MA

JEFFREY M. GEORGE  
[jgeorge@pilicy.com](mailto:jgeorge@pilicy.com)  
Also Admitted in RI

JILLIAN A. JUDD  
[jjudd@pilicy.com](mailto:jjudd@pilicy.com)

January 08, 2020

VIA OVERNIGHT DELIVERY

Town of Morris, Planning and Zoning Office  
Zoning Officer Tony Adili  
3 East Street  
Morris, Connecticut

Re: Zoning Board of Appeals Application  
Attachment – Variance Requested

Zoning Officer Tony Adili:

This Application concerns property in the Deer Island District (D.I.D.) Section 26 of the Zoning Regulations. This Application for a Variance concerns Section 26: Lot Coverage: 1. Maximum Coverage by Buildings and Structures (25%). Subsequently, this Section of the Zoning Regulations was changed from 25% Maximum Coverage to 15% Maximum Coverage. This regulations changed to 15% during the time period that Roger Grenier and Mary Grenier ("Grenier") and there professionals including surveyor, and architect, had been meeting with Town Officials preparing architectural plans to remodel and update an existing home at 142 Island Trail, Morris, CT.

Grenier's believe a Variance request is supported based upon this unusual and unique hardship. The hardship includes the small size of the Lot Area and the impact of the new regulation on a Zoning Application and a Building Permit Application that were substantially completed on the date of the new Zoning Regulation. In addition, Grenier and or the Surveyor were informed during in person meetings with Town Staff that the 25% coverage regulation was applicable to the Application. In addition, the possibility of a change in the coverage regulation was not mentioned to Grenier or the Surveyor.

Grenier in connection with the referenced real property. During 2019 and early 2020, Grenier retained a professional surveyor, a professional home designer to survey their property and construct a modest addition and upgrade to the existing home. The existing home is approximately 800 square feet and is the smallest home on Deer Island. The Grenier's and their professionals checked the Morris Zoning Regulations and the Morris Officials, and were informed that the building coverage for the D.I.D.

District is 25%. The Town of Morris Zoning Regulations at the time, and the Town of Morris website confirmed a building coverage of 25%.

Specifically, the Surveyor was hired on November 01, 2019. The survey was completed on December 20, 2019. On or about December 20, 2019, Zoning confirmed that the patio would not be included in the 25% building coverage, but that the maximum building coverage was confirmed at 25%. Between February 2020 and April 2020, the Architect took measurements and began initial plans and drawings. In early July 2020, the Surveyor visited the Town of Morris with a topographical drawing to confirm that the proposed addition was within the 25% coverage regulation. The Surveyor was then told everything seemed appropriate. Later that day, the Surveyor received a telephone call to state that the Zoning Regulation for maximum building coverage had recently changed and been reduced from 25% to 15%.

Grenier was genuinely shocked at this news. Grenier had no knowledge of a pending zone change with respect to the maximum coverage. Moreover, Grenier had been discussing this project with Town Officials for approximately six months without any mention of a possible change. If Grenier had been informed of the possible change, Grenier could have obtained a Zoning Permit prior to the zoning regulation change. The facts of this case also support a Variance on grounds of Municipal Estoppel.


Grenier would like to file an application for a Variance in order to proceed with the survey and building plans that were produced based upon the 25% coverage regulation. Please provide to me a copy of any application form that is required, and the amount of any application fees that are required.

In support of this application, Grenier submit the following:

1. A copy of Section 26 of the Zoning Regulations.
2. Notes with a timeline prepared by Grenier.
3. Copy of Zoning Location Survey prepared by Berkshire Engineering & Surveying, LLC for Roger & Mary Grenier, 142 Island Trail, Morris, CT
4. Building Plans

Please contact the undersigned to discuss this matter at your convenience.

PILICY & RYAN, P.C.

  
\_\_\_\_\_  
Franklin G. Pilicy, Esq.



