TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

MAR - 7 2007

***Minutes of Meeting***
***Zoning Board of Appeals***
***February 27, 2007***

The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Richard Nalette at 7:02 p.m. The following members answered the roll call: Richard Nalette – Chairman, David Goulet, Susan Lange, John Massicotte, Raymond Winn, Alternate Ronald Dew and Zoning Enforcement Officer Marc Melanson. Alternate Ernie Wolff was absent excused.

Chairman Nalette reviewed the procedures of the Zoning Board of Appeals.

**Item 3 Public Hearings – Variance Applications & Decisions**

*R. Goulet recused himself from the meeting. Chairman Nalette seated Alternate Ron Dew as a voting member.*

#07-4989 Request for a Variance for section 4a.2 North side yard set back at 120 Forest Avenue for Mark Cannavo. Mr. Cannavo explained he would like to construct a 48' X 32' 4-car garage for the storage of antique cars; showed the board several pictures depicting the property; noted the topography/slope on the plans/maps; proposed garage location is the only level area; trying to limit site work/tree cutting as this is a sensitive area; using the existing driveway so there will be no increase in run-off. R. Winn asked if the driveway goes to the proposed garage and why it can't be moved further from the property line. Mr. Cannavo explained there is quite a bit of ledge; noted the structure won't be visible being 1,000' from the road. R. Winn asked about the Forest Avenue Homeowner's Association specified on the plans. Mr. Cannavo explained that organization is defunct. R. Winn asked who owns that property now. Mr. Cannavo noted there is outstanding taxes and such on the property. Brief discussion regarding possible ownership. J. Massicotte asked if there is any problem reducing the garage to 36'. Anthony Cannavo explained, per the regulations, a 3-car garage is allowed and 10,000' is required for each car over that. J. Massicotte asked how many cars will be stored in there. Mr. Cannavo said 4 and asked what if there are only 3 doors. J. Massicotte verified a side yard variance is being requested and is 41' from South Bay Street. M. Melanson noted the applicant owns South Bay Street. Discussion followed regarding Section 4.1.12.6. R. Winn asked how many acres is there. Mr. Cannavo said 3+. No public comment - public hearing closed.

*Decision:* **Motion** by R. Winn **to grant variance #07-4989 from Section 4a.4 for a north side yard set back variance of 25' for the purpose of building a 48' X 32' 1-story garage as per the drawings submitted for the property at 120 Forest Avenue for Mark Cannavo.** Second by J. Massicotte. Vote: all in

favor – **motion carried unanimous.** Reason: reasonable request, topography issue.

*R. Goulet rejoined the meeting, unseating Alternate Ron Dew as a voting member.*

#07-4990 Request for a Variance for section 12.6.4.8 Location of off premises sign at 470 North Main Street for Peter Greenwood. Mr. Greenwood didn't realize he needed to post the sign ahead of the public hearing. **Motion** by R. Winn **to extend the public hearing to 3/27/07.** Second by R. Dew. All in favor – **motion carried unanimous.**

*R. Goulet recused himself from the meeting. Chairman Nalette seated Alternate Ron Dew as a voting Member.*

#07-4991 Request for Variance for section 4.2 Front yard set back at 146 Spencer Hill Road for Michael & Rhonda Roy. Mr. & Mrs. Roy present. Mr. Roy explained they are requesting a wood shed 11' from the neighbor's property line. This is a steep property and either side of the house would be the same distance. Mr. Roy noted the proposed location of the shed on the topography map. No public comment – public hearing closed.

***Decision:*** **Motion** by S. Lange **to grant variance #07-4991 from Section 4.2 for a front yard set back variance of 39' for the purpose of building a 12' X 16' shed as per drawings submitted at 146 Spencer Hill Road for Michael & Rhonda Roy.** Second by R. Dew. Vote: all in favor – **motion carried unanimous.** Reason: reasonable request, topography issues.

