



AGENDA

Zoning Board of Appeals
Regular Meeting
Monday, February 8, 2016 at 7:30 p.m.
Community Center, Room B
40 Dyer Avenue, Canton, Connecticut

CALL TO ORDER:

ROLL CALL:

PUBLIC HEARING

1. **File #2015-11**; 145 Cherry Brook Road; Assessor's Map 322; Parcel 1850145; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by seven feet for a 576 +/- square foot detached garage; Renata Maglietti, applicant; Renata and Russell Maglietti, owners

REGULAR MEETING

PUBLIC HEARING ACTIONS:

1. **File #2015-11**; 145 Cherry Brook Road; Assessor's Map 322; Parcel 1850145; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by seven feet for a 576 +/- square foot detached garage; Renata Maglietti, applicant; Renata and Russell Maglietti, owners

OTHER BUSINESS:

1. Approval of Meeting Minutes from November 09, 2015 and November 30, 2015
2. Discussion of Standard Enforcement Zoning Procedures
3. Staff Report

ADJOURNMENT:

Exhibit List for:

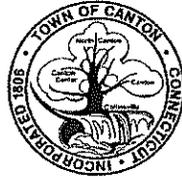
File #2015-11; 145 Cherry Brook Road; Assessor's Map 322; Parcel 1850145; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by seven feet for a 576 +/- square foot detached garage; Renata Maglietti, applicant; Renata and Russell Maglietti, owners

List as of February 2, 2016

Correspondence:

1. File #2015-11; 145 Cherry Brook Road; Assessor's Map 322; Parcel 1850145; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by seven feet for a 576 +/- square foot detached garage; Renata Maglietti, applicant; Renata and Russell Maglietti, owners.
2. Copy of payment; check # 7546
3. Assessor's card for 145 Cherry Brook Road
4. Aerial view of 145 Cherry Brook Road
5. Approval from the Farmington Valley Health District (2 pages); received on 12/29/15
6. Copy of the abutter notice, notifying them of the upcoming Public Hearing on 2/8/16
7. List of abutters
8. Certification of Notice for posting of Public Hearing sign per Section 9.9.F of Zoning Regulations
9. 1998 Existing Building Location Survey
10. Copy of Certified Mail receipts
11. Email from the Weakley Family to Renee Narducci regarding the application; dated 1/8/16
12. Town of Canton legal notice
13. Proof of legal notice from the Hartford Courant; dated 1/21/16
14. Public hearing sign affidavit; dated 1/26/16
15. Property photos (11 total); submitted to the Land Use Office on 1/26/16
16. Agenda for the February 8, 2016 regular meeting of the ZBA

#116



AGENDA

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ROLL CALL:**

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OTHER BUSINESS:

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ADJOURNMENT:











#14

NOTICE TO APPLICANTS

THIS AFFIDAVIT IS REQUIRED FOR ALL APPLICATIONS REQUIRING A PUBLIC HEARING BY THE ~~PLANNING & ZONING COMMISSION~~

Zoning Board of Appeals

NOTE: PUBLIC HEARING SIGNS MUST BE POSTED ON THE SUBJECT PROPERTY 15 DAYS PRIOR TO THE PUBLIC HEARING DATE.

THIS FORM (SIGNED AND NOTARIZED) MUST BE PRESENTED AT THE PUBLIC HEARING.

AFFIDAVIT

STATE OF CONNECTICUT

Ss:

COUNTY OF HARTFORD

I, Renata P. Maglietti of Canton, CT
(Applicant) (City, State)

Being duly sworn, make oath and say that I have maintained sign(s) as required by the Canton Planning & Zoning Regulations, stating that a Planning & Zoning Commission application is pending for the following property:

145 Cherry Brook

(Location of Property)

DATE: 1-25-16

[Signature]

(Signature of Applicant)

Renata P Maglietti

(Type or Print Name of Applicant)

Subscribed and sworn to before me this 26th day of January, 2016

[Signature]

(Notary Public)

My Commission Expires on 10/31/2017

Land Use Office-(860) 693-7856
Facsimile- (860) 693-7884

www.townofcantonct.org

M,T,Th 8:15-4:30
Wed 8:15-6:45
Fri. 8:15-Noon

#13



PUBLISHING
DIGITAL

Order ID: 3913443

Printed: 1/21/2016 2:15:07 PM

Page 2 of 2

GROSS PRICE * : \$135.82

* Agency Commission not included

PACKAGE NAME: Legal Notice
Zoned Daily

Legal Notice
Town of Canton
Zoning Board of Appeals

The Canton Zoning Board of Appeals will hold a public hearing at a regular meeting on Monday, February 8, 2016 at 7:30 p.m., in Room B of the Community Center, 40 Dyer Avenue, Canton, CT for the following application:

File #2015-11; 145 Cherry Brook Road; Assessor's Map 322; Parcel 1850145; Zone R-2; Variance from Section 3.4.E.2. Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by seven feet for a 576 +/- square foot detached garage; Renata Maglietti, applicant; Renata and Russell Maglietti, owners

This application is on file and available for public inspection in the Land Use Office, Canton Town Hall, 4 Market Street, Collinsville, CT, telephone 860.693-7856.

Dated at Canton, Connecticut, this 21st day of January 2016.

Robert Bralnard, Chairman

To be published twice in the Hartford Courant on Tuesday, January 26, 2016 and Tuesday, February 2, 2016.

#12

Legal Notice
Town of Canton
Zoning Board of Appeals

The Canton Zoning Board of Appeals will hold a public hearing at a regular meeting on Monday, February 8, 2016 at 7:30 p.m., in Room B of the Community Center, 40 Dyer Avenue, Canton, CT for the following application:

File #2015-11; 145 Cherry Brook Road; Assessor's Map 322; Parcel 1850145; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by seven feet for a 576 +/- square foot detached garage; Renata Maglietti, applicant; Renata and Russell Maglietti, owners

This application is on file and available for public inspection in the Land Use Office, Canton Town Hall, 4 Market Street, Collinsville, CT, telephone 860-693-7856.

Dated at Canton, Connecticut, this 21st day of January 2016.

Robert Brainard, Chairman

To be published twice in the Hartford Courant on Tuesday, January 26, 2016 and Tuesday, February 2, 2016.

Town of Canton Account Number: CU00254181

#11

Narducci, Renee

From: Weakley Family <weakleyfamily@comcast.net>
Sent: Friday, January 08, 2016 7:24 PM
To: Narducci, Renee
Subject: Variance 3.4.E.2 File # 2015-11

Re: Variance to Section 3.4.E.2
File #2015-11
154 Cherry Brook Road
Applicant/Owner: Russell and Renata Maglietti

I am writing to support Russel and Rene Maglietti in their petition for permission to build a garage at the end of their driveway.

The Magliettis are highly responsible property owners and citizens of the town, as well as wonderful neighbors. Their home is immaculately kept and their gardens are beautiful. They have appreciation and respect for the historical nature of the area, and strive to keep their home in the same character. I have every confidence that their planned garage will not only be appropriate to the historical nature of the neighborhood, but also an asset to their property value and that of the neighborhood. In fact there is a detached garage across the street from our/their home which is lovely and adds character. I am sure that the Maglietti's garage will likewise enhance the neighborhood. Furthermore, an attractive, enclosed garage will be more attractive then cars parked in the open. Please approve the variance as stated.

