Members Present: Samantha Addonizio Butts, Kenric Gubner, Kathy Fazzone, and Alternates: Ann Chiaramonte and Jarred Bonner

Absent: William Jones Jr. and Rick Hudson

Also in Attendance: Christine I. Branson, ZBA Administrative Clerk


Call to Order: Chair S. Addonizio-Butts Called the Meeting to Order at 7:07 p.m.

Alternates A. Chiaramonte and J. Bonner were Elevated to Voting Status

It is noted: Amanda Ruane stated she is making an audio recording of Case 684 of this meeting.

Public Hearing I

ZBA Case 682-16 Brinsmade Lane- (M-18, L-03) Couture, Jamie & Chiodo, Jessica- Requesting Variance of Section 331.5 Minimum Setback Requirements with a Front Yard Setback from 50' to 46', Variance of Section 322.1.b iv Fences and Walls greater than 6 feet in maximum height and reference to Section 322.1.b xii Lots with more than one frontage to allow construction of a fence located along the Route 37 East portion of the property, in the exact location indicated on a marked up plan entitled "Subsurface Sewage Disposal System Plan, prepared for Jamie & Jessica Couture" dated May 6, 2018. Prepared by: Arthur H. Howland & Associates. Zone A.

Chair Addonizio Butts opened the Public Hearing for ZBA Case 682-16 Brinsmade Lane- (M-18, L-03) Couture, Jamie & Chiodo, Jessica. K. Gubner read the Legal Notice into record. The Legal Notice was published in the Town Tribune on April 19 and April 26, 2018. Three abutting neighbors were notified by certified mail. No correspondence was received to the Zoning office. Ms. Addonizio Butts reviewed the application file which included an application, abutting neighbors addresses and the certified mail receipts. Also in the application file was a field card of the property, a denied Zoning application, and three letters from neighbors in favor of the fence. In the file was a marked up plan entitled "Subsurface Sewage Disposal System Plan, prepared for Jamie & Jessica Couture" dated May 6, 2018. Prepared by: Arthur H. Howland & Associates. The property is 6.45 acres. On the application was the hardship letter, which was read into record by Chair Addonizio Butts. The applicants, Jamie Couture and Jessica Chiodo were present and were invited to come forward to speak. Mr. Couture provided several photographs to show the sloped topography of the property in relation to the house and road. The photographs were labeled "A", "B" and "C" "D" and "E". Photograph "A" shows the portion of the fence to the right or West with visibility of the road sloping upward above the yard. Photograph "B" shows the road facing toward the east also showing a slope uphill toward the road. Photograph "C" shows from the road edge looking Eastward and downward to the fence. Photograph "D" shows the dwelling in relation to the fence from the road facing eastward. Photograph "E" is from the road edge facing westward there are several cut trees and a fallen tree resting on another tree showing the fence in proximity to the road. Mr. Couture stated he was unaware he needed a Zoning permit when he installed the fence. Mr. Couture stated he has placed the fence in this location to cut down on the traffic noise and lights that shine on the home through the night. Mr. Couture stated since DOT resurfaced the road and cut down several trees along the highway, the traffic seems to be increased in volume and noise, which has impacted their enjoyment of their home. Mr. Couture stated he was never informed when he purchased the property that it had two front yards. Mr. Couture stated the ZEO saw the fence being installed and stopped by the property to ask if he had pulled any permits. That is when Mr. Couture stated he would come to the office and pull whatever permits are necessary. After filling out the application, Mr. Cooper visited the property again and saw the fence exceeded the height limitations for a front yard, and suspected a portion may have been installed within the front yard setback.
The Zoning application was denied. Mr. Couture stated he feels very strongly the need for this fence to reduce traffic light and noise as well as create a secure barrier from deer. Additionally Mr. Couture stated he put up the fence to restrict access to the property, their home had been broken into recently. The highest point of the fence reaches 10', 6" at one post due to the slope of the property. The western portion of the fence sits approximately 4' into the front yard setback. On the marked up map there is a hand drawn reference to the fence location as well as handwritten measurements from the road edge to the fence. Chair S. Addonizio Butts voiced concern regarding the marked up survey because on the application it clearly states a certified A-2 survey is required. It will be difficult for the ZEO to measure for compliance either way without specific distance measurements. Mr. Couture stated panel of fencing within the 50’ setback could be removed, leaving the rest of the fence in a compliant area. The remaining request would be the height in excess of 6 feet. From the audience, A. Cummings of 17 Brinsmade Lane, spoke on behalf of himself and his wife Audrey in favor of the fence. He lives to the rear of the applicants on and can sympathize because he has noticed the increased noise since the road has been repaired. Dr. M. Davis and E. Davis of 27 Route 37 E, direct abutters to the applicants, spoke in favor of the fence, they live further into the woods, but agree there is a significant increase of noise since the roadwork was completed. A. Burgasser spoke from the audience, requesting the Board consider the hardship to this applicant be connected to the land because the road is higher than the house.