*R. Goulet rejoined the meeting, unseating Alternate Ron Dew as a voting member.*

**Appeal of Decision of the Zoning Enforcement Officer at 205 West Wakefield Boulevard for Steven and Gail Valigorsky**. Amy Hoban, of Murtha Cullina, LLP, representing Mr. & Mrs. Valigorsky (also present), explained the Valigorsky's own a boathouse on Highland Lake on West Wakefield Boulevard and have been before the Commission on several occasions with respect to this piece of property. In May of 2005, the Valigorsky's were granted a special permit to vertically increase the height of the boathouse by 1-story by the Winchester Planning & Zoning Commission. On another occasion, in 2004, they were granted a special permit with respect to decks on the building as well and in May of 2006 they were back before your Board to request a small increase in the footprint of the building as it is a non-conforming building in respect to the yards and they were seeking an increase of a variance of 4' with respect to that property and as you may recall that 4' corresponded with an existing wooden ramp. Your Board granted a variance and because the approval stated it was based on the plans submitted with the application, the Winchester Zoning Enforcement Officer interpreted that to mean the variance prohibits the 2nd story to be constructed on the boathouse. So we are back before you to talk about that and to talk about whether, in fact, the variance does prohibit the 2nd story. As, of course, you know, the Valigorsky's were here in November looking to modify the May 2006 variance to allow the 2nd floor. The Valigorsky's did that on the recommendations of someone who was not an attorney and we were not involved in that application. It's our interpretation of the Winchester Zoning Regulations and state law that, in fact, in Winchester, as in many towns, a variance is not required for the vertical expansion of a non-conforming structure, so although it

was a good-intentioned effort to come back before you to ask for a modification, we believe it was not required and a zoning permit was properly issued for the expanded building based on the existing variance and the existing special permits. The Zoning Enforcement Officer has interpreted the variance to prohibit the 2nd floor but nothing in the variance explicitly states that the Valigorsky's would give up vertical expansion of the non-conforming structure as a condition of accepting this variance. There was no discussion, upon reviewing the minutes of the Zoning Board of Appeals meeting and speaking with the Valigorky's, that the variance was being conditioned on the Valigorsky's forfeiting their legal right to vertically expand this non-conforming structure as they are entitled to do under the Zoning regulations. What I do understand is that there was some discussion that their variance was being granted based on the plans that were before you at the time and for just a minute will talk about those plans. The plans before you were just a rough sketch which Mr. Valigorsky put together himself and was not intended to show you the 4' expansion which they were looking for and was not intended to show the special exception work and, in fact, when he was asked by your Board if he intended to put a 2nd story on the building he said that, in fact, he did and they had a special exception granted to vertically expand the building. We do acknowledge that the plans that were submitted to you did not show a 2nd floor but, in fact, for the purpose of the variance which they are looking for, which is a yard variance, really the footprint of the structure is what is germane to your review and, in fact, it's only that 4' area that was in front of the Commission at that time. Again, to touch upon the fact that whether the Board intended to be taking away the Valigorsky's ability, their legal right to vertically expand the building or not, nothing was explicitly told to the Valigorsky's at the time, that was not conveyed to them, it was not overtly conditioned in the permit; they did not understand that to be a condition of the permit and, in fact, to the extent that there was any confusion on the part of the Board as to whether there would be a 2nd story added to this structure at one time, there certainly was never intended to be any misrepresentation on behalf of the Valigorsky's; when Steve Valigorsky was asked if there was going to be a 2nd floor he said there would be and he disclosed the fact that there was a special permit so it really was an honest mistake if there was any confusion. Our position, again, is the Zoning Board of Appeals is not legally authorized to condition the variance, to place conditions on variances in a way that's contrary to the Zoning Regulations or in a way that takes away authority from other agencies which exercise jurisdiction over a particular topic.

In Winchester, as in most towns, vertical expansion of a non-conforming use is permitted without a variance. Your Zoning Regulations, Section 10.4, provide that ordinary repairs, remodeling, alteration or safety improvements made to non-conforming structures are permitted provided that applicable building permits and such work does not increase any existing non-conformities. The key words there are alterations are permitted provided that such work does not increase any existing non-conformities. The courts have interpreted that language to mean that for a non-conforming building, a vertical expansion of that building does not increase the non-conformities; in that in order to increase the non-conformities you actually have to increase the footprint of the building. So this permission of the Zoning Regulations allows the vertical expansion of non-conforming structures without a variance so a variance isn't needed in order to do that and, in fact, vertical expansion of non-conforming structures is governed not by the Zoning Board of Appeals but by the Planning & Zoning Commission because it's within the permitted use under your Zoning Regulations. In the last few years, there have been 5 cases in the Connecticut Appellate Courts dealing with vertical expansion of non-conforming uses and the reason there have been 5 is because each town's regulations is a little different, but in 4 of those 5 cases, the Courts have held that the vertical expansion of a non-conforming structure does not require a variance and, in the one case it found it did, that town had very specific zoning