Respectfully,

Sharon and Chris Weakley
141 Cherry Brook Road, Canton

7015 1730 0000 3090 2840

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

CANTON, CT 06019

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.00

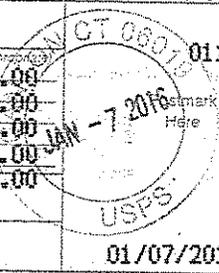
Total Postage and Fees \$3.45

Sent To **Douglas Gnazzo**

Street and Apt. No. or PO Box No. **130 Cherry Brook Rd**

City, State, ZIP+4® **Canton, CT 06019**

PS Form 3800, April 2015 PSN 7530-0200-9001 See Reverse for Instructions



#10

7015 1730 0000 3090 2840

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

CANTON CENTER, CT 06020

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.49

Total Postage and Fees \$3.94

Sent To **L Perry**

Street and Apt. No. or PO Box No. **P.O. Box 1**

City, State, ZIP+4® **Canton Center, CT 06020**

PS Form 3800, April 2015 PSN 7530-0200-9001 See Reverse for Instructions



7015 1730 0000 3090 2826

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

CANTON, CT 06019

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.49

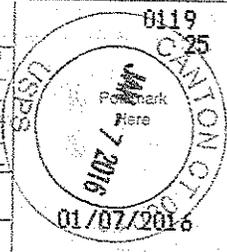
Total Postage and Fees \$3.94

Sent To **Bower**

Street and Apt. No. or PO Box No. **144 Cherry Brook Rd**

City, State, ZIP+4® **Canton, CT 06019**

PS Form 3800, April 2015 PSN 7530-0200-9001 See Reverse for Instructions



7015 1730 0000 3090 2826

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

CANTON, CT 06019

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.49

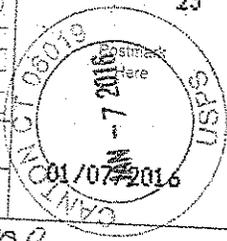
Total Postage and Fees \$3.94

Sent To **M M Kempe**

Street and Apt. No. or PO Box No. **150 Morgan Rd**

City, State, ZIP+4® **Canton, CT 06019**

PS Form 3800, April 2015 PSN 7530-0200-9001 See Reverse for Instructions



7015 1730 0000 3090 2857

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

CANTON, CT 06019

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.49

Total Postage and Fees \$3.94

Sent To **Weakley**

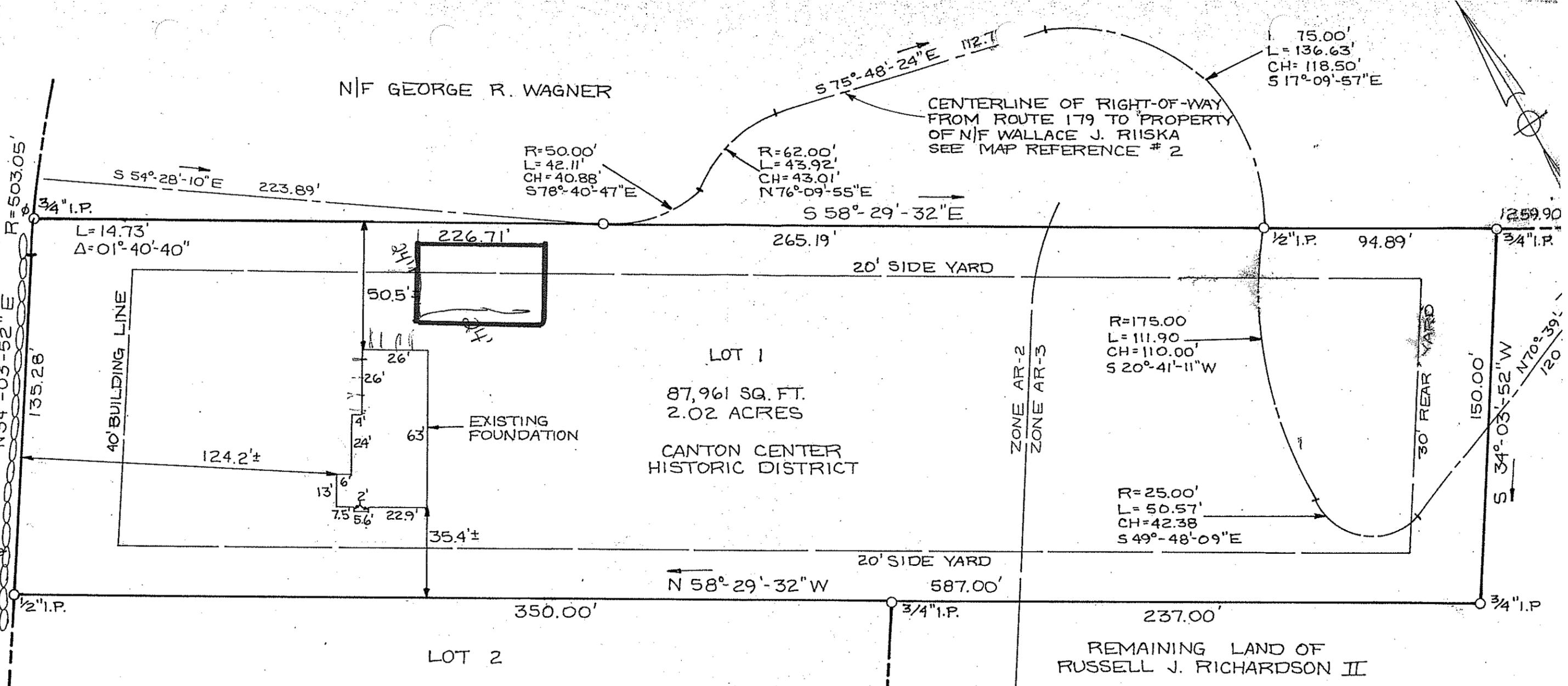
Street and Apt. No. or PO Box No. **141 Cherry Brook Rd**

City, State, ZIP+4® **Canton, CT 06019**

PS Form 3800, April 2015 PSN 7530-0200-9001 See Reverse for Instructions



CHERRY BROOK ROAD CT. RT. 179



MAP REFERENCE:

- 1) SUBDIVISION PLAN PREPARED FOR RUSSELL J. RICHARDSON II 137 CHERRY BROOK ROAD CANTON, CONNECTICUT SCALE 1"=40' JULY, 1997 NASCIMBENI & JAHNE SURVEYORS, P.C. AVON, CT.
- 2) MAP SHOWING RIGHT OF WAY FROM ROUTE 179 TO PROPERTY OF WALLACE J. RIISKA, ROUTE 179 CANTON, CONNECTICUT SCALE 1"=50' JAN., 1983 ROGER DIETLIN, SURVEYOR

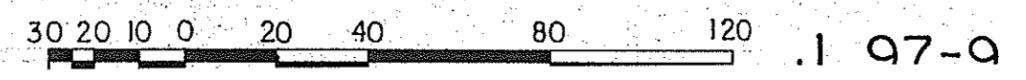
THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THRU 20-300b-20 AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996.
IT IS AN EXISTING BUILDING LOCATION SURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2