## SECTION 26 - DEER ISLAND DISTRICT D.I.D.

### Permitted Uses:

1. A single dwelling for one family and not more than one such dwelling per lot.
2. State licensed family day care as an accessory use in a single dwelling for one family and in accordance with the provisions of the Connecticut General Statutes, Section 8-23j.
3. Private bath houses, lockers, and dressing areas.
4. Swimming facilities.
5. Boat houses, boat docks, and boat launching facilities.
6. The renting of a dwelling for occupancy by not more than one family.
7. Accessory uses customary with and incidental to any aforesaid permitted use.
8. Home office of convenience, subject to Section 8.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of Section 52, and, where applicable, the requirements of Section 67.

1. The following uses when not conducted as a business or for profit: membership clubs limited to members of the Deer Island Association, nature preserves and wildlife sanctuaries, tennis, swimming, boating, and similar clubs.
2. Water systems including towers, treatment facilities, and pump stations.
3. Accessory uses customary with and incidental to any aforesaid Special Exception use.

Procedure for Special Exception in the Deer Island District: A Site Plan shall be required. At the public hearing, the applicant shall present to the Commission receipts from a return receipt requested letter sent to all property owners within 50 feet of the boundaries of the lot and to each member of the Board of Directors of the Deer Island Association. The letter shall include a "Statement of Proposed Use," the date, time, and place of the public hearing on the application, and shall be mailed 10 days in advance of the public hearing.

### Prohibited Uses:

1. No house trailer or truck trailer shall be parked or occupied for any purpose, either temporarily or permanently, or be affixed to the real estate in any manner whatsoever.
2. No tent shall be erected or used other than a child's play tent.
3. No farm animals are permitted.

Lot Area, Shape, and Frontage:

- |                              |                    |
|------------------------------|--------------------|
| 1. Minimum Lot Area          | 40,000 square feet |
| 2. Minimum Lot Line Frontage | 150 feet           |

Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
| 2. Maximum Height            | 35 feet    |

Setbacks:

- |  |         |
|--|---------|
| 1. Minimum setback - principal and detached accessory buildings and structures from street line:             | 25 feet |
| 2. Minimum setback - principal and detached accessory buildings and structures from all other property lines | 12 feet |
| 3. Maximum projection of principal or accessory building or structure into setback area                      | 2 feet  |
| 4. Boat houses:  |         |
| a. from street line  | 40 feet |
| b. from all property lines excluding lake shore of Bantam Lake   | 12 feet |
| c. projection into Bantam Lake   | 30 feet |

Lot Coverage:

- |   |     |
|---|-----|
| 1. Maximum Coverage by Buildings and Structures | 25% |
|---|-----|

Living Area Requirements per Dwelling Unit (in square feet):

- |                                  |     |
|----------------------------------|-----|
| 1. Minimum for First Floor Area: |     |
| 1 story                          | 900 |
| 1½ stories                       | 600 |
| 2 or more stories                | 500 |

## NOTES

A year in the planning: Oct.4 2019 met with contractor Michael Smith re. addition

Oct 29, 2019 met with and hired Architect Lindstrom

Oct.29, 2019 contacted Surveyor. Signed contract Nov. 1

Survey completed Dec. 20, 2019 and a check was made with zoning to insure the patio was not to be included in the 25% coverage.

Feb. through April 2020 , architect took measurements and began Initial plans/drawings