regulations which stated that non-conforming uses could not be expanded vertically and there is nothing in Winchester's Zoning Regulations which do that and, in fact, the regulation which I read to you before explicitly does allow expansion as long as the non-conformities are not expanded. The relative case is Doyan vs. Zoning Board of Appeals and that's a 2002 Connecticut Appellate Court case and the court in that case basically said the pre-existing footprint of a non-conforming structure creates it's own legal non-conforming setback so that as long as the property owner is building within that legal, that new legal setback, they don't need a requirement and that they are not subject to the other setbacks which may exist in that zone because the boundaries of their non-conforming building are, in fact, a new setback which they can do whatever they want as long as they comply with the Zoning Regulations within that new legal setback. Submitted a copy of the case for the record.

The next sort of legal issue is the sort of conditions a Zoning Board of Appeals can legally place on a variance and although the general statutes don't provide that Zoning Board of Appeals have the explicit authority to place conditions on variances, like the Planning & Zoning Commission has the explicit right by statute to condition approvals, the Zoning Board of Appeals don't have that explicit right although the courts have found that reasonable conditions may be placed on variances by the Zoning Board of Appeals, however, those conditions can't be contrary to the Zoning Regulations and they can't sort of encroach into the legal purview of other regulatory agencies. The case which addresses this the most clearly is Warner vs. Zoning Board of Appeals, which is a Connecticut Appellate Case from 2002 and quoting "while it is true that the Board may impose reasonable conditions to the granting of a variance, those conditions must be in accordance with the Zoning Regulations and may not impose conditions that are contrary to those regulations" so it is our position that this vertical expansion is a permitted use under the Zoning Regulations and for your Board to impose a condition which strips the property owner of the legal right which they have under the Zoning Regulations, that that would be an illegal condition. I don't think your Board actually put that condition on the variance, because I don't think it's clear enough to really convey that condition, because if you wanted to put that condition on it, you would have had to be a lot more explicit. If that condition were to be placed on a variance, it would be illegal. Distributed copies of other cases and discussed another case where the courts disallowed conditions the Zoning Board of Appeals placed on variances (i.e. – no rental condition and limiting the hours of operation and alcohol use).

Ms. Hoban explained when the Valigorsky's were back before the Zoning Board of Appeals for the modification to the variance, they were at that time looking for an additional foot, they are not, the vertical expansion which was permitted by the special permit is only an additional story on the existing footprint, and this application which they submitted to the Zoning Board … for a zoning permit to actually do this, is not looking for any additional expansion of the footprint. When they were back before you, they were looking for the additional foot since they sort of figured they had to be here anyway, but that additional foot is no longer part of this so that all that's before you is you are reviewing the Zoning Enforcement Officer's decision not to grant the zoning permit because it was the Zoning Enforcement Officer's understanding that the variance restricted the Valigorsky's ability to expand vertically. Again, since this is not a variance application, it's an appeal of the Zoning Enforcement Officer's decision, we're not required to present a hardship. I know that can be sort of confusing because you have 2 different standards you are working with; asked if the Board had any questions for herself addressing some of these issues or Mr. Valigorsky.

Mr. Valigorsky said he's sorry for any confusion that might have occurred when he went for the original variance. He wasn't intentionally trying to hide anything or blind side anybody. It was just him being inexperienced and just a homeowner, not a contractor.

Ms. Hoban noted Mr. Valigorsky's architect and engineer are here if there are any questions regarding the plans although this is really kind of focused on the legal issues; the Planning & Zoning Commission has already approved the special exception and we're not here for a site plan review although we're happy to share with you whatever information you are looking for. Chairman Nalette said that is outside the framework; in this venue, we're here for the appeal, the engineering, nuts and bolts, that's, at this point, outside, but if you want to do it, I am not the judge, so we will listen to anything you want to present. Ms. Hoban said we are happy to answer any questions; I don't think we are going to make a presentation on the engineering plans simply because really what we are here for is… to that specific, if you ask whether the variance cancels out the special exception, which we believe it does not; we're happy to focus on that unless people have questions. Mrs. Valigorsky said she has to say this to make sure it's clear, when Amy was talking about when we came back last time for the modification, and now there's this 1' specifically on the 2nd story; you granted a 4' variance on the 1st story; the 2nd story is pushed back so that it is not within that 4' at all. Ms. Hoban said she would like to reserve the opportunity to respond.