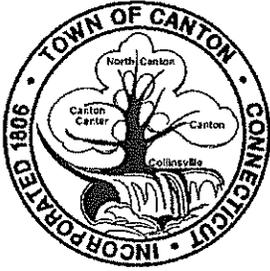
TO MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

B. Nascimbeni

NOT VALID UNLESS LIVE SIGNATURE AND EMBOSSED SEAL IS AFFIXED.
NASCIMBENI & JAHNE SURVEYORS, P.C.
220 WEST MAIN STREET AVON, CONNECTICUT

EXISTING BUILDING LOCATION SURVEY
PREPARED FOR
RENE MAGLIETTI
CHERRY BROOK ROAD
CANTON, CONNECTICUT
SCALE: 1"=40'
MAY, 1998





TOWN OF CANTON
LAND USE OFFICE

4 Market Street, Collinsville, Connecticut 06022

CERTIFICATION OF NOTICE

Planning & Zoning Commission: File Number: _____
Application Number: _____

Zoning Board of Appeals: File Number: 2015-11

I certify that as per Section 9.9.F, Notice of Public Hearing Signs, of the Canton Zoning Regulations, I have posted at: 145 Cherry Brook Road a sign reading:

"ZONING APPLICATION PENDING ON THIS PROPERTY. FOR MORE INFORMATION CONTACT THE LAND USE DEPARTMENT AT TOWN HALL (860) 693-7856."

For fifteen (15) continuous days beginning on 1/10/16 and ending on 1/25/16 prior to a public hearing scheduled for 2/8/16.

Name of Applicant: Renata P Maglietti
Signature of Applicant: [Handwritten Signature]
Date: 1-6-16

KEMPE KENNETH N &
150 MORGAN ROAD
CANTON, CT 06019

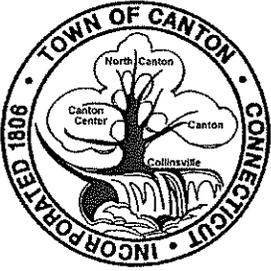
MAGLIETTI RUSSELL V AND
145 CHERRY BROOK ROAD
CANTON, CT 06019

WEAKLEY SHARON J &
141 CHERRY BROOK ROAD
CANTON, CT 06019

GNAZZO DOUGLAS V
130 CHERRY BROOK RD
CANTON, CT 06019

PERRY LANSFORD W
P.O. BOX 1
CANTON CENTER, CT 06020

BOWEN JOHN &
144 CHERRY BROOK ROAD
CANTON, CT 06019



TOWN OF CANTON
LAND USE OFFICE

4 Market Street, Collinsville, Connecticut 06022

CERTIFIED MAIL/RETURN RECEIPT

Dear Neighboring Property Owner:

An application to the Canton Zoning Board of Appeals (ZBA) for a Variance (3.4.E.2)
has been filed with the Canton Land Use Office for the following property:

Location: 145 Cherry Brook Road

Applicant: Renata Maglieth

Property Owner: same

The variance requested is to Section 3.4.E.2 of the Canton Zoning
Regulations and is for the following activity:

Detached 24 x 24 garage

A copy of the application has been included with this correspondence. A Public Hearing for this
application is scheduled for February 8, 2016

The meeting will be held at the Canton Community Center located at 40 Dyer Avenue, Canton, and is
scheduled to begin at 7:30 p.m.

At this hearing public testimony will be accepted. If you are unable to attend this meeting but wish to
express your thoughts and concerns, please direct them by email to: Renee Narducci, Land Use
Coordinator at rnarducci@townofcantonct.org or by mail to the following address:

Town of Canton
Land Use Office
4 Market Street
Canton, CT 06019

Please be sure to reference the above application in the subject line.

Sincerely,

[Signature]
Signature

1-6-16
Date



Farmington Valley Health District

95 River Road, Suite C • Canton, CT 06019 • Phone (860) 352-2333 • Fax (860) 352-2542

Avon • Barkhamsted • Canton • Colebrook • East Granby • Farmington • Granby • Hartland • New Hartford • Simsbury

APPLICATION FOR ADDITION

PROPERTY OWNER: Russell + Penita Maglietti PHONE # (H): 860-693-1243
 ADDRESS: 145 Cherry Brook Rd TOWN: Canton PHONE # (Work/Cell): 860-965-8565
 CONTRACTOR: self PHONE #: 860-693-1243

TYPE OF PROPOSAL

Building Addition &/or Interior Renovation (describe) _____

Number of bedrooms in existing house _____ Number of bedrooms after addition _____

- Detached Structure Shed Barn Garage Propane Generator Pad Other (describe) w/ floor build out
- Swimming Pool In-ground Above ground (filter type _____) heated y/n Deck provided Yes No w/ 3/4 bath room
- Building Conversion - Change in use (describe) _____
- House Teardown, Replacement: Using existing foundation _____ New foundation _____
 # Bedrooms in existing house _____ # Bedrooms in proposed house _____

PLEASE COMPLETE

Will the addition have: Heat Yes No Plumbing Yes No Exterior sewer pipe/pump needed? Yes No
Interior sewage pump needed? Yes No

Full foundation Frost Wall Slab Piers Other _____

Footing Drains yes (show on plan) no Cuts in grade <50' downhill of septic system? yes no

Distance of proposed addition from: Septic tank 75 ft Leaching system 75 ft Well 5 ft
Any sewage backups, overflows or other problems noted with the existing septic system? Yes No

** PROVIDE A SKETCH SHOWING THE LOCATION OF THE ADDITION RELATIVE TO THE WELL & SEPTIC **

FVHD ASSUMES NO RESPONSIBILITY FOR PRESENT/FUTURE OPERATION OF SEPTIC SYSTEM OR FOR ANY DAMAGE TO THE SEPTIC SYSTEM CAUSED BY THE NEW CONSTRUCTION OR ANY NECESSARY TESTING.

I certify that I'm the owner or owner's contractual representative & that the information above is accurate to the best of my knowledge. I also acknowledge that I'm responsible for securing any required approvals from other town/state agencies (Bldg, Wetlands, Zoning, etc.)

Signature: Russell Maglietti DATE: 12-21-15

THE APPROVAL WILL BE FAXED TO TOWN BLDG DEPT. FVHD WILL CALL ONLY IF QUESTIONS ARISE.