K. Gubner Moved to Close the Public Hearing of- ZBA Case 682- 16 Brinsmade Lane- (M- 18, L-03) Couture, Jamie & Chiodo, Jessica, and Move to deliberation.  
Seconded by:  J. Bonner  
Vote: For: 5 (Unanimous)

Deliberation of Public Hearing I:
ZBA Case 682- 16 Brinsmade Lane- (M- 18, L-03) Couture, Jamie & Chiodo, Jessica- Chair Addonizio Butts opened the deliberation portion of Case 682- 16 Brinsmade Lane- (M- 18, L-03) Couture, Jamie & Chiodo, Jessica and read into record Section 322.1.b iv. Fences and Walls greater than 6 feet in height. Discussion followed regarding the submittal of a marked up survey. The survey does not reflect an exact measurement of the 4 foot section of the fence that is inside of the Front Yard. It would be difficult for the ZEO to verify any measurements to the 50 foot setback because the property line is different than the road edge. The highway owns the first 39’ from the road edge. It is possible for the ZEO to verify the greatest height of the fence posts. The Board discussed the hardship created by the proximity of the house to the road and the fact that the road sits higher than the house. Additionally the Board discussed the statements made from the audience regarding increased speed of traffic since the improvements to the road were made and agreed that increased speed would contribute to increased noise to the property owner. The Board recognized the lights from the cars traveling east would shine toward the house. The topography of the land is hilly with ledge and a considerable amount of wetlands to the west side. The Board recognized there is a unique aspect to the property because the road is set higher than the dwelling. The Board found difficulty finding the hardship for the four feet of fencing that sit 4 feet into the front yard setback. The Board agreed there are two front yards because of the two roads that abut this property, which call for a 50 foot setback for this fence due to the fact that it is greater than 6 feet high. The Board agreed to bifurcate the motions for variance.

K. Gubner Moved to Approve- ZBA Case 682- 16 Brinsmade Lane- (M- 18, L-03) Couture, Jamie & Chiodo, Jessica- Variance of Section 331.5 Minimum Setback Requirements with a Front Yard Setback from 50’ to 46’, and reference to Section 322.1.b xii Lots with more than one frontage to allow construction of a fence located along the Route 37 East portion of the property, in the exact location indicated on a marked up plan entitled "Subsurface Sewage Disposal System Plan, prepared for Jamie & Jessica Couture" dated May 6, 2018. Prepared by: Arthur H. Howland & Associates. Zone A. 
Seconded by:  K. Fazzone  
Vote: For: 1 / Against: 4

K. Gubner Moved to Approve- ZBA Case 682- 16 Brinsmade Lane- (M- 18, L-03) Couture, Jamie & Chiodo, Jessica- Variance of Section 322.1.b iv Fences and Walls greater than 6 feet in height to allow construction of a fence 10’, 6” in maximum height and reference to Section 322.1.b xii Lots with more than one frontage to allow construction of a fence located along the Route 37 East portion of the property, in the exact location indicated on a marked up plan entitled "Subsurface Sewage Disposal System Plan, prepared for Jamie & Jessica Couture" dated May 6, 2018. Prepared by: Arthur H. Howland & Associates. Zone A. 
Seconded by:  J. Bonner  
Vote: For: 5 (Unanimous)
Chair Addonizio Butts opened the Public Hearing for ZBA Case 683- 9 Spur Lane - (M-74, L-17) Baird, Dale. K. Gubner read the Legal Notice into record. The Legal Notice was published in the Town Tribune on April 19 and April 26, 2018. Three abutting neighbors were notified by certified mail. No correspondence was received to the Zoning office. Ms. Addonizio Butts reviewed the application file which included an application, a hardship letter, abutting neighbors addresses and certified mail receipts. Also in the application file was an A-2 Survey submitted entitled "Zoning Location Survey prepared for Dale Baird, 9 Spur Lane, Sherman, CT" Dated March 15, 2018, Prepared by John M. Farnsworth & Associates. Zone B.