M. Melanson explained the reason for his decision was at the meeting, when this whole thing was approved for the 1st floor, all the drawings and everything and the variance says as per drawings show the 1-story structure. I know during the conversations and everything, it was brought up about a 2nd floor on it because of the fact that Mr. Valigorsky had shown prior plans for a 2nd floor and it was stated that night that it's going to be as per the drawings, nothing was ever said about the 2nd floor is definitely because the drawings only showed 1-story; that's what the Board approved. His prior variance applications all showed 2nd stories and they were all denied by this Board. The Board has done this before where basically the condition is it's as per the drawings; once the drawings change, then they have to come back for a modification. That was said to Mr. Valigorsky also and that's why he came back for a modification. What we've always done is, if there's any change, once they say per the drawings that means the whole drawings. The Board is allowed to put their conditions on a variance and the condition is as per the drawings. So, per the conversation at that meeting, which I reviewed before making my decision to deny it, my feeling was that the Board had no idea that this was a whole 2-story house, everything else, because it was denied before. So this isn't what the Board had in mind when they approved this and so that's why he came back for the modification to the variance and it was denied also. The Board had this feeling, and this was my opinion of it, is that their feeling was this would be a 1-story structure all the way across and that their variance was to approve 1-story only and that's why it was denied. It was misleading of the Board, whether accidental, intentional, I'm not saying anything; I'm not saying it was intentional, it could have been very well accidental, and that's why he came back for a modification so the Board knew, up and up, the whole picture of what was going on and then it was denied, at that point, with the modification. That's why, on my basis, with everything that had gone on, that the Zoning Permit was denied.

Ms. Hoban said she thinks it's culpable to think about, and it's a little confusing because of when the special permits were granted and when the variance was granted, it's interesting to think about, say the timing of things was different, the variances were granted 5 years ago and that the 4' expansion was put on at that point and so you have a non-conforming structure for which a 4'

variance has been granted on 1 side but a non-conforming structure which legally pre-dates the Zoning Regulations acts for the rest of the building. I think what the Zoning Enforcement Officer is trying to say is that this really vague as per the drawing is that that condition, although it doesn't explicitly say so, prohibits the person who receives the variance forever from exercising their legal right to expand their building vertically which they're entitled to do so under the Zoning Regulations without a variance. I think the Commission can limit the vertical expansion of that 4' area because that 4' area which was required for a variance and would be a legal, a reasonable condition to place on the granting of that variance for that 4' area to say we want that to stay at 1' where it was shown on the drawings to you and what's been presented is consistent with that. The 4' sort of variance area is only 1-story, but what's not legal, from our perspective, is stripping away the Valigorsky's legal right to expand the property vertically in exchange for this variance for the 4' area. The case she submitted provides the Zoning Board of Appeals goes beyond its legal authority when it bases a condition on something that is inconsistent with the Zoning Regulations; reminded the Board of the no rental condition which was inconsistent with the Regulations and took away a legal right that all other property owners in Town had if you rented your property; but if you came in for a variance and you agreed to that variance, you lost your right to rent the property; so this case is really just like that, what the Zoning Enforcement Officer's decision says is that everybody in Town who has a variance like this that says based on the plans loses their legal right to vertically expand their property forever and that's an illegal condition which improperly restricts a property owners right; we would submit that the Zoning Enforcement Officer's interpretation of the interplay of the variance and the special exception and the special permit are incorrect and, in fact, the variance and the special permit combine to permit the property which the plans have been submitted; thanked the Board for listening.

Mr. Valigorsky asked to correct or state his interpretation of the history; did go before the Board in 1999 and that was for the height, expanding the width and the depth, all 3, and was denied; did subsequently, did go in front of the Planning & Zoning Commission and was approved for a 2nd story; so it was denied once, but it was not just for the height and did get approval for a 2nd story from the Planning & Zoning Commission. Ms. Hoban said again, she would just sort of talk more about the Bora vs. Norwalk case where in that case, the ZBA wanted to sort of usurp the power of the legislative body of the town to control liquor use; in this case, vertical expansion is within the purview of the Planning & Zoning Commission and the Planning & Zoning Commission has, in fact, given them permission to vertically expand their property and now, if it were to be interpreted as the Zoning Enforcement Officer suggests, although I don't see the condition on there, that this Board would be usurping and canceling out what's been legally authorized both by the Zoning Regulations and specifically by the Planning & Zoning Commission in this very instance.