(OFFICE USE ONLY)

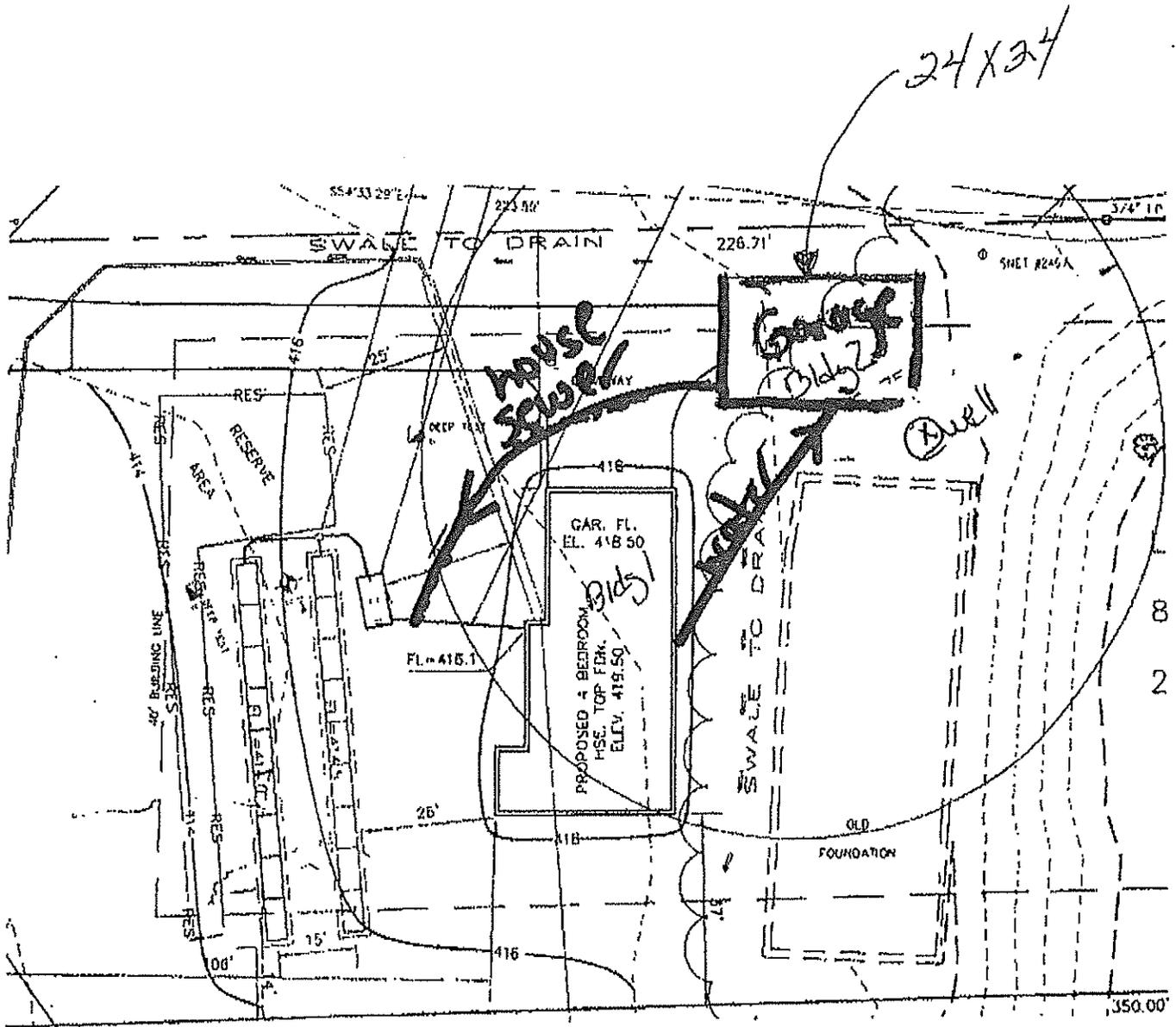
FVHD APPROVED _____

DENIED _____

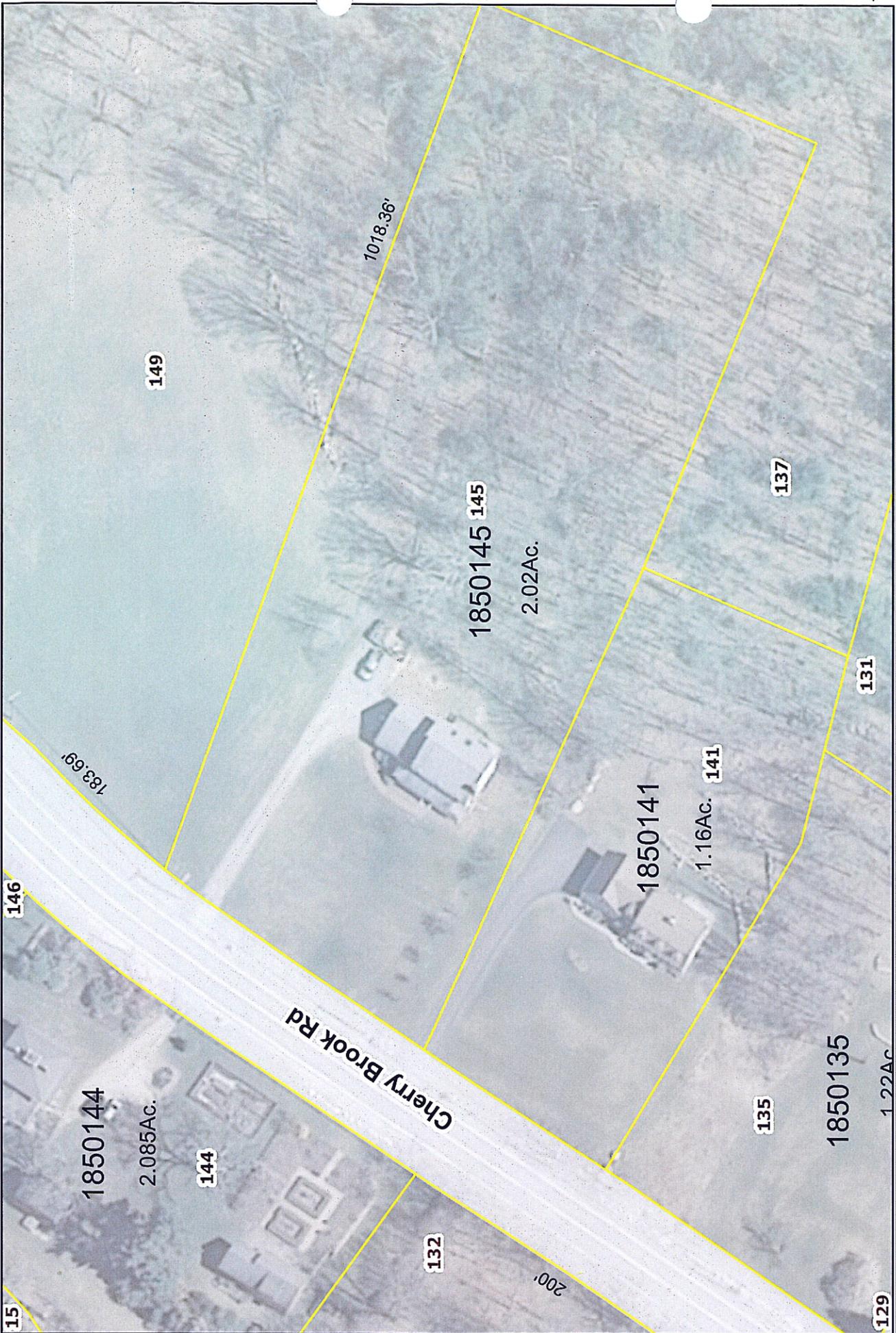
Date: 12-21-15

COMMENTS:

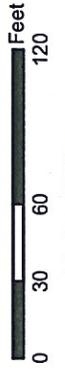
FVHD permit + inspection required for installation of new house sewer pipe from Garage to septic tank.
And return signed acknowledgement of exception form



145 Cherry Brook Rd. Canton



Aerial View of 145 Cherry Brook Road



1 inch = 71 feet



The Town of Canton CT shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused or any decision made or action taken or not taken by reader in reliance upon any information or data furnished hereunder.

