GRISWOLD ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES
SETEMBER 5, 2018
GRISWOLD TOWN HALL – FIRST FLOOR MEETING ROOM

1. REGULAR MEETING/PUBLIC HEARING(S) (7:00 P.M.)

1. Call to Order
Chairman T. Faulise called the meeting to order at 7:00 P.M.

2. Roll Call
Present: Theodore Faulise - Chairman, William Przylucki, Thersea Madonna and Mary Ann Manning, Joseph Savino, Duane Button, Town Planner Mario Tristany, and Attorney Matt Willis
5 People of Interest
Absent: Gordon Santerre and Recording Secretary Kate Lacasse

3. Determination of Quorum
Chairman T. Faulise appointed Joseph Savino to sit for Dorothy Faulise. It was determined that a quorum of the Commission was seated.

4. Matters Presented for Consideration

A. ZBA 01-19 18 Courtney Burns, 42 Leha Ave., Griswold, CT Requesting relief from Section 10.4
Griswold Zoning Regulations to reduce the Side Yard from 15 ft. required to 6.1 ft. provided to construct a 26 ft. x 36 ft. Metal Garage Building. Property is zoned R-40.

- Applicant Courtney Burns was present.

- Public Hearing reconvened from the August 1, 2018 regular meeting.

- The Applicant submitted detailed plans with all the dimensions of the proposed garage.

- Applicant stated that she would like to construct a 26 ft.x36 ft. metal garage with 12 foot side walls, the total height from the peak of the garage down will be 15”- 3”. The applicant stated that the garage would have a concrete foundation; the garage will match the current homes color and character. Applicant stated that she would look into ribbed and heated roofing in order keep the snow from falling onto the direct abutter’s property.

- The Applicant stated the height of the garage will be 15”- 13” and will match the height of the house.
• Chairman Faulise asked if a heated roof is part of the building plans.

• Applicant stated the heated roof is an option she could choose when the garage is purchased.

• T. Madonna stated for the record, the garage is only to be used for personal use, not commercial use.

• The Applicant Courtney Burns agreed that the garage would only be used for personal use.

• Chairman T. Faulise stated that there was no one in the audience for or against granting the variance.

• Dave Vieux, 59 Leha Ave, stated that he is concerned the garage will be used as an extension of East Coast Auto. Dave Vieux stated the applicant Courtney Burns name does not match the land owner records for the property.

• The public hearing was closed at 7:05 pm.

• MOTION: A motion was made by W. Przylucki, which was seconded by M. Manning to approve ZBA 01-19. The motion passed unanimously.

B. ZBA 03-19 Alexandra and Eric Brown, 71 Monroe Ave, Griswold CT Requesting relief from Section 10.3 of the Griswold Zoning Regulations to reduce the front yard requirements from 50 ft. to 40 ft. to construct a 6 ft. x 22 ft. porch. Property is zoned R-60.

• Public Hearing reconvened from the August 1, 2018 regular meeting.

• Applicant was presented.

• Applicant stated after taking proper measurements, he will need to reduce the front yard requirements from 50 ft to 25 ft.

• Applicant stated he wishes to build a 6 ft. x 22 ft. covered porch on the front of his home.

• The Zoning Board asked what the hardship is.

• Applicant stated due to the home preexisting zoning regulations it does not meet current zoning regulations.

• Chairman T. Faulise stated that there was no one in the audience for or against granting the variance.

• The applicant presented a document outlining his “hardship” and need for the variance.

• MOTION: J. Savino made a motion, which was seconded by W. Przylucki to approve application ZBA 03-19. The motion passed unanimously.

C. ZBA 04-19 Donna Dumas, 27-28 Baca Drive, Griswold, CT Requesting addition to be deemed an “accessory apartment” to a single family dwelling and for the property not be considered a two family dwelling. Property is zoned R-80.

• Public Hearing reconvened from the August 1, 2018 regular meeting.

• Applicant Donna Dumas was present.
- Attorney Stewart Norman was present to represent applicant.
- S. Norman submitted (8) photos of the home into the record.

- Letters of support from (6) neighbors were submitted for the record.

- S. Norman stated that this home has always been considered a one family home. The intended use at the time of construction was for it to be used as a mother in-law apartment.

- Chairmen T. Faulise stated the tax assessor card has the home listed as a two family. T. Faulise asked if the original tax bill lists the home as a one family home.