Michael Hamm, the contractor, noted he would like to add something to the 1999 application that was before the ZBA. As part of that denial, that application went to Planning & Zoning, which, at that time I was serving on Planning and Zoning, and the reason for it's denial was it didn't fall under the purview of this Commission because it was a special permit which could only be granted by Planning and Zoning; that's why that application came to Planning & Zoning and was subsequently granted to Mr. Valigorsky for it's expansion upwards.

M. Melanson said the only other thing is the modification that came in last time, the drawings were the same with only 1-story over the thing and it was denied, so that is the Commission's... Mr. Valigorsky asked for that to be said again. M. Melanson explained the last modification,

when you came in, had only 1-story over that section that the variance you supposedly said was granted on and that was denied by this Commission also. Mr. Valigorsky said when we went for the modification, it was 1' over that 4' section on that 2nd floor, so we resubmitted the plans with that 1' back. M. Melanson said whatever, it was brought back as basically a 1-story in that front area, whether is was 3' or 4' but that's why it was denied by the Commission. Ms. Hoban said she understands that the Commission reviewed this and had the ability to grant a variance which would have...this whole property and I understand, for whatever reason, not to do that, but this is a completely different procedural mechanism. We're not here looking for a variance. My firm believes, after looking at this matter, that no further permits are necessary for the Valigorsky's to do what they've been permitted to do and, in fact, their existing permits give them legal authorization to construct their building at the property. I do understand this has already been before the Board in a variance format and this is a different legal mechanism. Chairman Nalette said he's puzzled by that last statement; you say that you believe that you have the necessary permits to build the building. Ms. Hoban said other than the Zoning Permit which the Zoning Enforcement Officer decided not to issue; as far as the authorization for the variance for the 4' expansion and then the vertical expansion and the decks, the variance and the 2 special exceptions cover those alternations is what I was trying to say; in my legal opinion, no additional variance is needed.

Chairman Nalette said the Board should discuss this and format a motion, much like the judge would take it under consideration. Ms. Hoban said they are more than happy to listen if there are more questions or need clarification. Chairman Nalette said a motion is needed to discuss this. R. Winn asked if that is to close the public hearing. Chairman Nalette noted this was not a public hearing but a decision, appeal the decision of the ZEO; read from the Statutes of the Planning & Zoning 2005 Connecticut Bar Association, *Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions,* written by Attorney Joseph P. Capossela; the Zoning Enforcement Officer has denied the zoning permit for 205 West Wakefield Boulevard and the Board has a letter from him; read the letter dated January 16, 2007 to the Valigorsky's into the record. Chairman Nalette said the Board can uphold the Zoning Enforcement Officer's judgement, can modify it, can change it; asked for discussion.

J. Massicotte said Marc's interpretation of what we were granting that day is right on the money; we were granting a 4' expansion, 1-story building which we had the drawing for; as far as the letter goes, he interprets what I was seeing at that time. Chairman Nalette asked if he would like to make a motion; the Board should have a motion on the floor to discuss it one way or the other. R. Winn made a motion to start the discussion on this ordeal. Chairman Nalette said the motion has to be one way or the other, I uphold Marc's decision or I take away Marc's decision. R. Winn said **I make a motion to uphold Marc's decision**. Second by S. Lange. *Discussion:* S. Lange said we all had our reasons as to accepting the variance as it came in as a 1-story and we all opposed it as a 2-story; your interpretation, yes, you are a lawyer, but that is not what was explained to us; they came before us to change their original application and we, as a Board, did not accept that and we denied them that variance and the Zoning Officer is upholding our decision. Vote: all in favor – **motion carried unanimous.**

**Item 4** **Approval of Minutes of January 23, 2007 meeting.**
**Motion** by S. Lange **to approve the minutes of January 23, 2007.** Second by R. Nalette. All in favor except R. Winn, J. Massicotte & D. Goulet (abstained) – **motion carried.**

**Item 5** **Old Business**

- Application Rates – M. Melanson said he hasn't heard from Attorney Nelligan, but was told it should go to the Board of Selectmen.

**Item 6** **New Business** - none

**Item 7** **Bills Presented**
**Motion** by R. Dew **to pay 1.5 hours for the secretary hours for the December and January meetings.** Second by S. Lange. All in favor except R. Winn, J. Massicotte & D. Goulet (abstained) – **motion carried.**

**Item 8** **Correspondence** – none

**Item 9** **Discussion with ZEO** - none

**Item 10** **Motion to adjourn at 8:20 p.m.** by R. Winn. Second by J. Massicotte. All in favor - **motion carried unanimous**.