Administrative Information

Owner name: MAGLIETTI RUSSELL V AND
 Second name: RENATA P
 Address: 145 CHERRY BROOK ROAD
 City/state: CANTON CT Zip: 06019

Location Information

Lot: 1850145 Map: 22 Neigh.: Zone: Clerk map: Callback? Vol: 226 Page: 284

Assessments

Assmt category	Qty	Amount	Exempt	Cat	Amount	Exemptions	Last sale
Resident Land	1.00	66,500					20-FEB-98
Resident Excess	1.02	2,140					Sale price: 58,000
Resident Dwelling	1.00	161,880					Sale valid: Y

Summary

Summary	Utilities	Sales ratios
Total assessments	230,520	Water Well
Total exemptions		Sewer Septic
Net assessment	230,520	Gas None

Land Information

Type	Use	Acres/Sqft	Rate	Total	Infl	Fact	Value	70% Value
PRIM	11	1.000	95,000	95,000			95,000	66,500
RES	12	1.020	3,000	3,060			3,060	2,140
Residual		44,431						

Total Land value

2.0200 acres Total Land value 98,060 68,640

Building Valuation Summary

Category	Type	Area	Value
G Garages	FR	Attached frame LE 65	19,800
P Porches, Patios, Decks	FOFF	Frame open first flo	8,800
L Living Area	FRFF	Frame first floor	6,300
L Living Area	BSMT	Basement addition	1,000
P Porches, Patios, Decks	DECK	Wood deck	5,500
Total additions			41,400

Building additions

Category	Type	Area	Value
G Garages	FR	Attached frame LE 65	19,800
P Porches, Patios, Decks	FOFF	Frame open first flo	8,800
L Living Area	FRFF	Frame first floor	6,300
L Living Area	BSMT	Basement addition	1,000
P Porches, Patios, Decks	DECK	Wood deck	5,500
Total additions			41,400

Residential Dwelling Information

Subject	Code	Description	Condominium
Style	04	Colonial	
Exterior Walls	04	Vinyl Siding	
Roof Material	01	Asphalt Shingles	
Roof Type	01	Gable	
Foundation	01	Poured Concrete	
Interior Walls	02	Drywall	
Floors	98	Other	
Heating System	01	Hot Water	
Fuel	01	Oil	
Attic	99	None	
Grade	33	C+	
Garage	22	Attached 2 car	
Area Over Gar.	99	None	
Basement	01	Full	
Bsmt Fin Qual	01	Unfinished	
Air Condition	99	None	
Interior Cond	05	Good	
Exterior Cond	05	Good	

Actual Year Built: 1998

Callback?

Vol: 226 Page: 284

Exemptions

Assmt category	Qty	Amount	Exempt	Cat	Amount
Resident Land	1.00	66,500			
Resident Excess	1.02	2,140			
Resident Dwelling	1.00	161,880			

Utilities

Utilities	Sales ratios
Water Well	5.6778
Sewer Septic	
Gas None	

Sales ratios

Mkt value	Cost value	329,310
Mkt/sale <td>3.9745</td> <td></td>	3.9745	
Assmt/sale <td></td> <td></td>		

Values

Mkt value	Cost value	329,310
Mkt/sale <td>3.9745</td> <td></td>	3.9745	
Assmt/sale <td></td> <td></td>		

70% Value

Value	70% Value
95,000	66,500
3,060	2,140

Total Land value

98,060 68,640

Story Height 2.0

Total Rooms	8	Garage cars
Bedrooms	4	Unfinished area
Family Rooms		Dormer linear f
Full Baths	2	Masonry trim sf
Half Baths	1	Finish bsmt sz
Addn'l fixtures	1	Rec Room Size
Whirlpools		Living area
Saunas		# Living Units
M/F stacks	1	
W/B stacks	1	
W/B openings		

Actual Year Built: 1998

RUSSELL V. MAGLIETTI
RENATA P. MAGLIETTI
145 CHERRY BROOK RD.
CANTON, CT 06019

7546

51-72182211
175

12-29-15
Date

Pay to the
Order of

Town of Canton
One Hundred Sixty Five Dollars

\$160.00

Peoples United Bank

Peoples United Bank
peoples.com

Renata Maglietti

For

⑆ 221172186⑆ 0570026968⑆ 7546



TOWN OF CANTON

4 Market Street
PO Box 168
Canton, CT 06019

CANTON TOWN HALL
LAND USE OFFICE

DEC 29 2015

Land Use Department
(860) 693-7856
(860) 693-7884 (fax)

DATE OF RECEIPT IN OFFICE

OFFICE USE ONLY

FILE #: 2015-11

FEE AMOUNT: \$160.00

CASH / CHECK

DATE SUBMITTED: 12/29/15

ZONING BOARD OF APPEALS APPLICATION

APPLICATION FEE: **\$160.00** (includes \$60.00 State Surcharge)
Please make checks payable to "Town of Canton"

THIS APPLICATION CANNOT BE APPROVED UNTIL ALL REQUIRED INFORMATION IS PROVIDED AND ANY ADDITIONAL REQUIRED APPROVALS ARE OBTAINED.

PLEASE PRINT LEGIBLY

Property Address: 145 Cherry Brook Rd
Assessor's Map: 221/195/0145 Parcel: _____ Zone: AR-2 Lot Size: 2.02 acres
Land Record Reference to Deed Description: Volume: 226 Page: 284
Property Owner: Russell + Renata Maglietti Phone: 860 693 1243
Applicant/Agent: owners Phone: 860 693 1243
Mailing Address: 145 Cherry Brook Rd cell 860 965-8535
Email Address: fourrsmag@msn.com

ACTION REQUESTED:

Variance from Section 3.4.E.2 of the Zoning Regulations

Appeal from decision of the Zoning Enforcement Officer

Approval of Motor Vehicle Department

License/Location: New Car Used Car Repairer Limited Repairer

VARIANCE INFORMATION:

The variance relates to: yard dimension height number of family units
 street frontage area other side yard

Describe briefly: There is an existing driveway. Would like to place a garage to the end of existing driveway. There is a right of way which also goes through our property, used 0-1 times per year. The amount we need is 7 feet to property but Right of way

- (a) Strict application of the regulations would produce undue hardship because: We would not be able to build any garage because of lot shape, well location, wall from old barn and steep hill side.
- (b) The hardship created is unique and not shared by all properties alike in the neighborhood because: Steep hillside, and stone foundation from old tobacco barn.
- (c) The variance would not change the character of the neighborhood because: The garage would be a barn like structure.