Covid hit and things slowed as contact was minimized

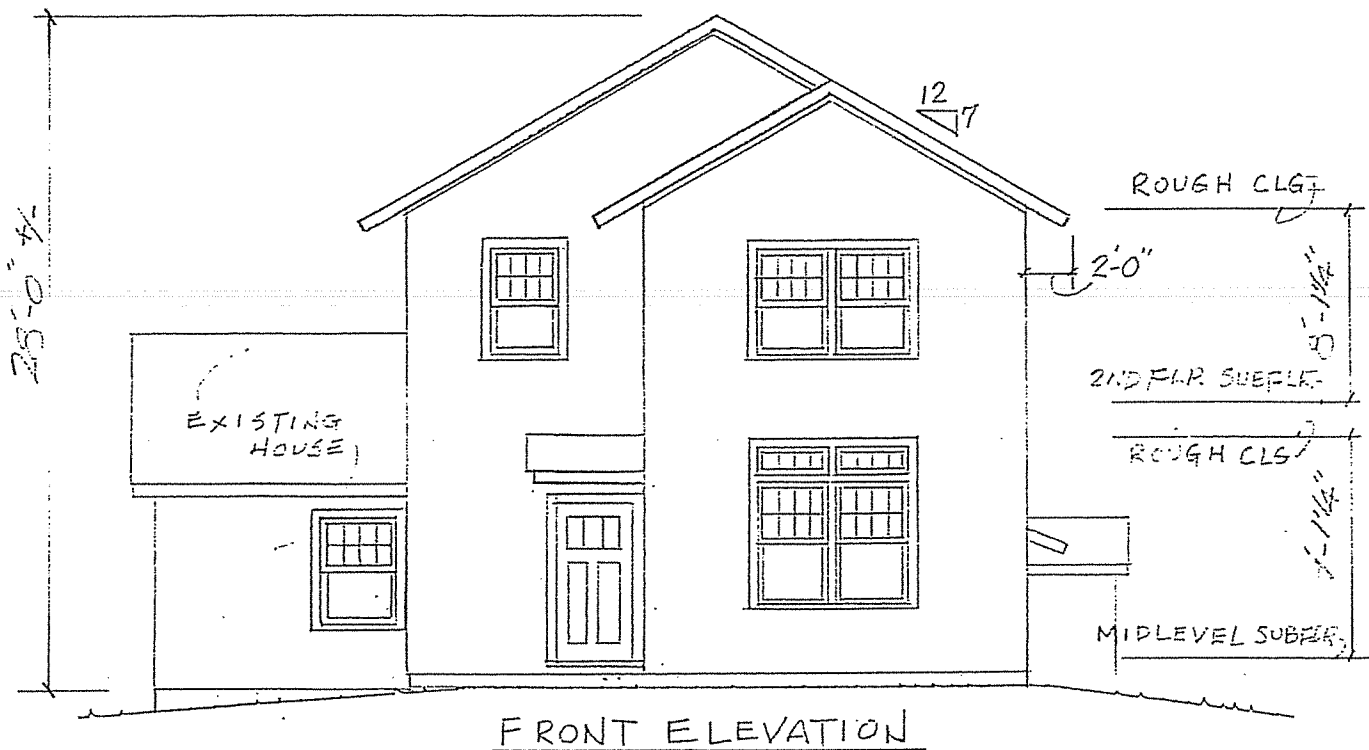
May, June and July architect did more measuring and followed the Town of Morris website specifications for this property

July, Surveyor Latour did a topographical drawing and went to Town Hall to again insure that we were within the 25% coverage. He was told that we were OK c. July 21 but on his way home, received a phone call telling him that the regulations had been changed to 15%. The website for the town still had the 25% as the coverage listed. There was still no change to the website instructions weeks later.

We followed the website instructions and some verbal approvals all this time and expended a great deal of money only to have the rules change just as we were ready to start construction—but they were changed in secret without telling anyone or changing the website.

To cut the percentage of coverage almost in half is punitive. Almost every house on Deer island exceeds the 15%. It insures no one can expand their homes. Our cottage at 142 Island Trail is probably the smallest home on the island with less than 800 Square feet and the new regulations would not allow us to add one square inch to our home!

And this was done to us after we proceeded in good faith and checked with zoning and their website several times and caused 2 retired people who now want to spend more time there to go through substantial savings only to have the rug pulled out from under them at the last minute.