The Board recognized the difficulty of the existing roof to allow better run off. The home sits on top of a large rock formation. One of the photos shows the basement which consists of a low crawl space occupied mostly by a large boulder. Ms. Baird described the topography of this lot. There are approximately 30 stairs to access the home from Oak Drive. The topography of this property is unique to the neighborhood, the other properties have mostly flat lots. This property has two road frontages, which require 50 foot setbacks. The property is 0.47 acres. The existing roof line is configured poorly which causes ice and water damage to the home when there is snow sitting. Ms. Baird would like to raise the roof by one foot to create a higher pitch which would allow better run off. Ms. Baird stated that any change to the dwelling would require a variance due to the percentage of non-conformity. Ms. Baird discussed the building plans stating she would like to leave the front stoop and create a small roof overhang to allow safe entry and coverage from weather. She will be doing an interior renovation but no changes to the footprint except vertical for the change of roof pitch.

J. Bonner Moved to recess the Meeting for 5 minutes at 8:10 pm.
Seconded by: K. Gubner Vote: For: 5 (Unanimous)

S. Addonizio Butts Moved to reconvene the Meeting from recess at 8:15 pm.
Seconded by: J. Bonner Vote: For: 5 (Unanimous)

Public Hearing II
ZBA Case 683- 9 Spur Lane - (M-74, L-17) Baird, Dale- Requesting Variance of Section 384- Increase of Non-Conformity Other Than Use- to allow the change of the pitch of the existing roof by raising 1’ at base, 5.7’ at peak. Requesting Variance from Section 332.5 Front Yard Setback from 50’ to 37.5’ to change the pitch of the existing roof. Requesting Variance from Section 332.5 Front Yard Setback from 50’ to 31’ for construction of a covered porch. Requesting Variance from Section 332.5 Front Yard Setback from 50’ to 40’ for construction of a covered porch built all in accordance as shown in the exact footprint on an A-2 survey submitted entitled "Zoning Location Survey prepared for Dale Baird, 9 Spur Lane, Sherman, CT" Dated March 15, 2018, Prepared by John M. Farnsworth & Associates. Zone B.

Chair Addonizio Butts opened the deliberation portion of Case 683- 9 Spur Lane - (M-74, L-17) Baird, Dale. The Board discussed the hardships created by the proximity of the pre-existing, non-conforming house to the road, with the 50 foot setbacks on a small lot. The Board recognized the alteration to the roof does not affect the neighboring properties. The Board recognized the unique hardship to the small property caused by the topography of the land with ledge throughout as well as having two front yards.

J. Bonner Moved to Close the Public Hearing of ZBA Case 683- 9 Spur Lane - (M-74, L-17) Baird, Dale, and Move to deliberation.
Seconded by: A. Chiaramonte Vote: For: 5 (Unanimous)

Deliberation of Public Hearing II:
ZBA Case 683- 9 Spur Lane - (M-74, L-17) Baird, Dale
Chair Addonizio Butts opened the deliberation portion of Case 683- 9 Spur Lane - (M-74, L-17) Baird, Dale. The Board discussed the hardships created by the proximity of the pre-existing, non-conforming house to the road, with the 50 foot setbacks on a small lot. The Board recognized the alteration to the roof does not affect the neighboring properties. The Board recognized the unique hardship to the small property caused by the topography of the land with ledge throughout as well as having two front yards.