APPEAL INFORMATION:

The decision of the Zoning Enforcement Officer dated _____ is APPEALED because:

APPROVAL OF MOTOR VEHICLE DEPARTMENT INFORMATION:

Describe briefly: _____

Previous applications have been filed with respect to these premises as follows: _____

Russell Maglietti
 Owner Name: *Renata Maglietti*
 Date: 12-29-15
 Applicant Name: Renata Maglietti
 Date: 12-29-15

Owner Signature: *Russell Maglietti*
 Applicant Signature: *Renata Maglietti*

PLEASE NOTE:

- Application will not be accepted unless:
- A. It is signed by the applicant or agent.
 - B. It is accompanied by the proper filing fee: \$160.00 (\$100 + \$60.00 State of Connecticut surcharge).
 - C. It is accompanied by three copies of certified plot plan if required.
 - D. It is accompanied by Motor Vehicle Department forms if applicable.
 - E. Requirement for abutter notices and land use sign for items requiring a public hearing.



DRAFT MINUTES

Zoning Board of Appeals
Regular Meeting
Monday, November 9, 2015 at 7:30 pm
Library Community Center, Room B
40 Dyer Avenue, Canton, Connecticut

CALL TO ORDER: Chairman Brainard called the Regular Meeting of November 9, 2015 to order at 7:30 p.m.

PRESENT: Robert Brainard, Christopher Kerr, Guerry Dotson, Gary Adajian, and Walter LeGeyt (Alternate)

ALSO PRESENT: Zoning Enforcement Officer Emily Anyzeski and Recording Secretary Jennifer Scott

Mr. LeGeyt was seated as a Regular Member by R. Brainard.

A quorum of the Commission is present.

MODIFICATION TO THE AGENDA: Mr. Brainard proposed modifying the agenda so that File #2015-9; 23 Canton Valley Circle be addressed first instead of last at the Public Hearing and Regular Meeting. He also proposed adding a discussion item at the end of the Regular Meeting for the purpose of talking about zoning violation citations.

MOTION: Mr. Brainard moved to modify the agenda so that File #2015-9; 23 Canton Valley Circle be addressed first instead of last at the Public Hearing and Regular Meeting. Mr. Adajian seconded the motion. The motion passed unanimously, 5-0-0.

MOTION: Mr. Brainard moved to modify the agenda so that a discussion item is added at the end of the Regular Meeting for the purpose of talking about zoning violation citations. Mr. Kerr seconded the motion. The motion passed unanimously, 5-0-0.

REMARKS BY CHAIR: None

PUBLIC HEARING

READING OF THE LEGAL NOTICE: Read by Mr. Brainard

1. **File #2015-9;** 23 Canton Valley Circle; Assessor's Map 31; Parcel 1670023; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by one foot for an 841 +/- square foot attached garage; Jennifer Pirro, applicant; Jennifer Pirro and Michael Mulhall, owners.

Commissioners Seated: Robert Brainard, Christopher Kerr, Guerry Dotson, Gary Adajian, and Walter LeGeyt

The applicant/ owner, Jennifer Pirro sat before the members to present her application. Mr. Brainard advised Ms. Pirro that there had been an error made with her variance application. The application indicates that the side yard setback variance she is seeking is for the purpose of constructing a

detached garage (accessory structure) on her property. In reality the garage she intends to construct will be an attached addition to the principal structure of her home. The regulations call for a minimum side yard setback of 15 feet for an accessory structure and a minimum side yard setback of 20 feet for principal structure. Therefore, the applicant will actually need a variance of 6 feet instead of the 1 foot for which she originally applied. Mr. Brainard also informed Ms. Pirro that because of this oversight, the legal notice that was issued to the public regarding her application and the letters sent out to the abutting property owners were all incorrect.

Mr. Brainard went on to advise Ms. Pirro that she will have to submit a corrected application and reissue amended letters to her neighbors or have them sign off on the correction. He recommended that the Land Use office waive all fees for the re-filing of this application.

MOTION: Mr. Adajian moved to close the Public Hearing for File #2015-9; 23 Canton Valley Circle. Mr. Brainard seconded the motion, which passed unanimously, 5-0-0.

2. **File #2015-7;** 540 Cherry Brook Road; Assessor's Map 7; Parcel 1850540; Zone R-3; Variance from Section 7.3.C.1.J, Standards of Governmental Signs in Residential Districts; Requesting a 75 +/- square foot identification sign to be mounted on the eastern side of the building; Harold Freytag, applicant; North Canton Volunteer Fire Association, owner.

Commissioners Seated: Robert Brainard, Christopher Kerr, Guerry Dotson, Gary Adajian, and Walter LeGeyt

Harold Freytag, applicant, and Jeff O'Neill, representative for the owner, North Canton Volunteer Fire Association, presented their application to the Commission. The gentlemen stated that since the North Canton Fire Station was constructed in 2006, it has never had a sign identifying it to the public. They believe that because the station is set back 75 feet from the road, it requires larger lettering on the signage than allowed by the regulation. The regulation states that the maximum sign area for a governmental sign in a residence district is 24 square feet. They presented the members with examples of lettering that would conform to the regulation and also lettering sized for the 75 square foot signage they are requesting. Mr. Freytag and Mr. O'Neill maintained that a sign containing the smaller lettering called for by the regulation could not easily be seen from the road. Mr. Freytag said that the sign they are proposing would be unlit and simply read, "North Canton Station."

Mr. Brainard stated that he has often encountered residents of North Canton who have no idea that the building in question is a fire station. The design and location of the fire station do not make it easily identifiable. Mr. O'Neill commented that they actually designed the station to look like a big horse barn to fit the landscape of the area. Mr. Brainard stated that in the interest of public safety, if a person needs to know that the firehouse is there, it is not easily identifiable as it currently stands. Mr. Brainard clarified with Mr. Freytag and Mr. O'Neill that the hardships in this case are that the design and the location of the building are uncharacteristic of a firehouse and therefore it is not easily identifiable to the public.

Mr. Freytag and Mr. O'Neill also presented the members with two drawings drafted by Canton Sign. One drawing depicted a 24 square foot sign on the side of the fire station and the other showed a 75 square foot sign. Both had a vantage point from Cherry Brook Road and were drawn to scale.

Mr. Dotson asked the applicants, as professionals in public safety, if they believe the signage needs to be as large as they are requesting. Both gentlemen replied in the affirmative.

Ms. Anyzeski advised the group as a matter of information, that even if this building was located in the business district, at 75 square feet, the signage they are requesting would still need a variance. For buildings in the business district located less than 150 feet from the road, the total building signage can not exceed 50 square feet.

Mr. Brainard asked if there was anyone from the public who wished to speak. Kory Vincent of 17 Trailsend Drive spoke in favor of the request for variance. As a police officer for a neighboring agency, it is his opinion that the sign is necessary for the safety of the Town. Dave Dzenutis of 512 Cherry Brook Road spoke saying that he thinks the sign would be nice. But, he does not believe that anyone would be going there for help as the building is vacant unless there is a fire call. Mr. Brainard replied that there is an emergency phone there. Mr. Dzenutis asked if the Town could install a road sign indicating the location of the fire station. Mr. O'Neill replied that there are yellow painted indicators on the roadway but that is not easily noticed by motorists traveling 50 mph down the road.