PRELIMINARY  
NOT FOR CONSTRUCTION USE

TWO STORY ADDITION

TO

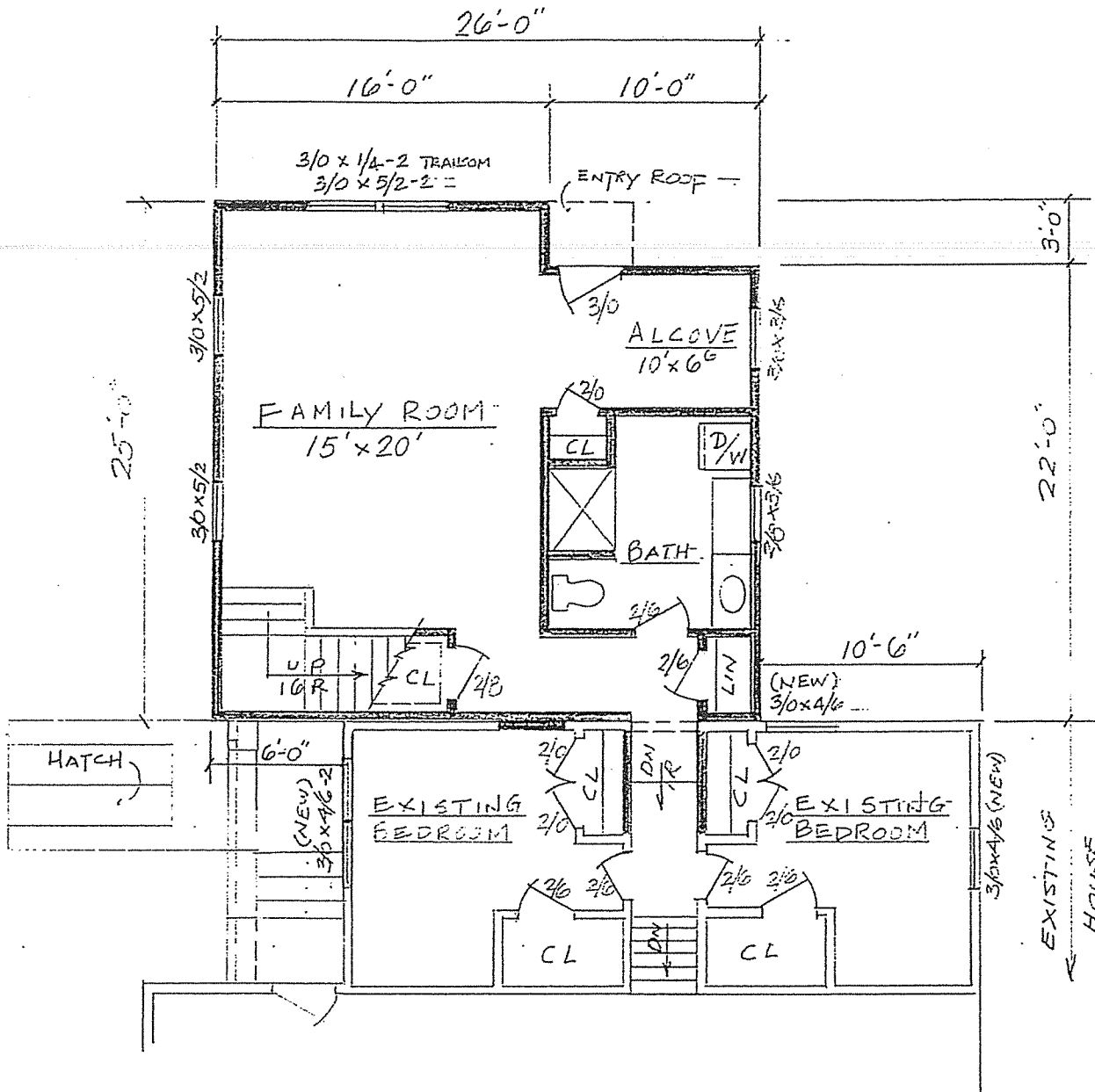
GRENIER RESIDENCE

142 ISLAND TRAIL, MORRIS, CT

REV: 7-15-20  
REVISED 7-6-20  
6-12-20

SCALE:  $1/8" = 1'-0"$

J.D. LINDSTROM, AIA



MID LEVEL FLOOR PLAN

(620 SF ADDED LIV. AREA)