K. Gubner Moved to Approve- ZBA Case- 683- 9 Spur Lane - (M-74, L-17) Baird, Dale- Variance of Section 384- Increase of Non-Conformity Other Than Use- to allow the change of the pitch of the existing roof by raising 1’ at base, 5.7’ at peak. Variance from Section 332.5 Front Yard Setback from 50’ to 37.5’ to change the pitch of the existing roof. Variance from Section 332.5 Front Yard Setback from 50’ to 31’ for construction of a covered porch. Variance from Section 332.5 Front Yard Setback from 50’ to 40’ for construction of a covered porch built all in accordance as shown in the exact footprint on an A-2 survey submitted entitled "Zoning Location Survey prepared for Dale Baird, 9 Spur Lane, Sherman, CT" Dated March 15, 2018, Prepared by John M. Farnsworth & Associates. Zone B.
Public Hearing III
ZBA Case 684- 1 Anderson Road West (M-33, L-30) Ruane, Paul & Amanda- Requesting a variance of Section 384, Increase of Non-Conformity. Other than Use to modify the roof at the front of the dwelling and increase the foot-print of the structure of the legal non-conforming dwelling. Requesting a variance of Section 331.5 Side Yard Set-Back, from 25’ to 8.5’to allow proposed 36’ x 5’, 6” porch in front of addition and Variance of Section 331.5 Front Yard Setback to allow vertical expansion within the existing footprint as shown in the exact footprint shown on a submitted survey entitled "Property Survey prepared for Paul P. Ruane, 1 Anderson Road West, Town of Sherman, Fairfield County, CT" Latest revision dated January 12, 2018 for proposed additions". Prepared by the office of PAH, Inc. Land Surveyors; and as shown on submitted architectural plans entitled, "A Renovation and Addition for the Ruane Residence", Revised January 12, 2018. Zone A

Chair Addonizio Butts opened the Public Hearing for ZBA Case 684- 1 Anderson Road West (M-33, L-30) Ruane, Paul & Amanda. K. Gubner read the Legal Notice into record. The Legal Notice was published in the Town Tribune on April 19 and April 26, 2018. Two abutting neighbors were notified by certified mail. No correspondence was received to the Zoning office. Ms. Addonizio Butts reviewed the application file which included an application, a hardship letter, abutting neighbors addresses and the certified mail receipts. Also in the application file was a field card of the property, a denied Zoning application, and an A-2 Survey entitled, "Property Survey prepared for Paul P. Ruane, 1 Anderson Road West, Town of Sherman, Fairfield County, CT". Latest revision dated January 12, 2018 for proposed additions". Prepared by the office of PAH, Inc. Land Surveyors; and building plans entitled, " A Renovation and Addition for the Ruane Residence, last revised January 8, 2018. The property is 0.90 acres. Chair Addonizio Butts read the letter of hardship and memorandum into record. This case has been in front of the ZBA twice before, and denied without prejudice. Mrs. Ruane has brought her architect to answer any structural questions. Mrs. Ruane handed Chair Addonizio Butts an Agent Letter, appointing William M. Dreyer and Allison Suazo the ability to speak regarding the application. This home is a 2,315 sq. ft. converted 1810 barn which has undergone renovations throughout the years, additionally on the property is a 24' x 24' garage. There are wetlands on the eastern side of the property. The existing septic is directly to the rear of the dwelling, which is where the proposed addition is located. A new septic location shall be determined. This property also shares a well with the neighboring property to the rear. The applicant wishes to establish a well on their own property. The proposed addition is 1,659 square feet. Mrs. Ruane provided the Board 6 letters of support from neighbors; William and Hillary Cox from 2 Anderson Rd. West; Tom, Jeff, and Pete Lescynski from 3 Anderson Road West; Linda Seitles from 4 Anderson Road West; Joyce and Rob Medeiros from 5 Anderson Road West; and Barbara J. Ackerman from 6 Anderson Road West. Mr. Dreyer came forward to speak on behalf of the application stating he believes the hardship to be caused by the lot size which makes the dwelling a pre-existing non-conforming structure. Mr. Dreyer further stated the wetlands on the eastern side of the property causes limitations. The addition is proposed in a location that will allow for all of the other elements needed to bring this historic home to modest modern standards. Mr. Dreyer provided the Board with tax map 33, showing the neighborhood where the Ruane residence exists. He stated this property is proportionately smaller than others surrounding, as well as the size of the dwelling. Architect Allison Suazo came forward to speak. Ms. Suazo stated the garage exists within the only compliant area. The proposed addition location has been painstakingly considered to allow reasonable use of the existing dwelling and ties into structural beams and supports. The proposed location shall cause the least visual impact on neighboring properties and will preserve the historic lines of the converted barn. Ms. Suazo provided a floor plan showing the interior layout for the Board. Currently there is a deck off the back of the house with stairs to the ground level that the Ruane use to enter and exit the dwelling. The proposed addition will provide safe entry at ground level with an overhang to shelter from weather. If the addition were to be moved east to a compliant location, it would cause the basement to be exposed thus creating a third story essentially. The current Zoning Regulations do not allow dwellings with three stories. If they were to bury the basement to meet compliance, there would be the need for a considerable amount of fill to do so. There will be no change in roof height with the proposed addition if it remains in the proposed location.