Mr. Brainard read into the record a letter that was sent to the Land Use Coordinator by Patricia J. Goodwin of 552 Cherry Brook Road. She spoke against the request for variance stating that it would encourage other entities such as the post office to hang similar signs. In addition, she said that the sign would be a waste of money that the fire station solicits from the public. Mr. Freytag replied that the NCVFA no longer solicits money from the public.

Mr. O'Neill asked the members to please consider what would be in the best interest of the community when making their decision.

MOTION: Mr. Adajian moved to close the Public Hearing for File #2015-7; 540 Cherry Brook Road. Mr. Kerr seconded the motion, which passed unanimously, 5-0-0.

3. **File #2015-8;** 17 Trailsend Drive; Assessor's Map 32; Parcel 5360017; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by 13 feet for an 80 square foot shed; Kory Vincent, applicant/ owner.

Commissioners Seated: Robert Brainard, Christopher Kerr, Guerry Dotson, Gary Adajian, and Walter LeGeyt

Kory Vincent, applicant/ owner was in attendance to present his application. He stated that he is looking to put an 8 foot X 10 foot shed to the left of his existing garage. He stated that the area where the shed will be placed is a paved continuation of his driveway. Mr. Vincent said that his hardship in this case is that the rest of his property has a sloped terrain making the area next to his garage the only possible location for the shed. Mr. Vincent presented photos to the members of his property and the proposed location for the shed for their review.

Mr. LeGeyt asked if Mr. Vincent could possibly store the items he plans to store in the shed inside his garage. Mr. Vincent answered that he can not because he is currently storing a classic car inside his garage. Mr. Adajian confirmed with the applicant that the entire area of the shed would be situated on the paved driveway surface up on cinder blocks and it would not create any drainage obstructions.

There was a little bit of confusion about how much of a variance the applicant needs. The current regulation states that the minimum side yard setback for an accessory structure is 15 feet. Mr. Vincent's garage, which predates the current regulation, is constructed 10 feet from the side yard property line and is therefore 5 feet beyond what the current regulation allows. Mr. Vincent is seeking another 8 feet so that his shed will be just 2 feet from the property line. In other words, the applicant is requesting a 13 foot variance.

Mr. Vincent added that his abutting neighbor on the left side has no issue with the variance being granted. He stated that the neighbor's property slopes upward from Mr. Vincent's driveway so it would not be possible for him to build anything on that land.

Mr. Brainard asked Mr. Vincent about the right and rear sides of his home. The applicant answered saying that there is a flat area on the right which contains his leaching field. All other areas are either sloped or tree covered. Mr. Brainard said he was looking for other possible places to locate the shed because he sees two major issues with this request for variance. First, a 13 foot variance is a

sizeable request. Secondly, with the shed in the proposed location, access to the rear of Mr. Vincent's house would be cut off which could create a safety issue in the event of an emergency.

Mr. Vincent responded saying that for emergency access, the neighboring driveway could be used to get to the rear of his home. He added that the hydrant is located out in front of his neighbor's property which is another reason why his driveway would be the most logical source of entry. Mr. Dotson asked if as the owner of the home, Mr. Vincent saw a safety concern. Mr. Vincent replied that he did not.

Mr. Brainard asked if anyone from the public would like to speak. Harold Freytag of 175 Case Street said he felt for Mr. Vincent's situation and offered that if his variance were not granted, maybe he could consider a narrower shed.

MOTION: Mr. Adajian moved to close the Public Hearing for File #2015-8; 17 Trailsend Drive. Mr. LeGeyt seconded the motion, which passed unanimously, 5-0-0.

REGULAR MEETING

PUBLIC HEARING ACTIONS:

1. **File #2015-9;** 23 Canton Valley Circle; Assessor's Map 31; Parcel 1670023; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by one foot for an 841 +/- square foot attached garage; Jennifer Pirro, applicant; Jennifer Pirro and Michael Mulhall, owners.

MOTION: Mr. Brainard moved to deny the requested variance for File #2015-9; 23 Canton Valley Circle due to incorrect information being included in the Legal Notice and also in the abutting property owners' notifications. Mr. Dotson seconded the motion. The motion passed unanimously, 5-0-0.

2. **File #2015-7;** 540 Cherry Brook Road; Assessor's Map 7; Parcel 1850540; Zone R-3; Variance from Section 7.3.C.1.J, Standards of Governmental Signs in Residential Districts; Requesting a 75 +/- square foot identification sign to be mounted on the eastern side of the building; Harold Freytag, applicant; North Canton Volunteer Fire Association, owner.

MOTION: Mr. Brainard moved to grant the requested variance for File #2015-7; 540 Cherry Brook Road and allow for the installation of a governmental identification sign for up to 75 square feet. The sign shall be in the design and location as per the exhibit presented which will have the Chairman's signature and date. This variance will be in effect so long as the building at 540 Cherry Brook Road is used as an active fire station. The reason for granting this variance is that because of the design and location of the building, there is a need for a larger sign for general public identification and safety. Mr. Dotson seconded the motion which passed unanimously, 5-0-0.

Mr. LeGeyt took a moment to commend the North Canton Fire Department and Mr. Freytag for keeping this service going despite covering such a large area with not a lot of help.

3. **File #2015-8;** 17 Trailsend Drive; Assessor's Map 32; Parcel 5360017; Zone R-2; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of side yard setback by 13 feet for an 80 square foot shed; Kory Vincent, applicant/owner.

MOTION: Mr. Dotson moved to grant the requested variance for File #2015-8; 17 Trailsend Drive allowing for a 13 foot northerly side yard variance for the purpose of installing an 8 foot by 10 foot storage shed only. This variance shall be granted due to the unusual topography of the land restricting use otherwise. The storage shed shall be situated no further forward than the front wall of

the garage and no further back than the rear wall of the garage. Mr. Adajian seconded the motion which passed unanimously, 5-0-0.

Mr. Brainard commented that there has been very few times in 28 years that variances of this magnitude have been granted. He said that this variance is being granted because of the unusual topography of Mr. Vincent's land and because of the close proximity of his neighbor's driveway. He added a reminder that since this variance has no expiration, we have to make certain it is only granted for the purpose of installing this shed so that in the future it is not used for something else or allowable along the length of the property.

OTHER BUSINESS

- Mr. Dotson requested that a Special Meeting be scheduled to vote on File #2015-9; 23 Canton Valley Circle so that Ms. Pirro can commence on her project before winter comes and possibly delays her work further. He said he does not want the error in the Land Use office to cost Ms. Pirro 30 more days if they are able to get a decision on her variance to her sooner and not have her wait until December's Regular Meeting. The group agreed and determined that so long as Ms. Pirro submitted all the necessary paperwork and the Legal Notice was able to be issued this week, a Special Meeting could hopefully be scheduled Monday, November 30, 2015. Ms. Anyzeski said she would advise the applicant and work towards having the meeting arranged.
- Mr. LeGeyt asked why he has not been made a Regular Member after being an Alternate Member for some time now. Mr. Brainard said that he made an inquiry about this and was told that Mr. LeGeyt would need to file some paperwork for the CAO's office in order to become a Regular Member.

