



## **AGENDA**

Zoning Board of Appeals  
Regular Meeting  
Monday, March 14, 2016 at 7:30 p.m.  
Community Center, Room B  
40 Dyer Avenue, Canton, Connecticut

### **CALL TO ORDER:**

### **ROLL CALL:**

### **PUBLIC HEARING**

1. **File #2016-1**; 20 Canton Springs Road; Assessor's Map 35; Parcel 1640020; Zone I; Appeal the decision of the Zoning Enforcement Officer from the Observation of Violation regarding unapproved vehicular storage, dated January 15, 2016; Steven Lingenheld, applicant; Kings Highway Associates, LLC, owner

### **REGULAR MEETING**

### **PUBLIC HEARING ACTIONS:**

1. **File #2016-1**; 20 Canton Springs Road; Assessor's Map 35; Parcel 1640020; Zone I; Appeal the decision of the Zoning Enforcement Officer from the Observation of Violation regarding unapproved vehicular storage, dated January 15, 2016; Steven Lingenheld, applicant; Kings Highway Associates, LLC, owner

### **NEW BUSINESS:**

1. **File #2016-2**; 146 Powder Mill Road; Assessor's Map 25; Parcel 4310146; Zone I; Section 9.7, Motor Vehicle Location Approval, Used Car Dealer and General Repairer License; Collinsville Auto Repair, LLC, applicant; Sack Properties, LLC, owner

### **OTHER BUSINESS:**

1. Approval of Meeting Minutes from February 22, 2016
2. Staff Report

### **ADJOURNMENT:**



## DRAFT MINUTES

Zoning Board of Appeals  
Special Meeting  
Monday, February 22, 2016 at 7:30 pm  
Library Community Center, Room F  
40 Dyer Avenue, Canton, Connecticut

**CALL TO ORDER:** Chairman Brainard called the Special Meeting of February 22, 2016 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:

**MOTION:** Mr. Brainard moved to modify the agenda to include a discussion of ex parte communication and recusal under "Other Business" of the Regular Meeting. Mr. Adajian seconded the motion, which passed unanimously, 5-0-0.

**REMARKS BY CHAIR:** None

### PUBLIC HEARING

**READING OF THE LEGAL NOTICE:** Read by Mr. Brainard

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

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

Renata and Russell Maglietti were in attendance to present their application. Mr. Brainard advised Mr. and Mrs. Maglietti that there are several items missing from the property map that was included within their application. He said that the items they are missing include boundaries, the width of an existing right of way, measurements reflecting the distance from the existing right of way to the location of the proposed garage, measurements reflecting the distance from the garage to the house, measurements for the location of the well and septic tank, measurements for the location of the stone wall, and the exact location of the proposed garage. Mr. Brainard said that the Zoning Board of Appeals must work with facts. He added that if a variance were granted, they must know specifically where on the lot the proposed garage will be located.

Ms. Anyzeski said that Mrs. Maglietti was sent an email by the Land Use office on February 6, 2016 that stated that her application was missing some items. Mrs. Maglietti replied that she did not receive such an email.

Mr. Brainard advised the applicants that they would need to obtain a survey of their property because their application contains so many “unknowns” as it currently stands. He said that the survey should include all of the items they have been advised are missing as well as the location of the proposed garage in relation to those items. Mr. Brainard told Mr. and Mrs. Maglietti that the Board could not grant their variance at this time but they could grant a continuance in order for a survey of their property to be completed. Mr. and Mrs. Maglietti opted for a 60-day continuance to give them sufficient time to have their property surveyed.

Ms. Anyzeski stated that she would reforward the email sent to Mrs. Maglietti by the Land Use office on February 6, 2016 which contains the list of items she needs in order to complete her application. Ms. Anyzeski said she would also mail a hard copy of the list to the applicants’ residence. Mr. Brainard recommended that in addition, Mr. and Mrs. Maglietti go to the Land Use office in person to find out exactly what items are outstanding.

**MOTION:** Mr. Brainard moved to continue the Public Hearing for File #2015-11; 145 Cherry Brook Road to the May 9, 2016 Regular Meeting. Mr. Kerr seconded the motion, which passed unanimously, 5-0-0.

## **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 9, 2015 and November 30, 2015**

**MOTION:** Mr. Adajian moved to approve the meeting minutes from November 9, 2015 as presented. Mr. Kerr seconded the motion, which passed unanimously, 5-0-0.

**MOTION:** Mr. Dotson moved to approve the meeting minutes from November 30, 2015 as presented. Mr. Adajian seconded the motion, which passed unanimously, 5-0-0.

#### **2. Discussion of Ex Parte Communication and Recusal**

Mr. Brainard updated the members on a discussion he recently had with the Land Use office regarding what qualifies as ex parte communication as it relates to a ZBA member. Mr. Brainard shared the Town Attorney’s recommendations relating to communications between members of the ZBA and members of the public. He said that the recommendation was that the ZBA members should advise members of the public (with or without current applications) to direct any and all inquiries to the Land Use office. Mr. Brainard also discussed situations where a conflict of interest may arise and it would be appropriate for a ZBA member to recuse themselves.

#### **3. Discussion of Standard Enforcement Zoning Procedures**

Ms. Anyzeski relayed that the PZC has elected not to make any additional changes to the Standard Enforcement Zoning Procedures at this time pursuant to the opinion of the Town Attorney.

#### **4. Staff Report**

Ms. Anyzeski advised Mr. LeGeyt that the applicable paperwork has been submitted and his status as Alternate Member should be changed to Regular Member very soon. She also said that there are currently two potential candidates looking to join the ZBA as Alternate Members.

#### **AJOURNMENT:**

**MOTION:** Mr. Adajian moved to adjourn the Special Meeting of the Zoning Board of Appeals at 8:14 p.m. Mr. Kerr seconded the motion. The motion passed unanimously, 5-0-0.