

TOWN OF SALISBURY
ZONING BOARD OF APPEALS
MEETING MINUTES
NOVEMBER 9, 2010
AND
MINUTES PUBLIC HEARING
FILE 10-388

Present: Chairman Jeff Lloyd, Vice Chairperson Lorna Brodtkorb, Steve Victory, Janet Lynn, Jean Bell Administrative Assistant, Public

Absent: Bob Riva, Rick DelPrete, Charlie Kelley

1. Chairman Lloyd called the meeting to order at 5:00 p.m. Chairman Lloyd noted Janet Lynn will fill in for Bob Riva. Chairman Lloyd asked for a motion to amend the Agenda. Under New Business need to add discussion of 2011 ZBA meeting time and dates and 2011 officers. S. Victory made a motion to amend Agenda, seconded by L. Brodtkorb and unanimously approved.
2. Chairman Lloyd asked for motion to approve minutes of October 12, 2010 and Public Hearing File 10-387. S. Victory motioned to approve minutes as written, seconded and unanimously approved.
3. Draft #3 of the proposed ZBA By Laws was circulated for review. Article XIII Attendance was discussed as well as Article IV Membership, Section 2.
4. Bob Riva arrived to the meeting at 5:04pm, Chairman Lloyd appointed Janet Lynn to fill in for Charlie Kelley.
5. Chairman Lloyd said he spoke with Attorney Steve Byrne regarding Alternate Member status. He was advised only 5 votes from the 5 seated members can be recorded once the Public Hearing has closed and the alternates cannot be part of the deliberation of the Public Hearing. There have been two Superior Court decisions that have overturned decisions of a ZBA, Connecticut Supreme Court has not ruled on this, only the Superior Court. Chairman Lloyd noted some towns, Sharon, CT mentioned, does not require their alternate members to be present at regular meetings. Present Draft of By Laws requires alternate members adhere to same attendance as voting members. L. Brodtkorb stated she believes the alternate members should adhere to same attendance and J. Lynn agreed. Discussion followed. It was agreed to amend Article XIII, Attendance to: "ZBA voting and alternate board members shall not miss more than three meetings per year. If they cannot meet this minimum requirement for attendance it will be the Chairman's discretion to ask member to resign. Members must notify the Chairman or Administrative Assistant of their impending absence." Article IV Membership, Section 2 will not be changed per recommendation of Attorney Byrne. Draft #4 of the By Laws to be reviewed at January 11, 2011 meeting and hopefully adopted.

6. Meeting Schedule for 2011 was discussed and agreed to meet the 2nd Tuesday of each month with the exception of March and December, no meeting. There are two Tuesday's that the Town Hall might be closed, so those meeting dates will be the following day. Attached to minutes are the meeting dates. Time will remain at 5:00 pm with Public Hearings at 5:30 p.m., Town Hall.

7. Chairman Lloyd tabled the election of officers until January 2011 meeting due to the absence of two members and also the possibility of a new alternate by the Democratic Town Committee.

8. Meeting adjourned at 5:17 p.m.

PUBLIC HEARING FILE 10-388

Present: Chairman Lloyd, L. Brodtkorb, S. Victory, B. Riva, J. Lynn, J. Bell
Administrative Assistant, Nancy Bruise ZEO, Attorney William Riiska, Margo Conte
Applicant, Mike Johnson.

Absent: R. DelPrete, C. Kelley

1. Chairman Lloyd opened the Public Hearing at 5:30 p.m. J. Lynn sitting in for absent member C. Kelley. J. Lynn read into the record the Legal Notice. It was noted the board has 65 days after the closing of the Public Hearing to make their decision.

2. Attorney Riiska representing Applicant Margo Conte spoke. M. Conte would like to build a garage on her property where an existing shed was. It was noted Mrs. Conte has had knee surgery and would like to have a garage on the same level as her house. The property has ledge and is sloped. The only place the garage can go is in the front yard. Garage to be 16 feet X 24 feet, 13 ½ feet high. The hardship of the property is how it slopes in the back and there is ledge. Attorney Riiska presented to the board to be put into the record a note from Mr. Hickey an abutting neighbor and a note from Holly Reid also an abutting neighbor stating they have no objection to the building of the garage in proposed location. Mrs. Conte noted she spoke with Amanda Perkins, abutting neighbor and she has no disagreement with the building of the garage.

3. Chairman Lloyd read into the record a letter from ZEO Nancy Bruise, dated October 15, 2010 regarding proposed garage and her reason for denying the application. Letter attached to these minutes.

4. S. Victory asked where was the previous shed located. Ms. Conte showed location on the map and noted the shed was there for over 30 years. Shed was removed over a year ago. S. Victory asked what handicap she has. She replied she has had double knee replacement. If garage was placed elsewhere the elevation of the land and a 4 foot hill to go up and down is a hardship. Attorney Riiska presented to the board and Chairman Lloyd read into the record a letter from Dr. Joseph Zuckerman, Orthopaedic Surgeon.

5. Chairman Lloyd asked ZEO Nancy Bruise if she had been out to the site. She said yes. She was asked in her opinion is there a place for the garage that would not require a variance. She said yes, another site was located which would require extensive blasting and excavation. It was noted by N. Bruise had it been one year or less since the shed had been removed Mrs. Conte could have added on to the conforming part of the shed towards the back. She noted Mrs. Conte was unaware of this at the time.

6. Chairman Lloyd asked if there was not another location in the driveway/parking area on the map where the garage can go. Attorney Riiska said no. Chairman Lloyd asked if any more discussion. Chairman Lloyd read into the record the letter from Holly Reid dated November 6, 2010 and a letter from James Hickey dated October 29, 2010.

7. Chairman Lloyd closed the Public Hearing at 5:47 p.m.

8. Chairman Lloyd asked for board members discussion. S. Victory noted the hardship of topography and medical issue. Discussion followed if it was necessary to have a garage. L. Brodtkorb noted the topography and the expense to blast and build at recommended site. B. Riva noted Mrs. Conte had done her due diligence to find a location suitable for the garage with setbacks. Shed was on this proposed location and it is a small structure. Discussion followed about rebuilding shed within one year of teardown. L. Brodtkorb asked what is the purpose of this zoning regulation. Discussion followed regarding hardships of property. Lorna read to board members last paragraph of page 54 of the ZBA guidebook prepared by Attorney Byrne. "However if a real hardship exists, and it can be alleviated by the granting of a variance without materially impairing the effect of the zoning regulations as a whole so as to be out of harmony with their purposes, then it is within the power of the board to grant the variance." Discussion followed.

9. Chairman Lloyd asked if members were ready to make a decision or table. Chairman Lloyd asked for a motion to vote on granting a variance to Section 422.2 concerning requirements for accessory building located to the front of the principal dwelling. S. Victory made a motion to accept the application and grant the variance, seconded and unanimously approved. L. Brodtkorb, S. Victory, B. Riva, and J. Lynn all voted yea.

Respectfully submitted,

Jean Bell
Administrative Assistant