Respectfully Submitted,

Laurie Bessette
Minutes Secretary, Zoning Board of Appeals

Call to ord 7:02

Dave Reginald - Associated Rent

7:30 - Amy Tobin of Murtha, the V over a boathouse have presented to Board

5/2005 granted a spec permit by PB/Z to increase 1 story

2004 - granted decks

5/2006 - ZBA seeking small increase in footprint of 4' w/respect to that property & corresponded to existing wooden ramp; ZBA granted based on plans; the ZEO ~~said~~ prohibited the 2nd story; in 11/06 wanted to modify to allow 2nd fl; we were not involved in that; a variance is not required for the vertical .... but was not required &

The ZEO interpreted to prohibit 2nd fl; but nothing in variance indicated V would give up their vertical expansion as they are entitled to do; do understand the variance was granted based on plans, those were a rough sketch intended to show 4' expansion; do acknowledge plans did not show 2nd floor, whether bd intended to take that away was not expressed

Jim Murtha
Cullinane

7:20

To the extent there was any confusion on part of board, there was never intended to be misrepresentation. Position again that ZBA cannot place conditions that take away another authority. Vertical expansion is allowed w/out variance - read from regulations "does not increase existing non-conformities"; this provision allows vertical expansion & is governed by P&Z; in last few years have been 5 cases in court re: vertical expansion 4 of 5 were wrong, the 1 that didn't had specific wording that non-conforming cannot be vertically expanded. Submitted a copy of that case for the record.

Zoning vs ZBA

The net legal issue - the sort of conditions a ZBA can place;

The vertical expansion is a permitted use & ZBA has imposed.

Gave several examples of cases where courts disallowed conditions ZBAs have placed on variances

Wanted to note when I were before ZBA for modification & an additional foot, the vertical expansion is on original foot print, but now not alone for the 2nd floor foot

This is not a variance application so do not have to prove a hardship

Mr V said sorry for any confusion; wasn't intentionally trying to hide anything - it was inexperience.

Atty - any questions the contractor is here (Mr Hamm) by P&Z has alread approd special exception. Variance does not cancel out special exception

Mrs V said the 4' was on 1st story & 1' was on 2nd story.

Marc - the reason for his decision was all the drawings ~~show~~ say per drawings; prior plans did show 2nd floor, but that night, only 1 floor was shown; the bd has said before per drawings & this bd also said that for this; previous plans showed 2nd fl & were denied; the bd did not know a 2 story house was what was being requested based on plans, they felt this was a 1-story structure only. Mislead board, accidental or intentional, so when requesting modific to allow 2nd floor it was denied

Amy - helpful to think about when permits vs variances were granted
"as per drawings" prohibits forever
bd can limit vertical exp of 4' area, but
what's not legal is stripping V legal right
for 2nd fl in exchange for 4' expansion
referred to "no rental" example given
earlier.

Mr V said did go befor bd in 1999 thus denied;
subsequently went to P&Z & was apprvd for
2nd story.

Amy reffered to BORA vs ZBA example given earlier

Mr Hamm noted the 1999 denial went to P&Z
because it was not in the perview of ZBA.

Marc. modification showed 1st story over the
4' & was denied.
Mr V said the 1' was over the 4' expansion

Amy - this is a completly different procedure - no
further permits s/b required; have all
they need to construct the structure

Richard read ← Statutes of P&Z 2005
CT Bar Assoc. CT Land Use Law &
Municipal Land Use Agencies, Bds & Commissions

Atty CAPecolla

Richard said the ZEO denied a permit (read
letter dated 1/16/07 ~ Marc M, ZEO.
Rich said the bd can uphold, modify/change
the ZEO's decision

John - Marc's interpretation of ZBA's decision
is "right on the money" agree w/letter.

Motion by Ray W to uphold Marc's decision.
Shange 2nd

Atty - Sue - we all had reasons to oppose as 2-story;
the ~~interpretation~~ applicant presented this as a
change to the original application, the ZBA
denied that & the ZEO is upholding that decision.
In favor DG RW RN JM SL

8:12p

Motion to appv 1/23 Stange
2nd Chairman
all exce (RW JM & DG abstain)

Motion to pay 1.5 for Dec & Jan meetings
Ron
2nd Sue
all in favor exc RW JM DG abstained)

Sue asked if anything been done w fees
Marc said haven't heard - Kevin, but K
feels s/ go BOS.

Motion 8:20
John 2nd } unanimous