2" x 6" EXT WALLS

9' 1 1/4" HEIGHT

TWO STORY ADDITION-

TO

GRENIER RESIDENCE

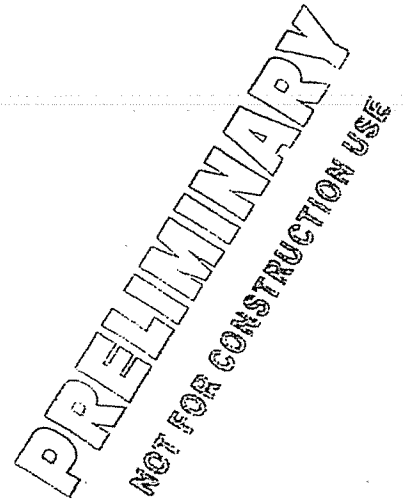
142 ISLAND TRAIL, MORRIS, CT

**PRELIMINARY**  
NOT FOR CONSTRUCTION USE

REV: 7-15-20  
REVISED: 7-6-20  
6-12-20

SCALE: 1/8" = 1'-0"

J.D. LINDSTROM, AIBD



В'-1 1/4" HEIGHT

142 ISLAND TRAIL, MORRIS, CT

J.D. LINDSTROM, AIBD

PAUL D. WEST & MICHAEL A. GUGLIOTTI, JR. TRUSTEES  
N/F  
VOL. 91 PG. 934

NOTE: PROPERTY LINE ALONG THE LAKE IS THE FORMER SHORE LINE TAKEN FROM T.C. MAP #A-17.

S43°04'11"E 51.05'  
(CLOSING LINE ONLY)

1 STORY  
DWELLING

AREA  
0.18± ACRES

(TO FORMER SHORE LINE)  
S40°42'13"W 156.4'

SHORE LINE  
144.77' (TO CLOSING LINE)  
13" W 156.4' ±

IRON PIPE FOUND ON LINE  
33.31' FROM CORNER

HEMLOCK  
(F.)



**WELL**

8" CLAY PIPE —  
OUTLET

TIME  
TURES

N/F  
JANET SPENCER  
VOL. 71 PG. 1018

IRON PIPE FOUND ON  
LINE 6.23' FROM CORNER

IRON PIPE IN CONCRETE FOUND  
1' BELOW GRADE S40°42'13"W 0.74'  
FROM CORNER

$\Delta=00^{\circ}23'11''$   
 $R=530.27'$   
 $L=3.58'$   
 $CH=N49^{\circ}39'12''W$   
 $3.58'$



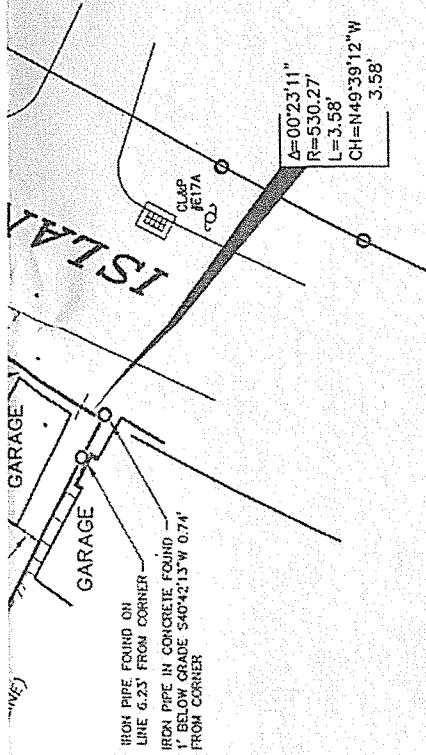
NOTES:

1. THIS SURVEY AND MAP HAVE BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996 AND CONFORMS TO THE STANDARDS OF A CLASS A-2 SURVEY AND IS INTENDED TO DEPICT THE EXISTING BUILDINGS IN RELATION TO THE PROPERTY LINES ONLY.