K. Gubner Moved to Close the Public Hearing of Case 684- 1 Anderson Road West (M-33, L-30) Ruane, Paul & Amanda, and Move to deliberation.
Seconded by: A. Chiaramonte Vote: For: 5 (Unanimous)

K. Gubner Moved to recess the Meeting for 5 minutes at 9:52 pm.
Seconded by: A. Chiaramonte Vote: For: 5 (Unanimous)
S. Addonizio Butts Moved to reconvene the Meeting from recess at 9:59 pm.
Seconded by: J. Bonner Vote: For: 5 (Unanimous)

Deliberation of Public Hearing III:
ZBA Case 684- 1 Anderson Road West (M-33, L-30) Ruane, Paul & Amanda
Chair Addonizio Butts opened the deliberation portion of Case 684- 1 Anderson Road West (M-33, L-30) Ruane, Paul & Amanda. The Board recognized the hardships created by the proximity of the pre-existing, non-conforming house to the road, and side yard property line on a small lot. The Board recognized the historical aspect of the structure being a converted barn being situated close to the road. The proposed addition is within keeping of the character of the surrounding homes in the neighborhood. Discussion followed recognizing various obstacles within the lot such as wetlands limiting the eastern edge, the centrally located existing garage, the need to locate a well and a septic and existing stonewalls. The western side of the property is flat. The Board discussed the applicant's desire for reasonable use of the small dwelling. The consensus of the Board was that the proposed location of the addition would have minimal impact on the neighboring properties. The Board agreed to bifurcate the motions for variance.

K. Gubner Moved to Approve- ZBA Case 684- 1 Anderson Road West (M-33, L-30) Ruane, Paul & Amanda- Variance of Section 384, Increase of Non-Conformity, Other than Use to modify the roof at the front of the dwelling and increase the footprint of the structure of the legal non-conforming dwelling as shown in the exact footprint on a submitted survey entitled "Property Survey prepared for Paul P. Ruane, 1 Anderson Road West, Town of Sherman, Fairfield County, CT" Latest revision dated January 12, 2018 for proposed additions". Prepared by the office of PAH, Inc. Land Surveyors; and as shown on submitted architectural plans entitled, "A Renovation and Addition for the Ruane Residence", Revised January 12, 2018. Zone A
Seconded by: J. Bonner Vote: For: 4 (1 Abstain)

K. Gubner Moved to Approve- ZBA Case 684- 1 Anderson Road West (M-33, L-30) Ruane, Paul & Amanda- Variance of Section 331.5 Side Yard Set-Back, from 25' to 8.5' to allow proposed 36' x 5', 6" porch in front of addition as shown in the exact footprint shown on a submitted survey entitled "Property Survey prepared for Paul P. Ruane, 1 Anderson Road West, Town of Sherman, Fairfield County, CT" Latest revision dated January 12, 2018 for proposed additions". Prepared by the office of PAH, Inc. Land Surveyors; and as shown on submitted architectural plans entitled, "A Renovation and Addition for the Ruane Residence", Revised January 12, 2018. Zone A
Seconded by: K. Fazzone Vote: For: 4 (1 Abstain)

K. Gubner Moved to Approve- ZBA Case 684- 1 Anderson Road West (M-33, L-30) Ruane, Paul & Amanda- Variance of Section 331.5 Front Yard Setback to allow vertical expansion within the existing footprint as shown in the exact footprint shown on a submitted survey entitled "Property Survey prepared for Paul P. Ruane, 1 Anderson Road West, Town of Sherman, Fairfield County, CT" Latest revision dated January 12, 2018 for proposed additions". Prepared by the office of PAH, Inc. Land Surveyors; and as shown on submitted architectural plans entitled, "A Renovation and Addition for the Ruane Residence", Revised January 12, 2018. Zone A
Seconded by: J. Bonner Vote: For: 5 (Unanimous)

Approval of Minutes:
Regular Monthly Meeting of February 6, 2018
J. Bonner Moved to Approve the Minutes of February 6, 2018 as written.
Seconded by: K. Gubner Vote: For: 5 (Unanimous)

Adjournment: S. Addonizio Butts Adjourned the Meeting at 10:43pm.

Respectfully submitted:

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Christine Branson, Administrative Clerk
May 9, 2018