- Applicant stated yes, the original tax bill listed the home as a one family. After the apartment was added it became a two family.

- Town planner M. Tristany stated that in 2004 when Edward Dumas applied to the building department to construct a two family multi-family dwelling. The application clearly states two family. On April 5 2007 the property was inspected by Peter Zvinglas, Building inspector, he issued a certificate of occupancy which states this structure is now a two family dwelling units 27 & 28 Baca Drive. Because this is an appeal of the Zoning Enforcement Officers Decision, we decided to seek legal counsel. Attorney Mark Branse and Attorney Matt Willis have historically represented the Town of Griswold. Attorney Willis is representing me tonight as the Zoning Enforcement Officer. Following last month’s meeting, Attorney Norman received a phone call from First Selectmen Todd Babbitt indicating that because of the need for legal counsel, the Town of Griswold has the right to forward any legal costs to the applicant for reimbursement as at states. The purpose of First Selectmen Todd Babbitt contacting Attorney Norman was to make him aware that his client is responsible for any legal costs ensued by this application. Attorney Matt Willis is representing me tonight which leaves the Zoning Board without representation. An email was sent to Attorney Norman asking for a written permission to extend the review period of the application in order to hire a lawyer to represent the Zoning Board, the email was never answered. I have had several conversations with the applicant’s realtor Denise Robillard, which has stated that due to the property being two family she has been unable to sell the house, she claimed it was a financial hardship. As the commission knows, financial hardships, due to Connecticut state statute cannot be considered when dealing with a variance application. I would like to submit the house listing into the file that shows the home being advertised as a two family home with apartment for potential rental income.

- Town Planner M. Tristany read a letter dated September 5, 2018 from Attorney Mark Branse.

- Chairmen T. Faulise stated that he apologizes, at the last meeting they voted to seek legal counsel. I was informed that having Attorney Mark Branse represent the Zoning Board would be a conflict with Planning and Zoning Commission. T. Faulise asked the commission if they feel comfortable voting without legal representation.

- MOTION: T. Madonna made a motion, which was seconded by W. Przylucki, to proceed with deliberation on application ZBA 04-19 without legal counsel. The motion passed unanimously

- Attorney Matt Willis stated this really comes down to the Griswold Zoning regulations. The regulation states within a single family dwelling or an addition. M. Branse stated Attorney Norman has mentioned that the Planning and Zoning Commission could change their regulations. The Policy is set by the Planning and Zoning Commission and Town Planner M. Tristany needs to abide by those policies.
• T. Madonna stated that regulation 11.18 lays out the purpose of the regulation, and stats The purpose of this section is to provide an arrangement within the single family dwelling for a set of rooms to be used as a separate living facility where family members related by blood and or marriage can reside in privacy and independence while still being close to relatives for assistance when needed. T. Madonna stated that the current apartment setup does not fit the criteria which the regulation lays out.

• Discussion ensued.

• Chairman T. Faulise asked if there was anyone in the audience for or against granting the appeal

• Denise Robillard realtor for the property stated, it’s embarrassing that we need to be here. For the record I have not tried to contact any of the Zoning Board members regarding the application.

• M. Tristany that D. Robillard had asked for the names of the Zoning Board of Appeals Commission. M. Tristany informed her that she cannot contact the members as it would be considered an “Ex- Parte communication” which is illegal.

• The public hearing was closed at 7:12 pm.

• MOTION: J. Savino made a motion, which was seconded by W. Przyłucki to reverse the Zoning Enforcement Officers decision of June 12, 2018 regarding the Dumas property not being an accessory apartment and they must apply in accordance with the 11.18.2. The motion passed with T. Madonna abstaining.

A. Old Business

A. Approval of the August 01, 2018 Regular Zoning Board of Appeals Meeting Minutes.

• Chair Theodore A. Faulise asked for any corrections or omissions.

• MOTION: W. Przyłucki made a motion, which was seconded by M. Manning to accept the minutes of the August 01, 2018 the Regular Zoning Board of Appeals meeting minutes. The motion passed unanimously.

B. Any Other Business

• None

C. Adjournment

Chairman T. Faulise asked for a motion to adjourn tonight’s meeting.

• MOTION: M. Manning made a motion, which was seconded by T. Madonna to adjourn the meeting at 8:25 P.M. The motion passed unanimously.

Respectfully Submitted,
Kate Lacasse
Recording Secretary