TYPE OF SURVEY: ZONING LOCATION SURVEY

BOUNDARY DETERMINATION CATEGORY: DEPENDENT RESURVEY

2. OWNER OF RECORD: MARY GRENIER, REFER TO DEED VOLUME 106 PAGE 14 OF THE MORRIS LAND RECORDS.
3. REFER TO TOWN CLERK MAPS #LR4-599, #LR4-602, #A-17 AND #9-400 OF THE MORRIS LAND RECORDS.
4. THE PROPERTY LINE ALONG BANTAM LAKE (FORMER SHORE LINE) IS NOT THE CURRENT SHORE LINE.
5. PARCEL IS SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS AS MAY EXIST PER REFERENCE MAPS AND FILED DEEDS.
6. REFER TO TAX ASSESSORS MAP 37 BLOCK 280 LOT 142.
7. SUBJECT PARCEL LOCATED IN ZONE DID.
8. EXISTING LOT COVERAGE - 16.9% (CALCULATION DOES NOT INCLUDE STONE PATIO & STEPS).  
PERMITTED LOT COVERAGE - 25%



# ZONING LOCATION SURVEY

PREPARED FOR

*ROGER & MARY GRENIER*

142 ISLAND TRAIL  
MORRIS, CONNECTICUT

"I HEREBY DECLARE THAT TO MY KNOWLEDGE AND BELIEF, THIS  
MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON."

*David J. Zygmunt*

DAVID J. ZYGMUNT, R.L.S.  
NOT VALID WITHOUT EMBOSSED SEAL  
CT LIC. #70364

**BERKSHIRE**  **ENGINEERING &  
SURVEYING, LLC**

143 BANTAM LAKE ROAD  
BANTAM, CONNECTICUT 06750  
(860)567-8007  
(860)567-8006(fax)

Date	12/20/19	Map No.	3318/2707/2466/2103
Scale	1"=20'	Sheet	1/1
Proj. No.	19-3318(A2)	Drawn By	DZ

Received from Tony  
Asst. Town Clerk  
Susan J. Jeanfave  
FEB 23 2021  
9:36 A.M.

**PILICY & RYAN, P.C.**  
**ATTORNEYS AT LAW**

FRANKLIN G. PILICY  
[fpilicy@pilicy.com](mailto:fpilicy@pilicy.com)  
Also Admitted in MA

365 Main Street  
P.O. Box 760  
Watertown, Connecticut 06795

Ph: 860-274-0018  
Fax: 860-274-0061  
[www.pilicy.com](http://www.pilicy.com)

CHARLES A. RYAN  
[crvan@pilicy.com](mailto:crvan@pilicy.com)  
Also Admitted in MA

DONALD J. RINALDI  
[drinaldi@pilicy.com](mailto:drinaldi@pilicy.com)  
As of Counsel to the Firm

JEFFREY M. GEORGE  
[jgeorge@pilicy.com](mailto:jgeorge@pilicy.com)  
Also Admitted in RI

JILLIAN A. JUDD  
[jjudd@pilicy.com](mailto:jjudd@pilicy.com)

February 22, 2021

VIA OVERNIGHT DELIVERY

Town of Morris, Planning and Zoning Office  
Zoning Officer Tony Adili  
3 East Street  
Morris, Connecticut


**Re: Zoning Board of Appeals Application  
Application for Variance – Additional Document  
142 Island Trail, Morris, CT**

Planning & Zoning Commission:

Enclosed please find copy of the revised "First Floor Plan" for 142 Island Trail in Morris, CT. Please add this Plan to the Application for Variance previously submitted.

If you have any questions or concerns, please contact the undersigned at your convenience.

PILICY & RYAN, P.C.

  
\_\_\_\_\_  
Franklin G. Pilicy

**BERKSHIRE HOME & BUILDING DESIGN, LLC**

47 Tamarack Lane Goshen, CT 06756  
(860) 491-3411

February 15, 2021

Franklin G. Pilicy, Esq  
365 Main Street  
P.O. Box 760  
Watertown, CT 06795

Dear Mr Pilicy,

Enclosed please find a copy of the revised "First Floor Plan" for the Grenier residence Variance at 142 Island Trail in Morris, CT. This revision reflects a sideline setback change of 6" based on specific engineering/surveying data by Berkshire Engineering & Surveying , not available prior to the preparation of the architectural drawings.

Should there be any questions with regard to this change, please contact me.

Regards,

Jeffrey Lindstrom, AIBD

