

**New Hartford Zoning Board of Appeals
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Monday, August 21, 2019 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman Mary Lou Rayno, Bert Brander, Lew Chappel, Scott Goff, Paul Griffin, and Alternate John Wilhelm (7:03PM); Zoning Enforcement Officer Mike Lucas and Zoning Consultant Rista Malanca.

ABSENT: Alternate John Rouleau and Keith Schaufler.

Chairman Mary Lou Rayno called the meeting to order at 7:00PM. Mr. Schaufler and Mr. Wilhelm were seated for Mr. Chappel and Mr. Goff.

1. PUBLIC HEARINGS:

A. Todd Levesque/Owner – Special Exception – Map 013 – Block 004 – Lot 027 – 425 East Cotton Hill Road – Expansion of a Non-conforming Structure – Adding a Rear Deck.

Todd Levesque appeared before the Board regarding this application. It was confirmed that notice had been provided to the abutting property owners via certified mail. The legal notice for the public hearing was read into the record with it noted as having run the requisite two times in a local newspaper.

Mr. Levesque noted that his deck is currently 6'x10' and explained that he is looking to expand it 14' out and 22' across the back. Ms. Rayno questioned the distance the house is from the road. Mr. Lucas noted that the deck, the area where the expansion is planned, is 72' from the road. Mr. Chappel noted the house is 29' from the road. Mr. Chappel questioned whether the existing deck will be replaced. Mr. Levesque confirmed.

Discussion ensued regarding when a Special Exception is necessary and when it is not relative to replacement of non-conforming structures.

MOTION: Mr. Brander, Mr. Griffin second, to close the public hearing; unanimously approved.

2. PENDING APPLICATIONS:

A. Todd Levesque/Owner – Special Exception – Map 013 – Block 004 – Lot 027 – 425 East Cotton Hill Road – Expansion of a Non-conforming Structure – Adding a Rear Deck.

MOTION: Mr. Brander, Mr. Griffin second, to approve, as presented, the Special Exception for Todd Levesque at 425 East Cotton Hill Road, Map 013, Block 004, Lot 027 for Expansion of a Non-conforming Structure - to add a rear deck; unanimously approved.

3 NEW BUSINESS:

None.

4. OTHER MATTERS:

A. Discussion of By-Laws

The Board reviewed two sets of bylaws: the current version approved in 2008 as well as a proposed set recently created with Ms. Rayno's suggested revisions.

The Board agreed to strike Section 2.

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Revisions were made to Section 4 to read, "...as designated by the Planning and Zoning Commission per Connecticut General Statutes Section 8-20..." Ms. Malanca agreed to check that statute to ensure it is the correct one to use in this section.

Section 6 language should read, "...the Board hears appeals of the Zoning Enforcement Officer's decisions..."

The Board reviewed Article III Regular Members, specifically the proposed language regarding members appearing and speaking before other boards in town. It was agreed that the Board's land use attorney, Mark Branse, would be consulted about this.

Ms. Rayno noted that she has been regularly rotating the seating of alternate members. She noted that language had been added to provide for in the event of an absence, the seated member remains with the application until it has been decided.

The Board reviewed Article 5 pertaining to officers. They discussed how long the digital recording should be retained. Ms. Malanca reported that when she was employed by the Town, she saved all recordings on her computer, which is backed up to the server, and downloaded them onto a flash drive once a year and submitted them to the Town Clerk. She noted that the City of Torrington's recorder is connected directly to the server. Mr. Chappel questioned what the town's policy was with the retention schedule. They agreed that the bylaws should read that, "...the recording secretary shall record the meeting on an audio recorder and retain per statute..." They also agreed that language ought to be added to 4C to read, "...correspond the draft minutes to the Board members in a timely manner..." The Board agreed that the election of officers ought to be elected by the board members at the first meeting following the elections.

The Board agreed to change the inclusion of a time of 7PM for the meetings, to include "...or as otherwise noted on the agenda...". The annual schedule of meetings will be voted upon the members at the first meeting after the election. Ms. Malanca suggested that "...at their discretion engage in its decision-making process and render its decision of each application provided that the time frame in Section 8-7(d) of the Connecticut General Statutes is met..." be added.

Mr. Goff's suggestion that language including "...applications for variances must include detailed information regarding the unusual hardship involved..." was considered. Whether or not to request a survey for each application was discussed.

Certificate of mailing ought to replace certified mailings.

The consensus of the board was that there shall be no waiver of filing fees.

5. APPROVAL OF MINUTES: July 17, 2019.

MOTION: Mr. Chappel, Mr. Griffin second, to approve the July 17, 2019 Minutes; unanimously approved.

MOTION: Mr. Chappel, Mr. Brander second, to adjourn at 8:29PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**