1. Approval of meeting minutes from August 10, 2015

MOTION: Mr. Adajian moved to approve the meeting minutes from August 10, 2015 as presented. Mr. Kerr seconded the motion, which passed unanimously, 5-0-0.

2. Approval of 2016 Zoning Board of Appeals Meeting Schedule

None of the members had issue with adopting the schedule as presented.

3. Staff Report

4. Zoning Violation Citations Discussion

The members discussed some problems they see with the current process of issuing zoning violation citations and when they are or are not issued as a means of enforcement.

Mr. Brainard made the suggestion that the members review the Town's policies and procedures for issuing citations and think about what a better alternative might be. Ms. Anyzeski added that if the members feel strongly enough, they can bring their alternative(s) before the Planning and Zoning Commission for consideration.

AJOURNMENT: Mr. Adajian moved to adjourn the Regular Meeting of the Zoning Board of Appeals at 9:13 p.m. Mr. Kerr seconded the motion. The motion passed unanimously, 5-0-0.



DRAFT MINUTES

Zoning Board of Appeals
Special Meeting
Monday, November 30, 2015 at 7:30 pm
Library Community Center, Room B
40 Dyer Avenue, Canton, Connecticut

CALL TO ORDER: Chairman Brainard called the Special Meeting of November 30, 2015 to order at 7:30 p.m.

PRESENT: Robert Brainard, Christopher Kerr, Guerry Dotson, Gary Adajian, and Walter LeGeyt (Alternate)

ALSO PRESENT: Recording Secretary Jennifer Scott

Mr. LeGeyt was seated as a Regular Member by R. Brainard.

A quorum of the Commission is present.

MODIFICATION TO THE AGENDA: None

REMARKS BY CHAIR: None

PUBLIC HEARING

READING OF THE LEGAL NOTICE: Read by Mr. Brainard

1. **File #2015-10;** 23 Canton Valley Circle; Assessor's Map 31; Parcel 1670023; Zone R-2; Variance from Section 3.4.E.1, Minimum Yard Setbacks for Principal Structures; Reduction of side yard setback by six feet for an 841 +/- square foot attached garage; Jennifer Pirro, applicant; Jennifer Pirro and Michael Mulhall, owners.

Commissioners Seated: Robert Brainard, Christopher Kerr, Guerry Dotson, Gary Adajian, and Walter LeGeyt

The applicant/ owner, Jennifer Pirro, sat before the members to present her application. Mr. Brainard reminded her that she must prove a hardship in this case in order to be granted the variance. He also informed Ms. Pirro of the steps she must take to obtain her permit if her requested variance is granted.

Ms. Pirro stated that she wishes to construct an attached garage in front of her bonus room on the right side of her home if you were viewing it from the street. She said that the garage cannot be positioned behind the bonus room because that area has been designated as a flood zone. She also stated that the garage could not be built on the left side of the house because that is where her well is located. The proposed addition will be within the minimum front yard setback requirement but will encroach on the side yard setback by six feet.

Mr. Dotson asked Ms. Pirro if she had discussed this with her neighbors and gotten letters stating that they are agreeable to the construction of her proposed garage. Ms. Pirro said that her neighbor to the right does have a letter but she was unable to pick it up from her today.

Mr. Brainard noted that Ms. Pirro's lot is not perfectly square. As you get closer to the road, the lot gets narrower. Mr. Brainard asked Ms. Pirro if the FEMA flood zone designation precludes her from putting an accessory building like a shed in the area behind her home. She answered that she has a shed in the back and the surveyor did not take issue with its location. Mr. Brainard said that in 1955 when Ms. Pirro's home and neighbor's homes were built, the minimum side yard setback would have been 10 feet instead of the current 20 foot minimum. He asked Ms. Pirro if the other homes in her neighborhood have garages located as close to their property lines as what she is requesting. Ms. Pirro replied that they do and that her property is one of the only houses in the neighborhood without a garage and she also has one of the largest lots. Mr. Brainard and Ms. Pirro agreed that the construction of her proposed garage would be in keeping with the other properties in the neighborhood.

Mr. Brainard confirmed the hardships in this case with Ms. Pirro. He said that the garage that she needs cannot be built on the left side of the home because it is already non-conforming. The rear of the home is not possible for the addition because it's located in a flood zone. The only place left available for the garage would be on the right side of the home. He added that the small size and odd shape of Ms. Pirro's lot makes it difficult to expand without encroaching on the minimum side yard setback requirement.

MOTION: Mr. Adajian moved to close the Public Hearing for File #2015-10; 23 Canton Valley Circle. Mr. LeGeyt seconded the motion, which passed unanimously, 5-0-0.

REGULAR MEETING

PUBLIC HEARING ACTIONS:

1. **File #2015-10;** 23 Canton Valley Circle; Assessor's Map 31; Parcel 1670023; Zone R-2; Variance from Section 3.4.E.1, Minimum Yard Setbacks for Principal Structures; Reduction of side yard setback by six feet for an 841 +/- square foot attached garage; Jennifer Pirro, applicant; Jennifer Pirro and Michael Mulhall, owners.

MOTION: Mr. Brainard moved to grant the requested six foot side yard variance for File #2015-10; 23 Canton Valley Circle which shall be located on the right side of the residence if viewing the property from the street. This variance is only granted for the purpose of constructing the attached garage as shown on the drawing submitted by the applicant entitled "First Floor Plan" and signed by Chairman Brainard. The hardships in this case are the location of the house on the lot, the flood zone being situated in the rear of the lot, and the irregular shape of the lot. Mr. Dotson seconded the motion. The motion passed unanimously, 5-0-0.

OTHER BUSINESS

1. Discussion of Standard Zoning Enforcement Procedures

Mr. Brainard stated that the Planning and Zoning Commission has requested a Special Meeting with the Zoning Board of Appeals this coming Wednesday, December 2, 2015. He said that he thinks that the ZBA members should only attend if all of them can agree on what problems they see with the current Standard Zoning Enforcement Procedures and on possible solutions to those problems. Mr. Brainard distributed a memo he recently drafted and read it to the members. The memo explained the issues the ZBA has identified with the current Standard Zoning Enforcement Procedures and have been discussing for several months. Mr. Brainard said his plan is to read this memo aloud at the Special Meeting this week so long as the ZBA members agree with and approve its content. All of the members thought Mr. Brainard's memo covered all of their concerns and were in agreement that it should be presented to Planning and Zoning as is.

The group briefly discussed their thoughts on assigning different fine values to violators depending on the severity level of their violation. The majority of the members expressed that the fine should be

same for all violations regardless of severity and should be the maximum \$150 per day fine as is currently in place. They also discussed some flaws they see in the standard issue Notice of Violation letter and how it makes no reference to the violator's right to appeal to the ZBA.

2. Discussion of joint meeting with Planning and Zoning Commission

The members stated their intent to attend a Special Meeting with Planning and Zoning on Wednesday, December 2, 2015 to discuss the current Standard Zoning Enforcement Procedures.

AJOURNMENT: Mr. Adajian moved to adjourn the Special Meeting of the Zoning Board of Appeals at 8:32 p.m. Mr. Kerr seconded the motion. The motion passed unanimously, 5-0-0.