

ZONING BOARD OF APPEALS REGULAR MEETING SEPTEMBER 1, 2005, 5:30 P.M.
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Chw. Annabel Resnisky, Martin Reardon,
Evelyn Russo, Judy Pehota, Leslie Adams, Jr.
John Voli

BOARD MEMBERS
PRESENT

Sara Vecchitto, Linda Reil

BOARD MEMBERS
ABSENT

Bill Warner, Director of Planning, Conservation and
Development, Brian Robinson, Zoning Enforcement Officer

STAFF

On motion and second by Board Members Martin Reardon
and Judy Pehota the Board approved the minutes of the
August 4, 2005 meeting. Vote was unanimous.

ITEM 2
APPROVED THE
MINUTES OF THE
8/4/05 MEETING

Jeanette Parrett summarized the application regarding the
variance to Section 21.02. Board Member Evelyn Russo
questioned the hardship. Board Member Judy Pehota
questioned if the five (5) lot subdivision could be recon-
figured to comply with the regulations. William Warner ex-
plained that the lot was approved on Randolph Road with
one hundred feet (100') of frontage on Wildwood Street.
On motion and second by Board Members John Voli and
Martin Reardon the Board closed the public hearing.
Vote was unanimous. Board Member Evelyn Russo supported
the variance to grant access to Wildwood Lane. On motion
and second by Board Members John Voli and Martin Reardon
the Board granted a variance to Section 21.02 with regard to
the lot area for a proposed rear lot in the R-15 zone at Lot #1Z
Wildwood Lane. Vote was unanimous. Applicant/agent
Jeanette Parrett ZBA2005-23

ITEM 3.2
GRANTED A
VARIANCE TO
SECTION 21.02
WITH REGARD TO
THE LOT AREA
FOR A PROPOSED
REAR LOT IN THE
R-15 ZONE AT
LOT #1Z WILD-
WOOD LANE

Erin Hassett summarized the appeal, stated that a zoning
and building permit were acquired and added that the
pool had been in place for three years and should be exempt
under Connecticut General Statute Section 8-13A. Chw.
Annabelle Resnisky questioned William Warner concerning
the Connecticut General Statute 8-13a regarding the three
year exemption. William Warner responded that the regulation
exempts buildings, however, the regulation does not clearly
exempt pools. Board Member Evelyn Russo questioned the
distance to the property lines and if it was indeed less than ten
(10') feet. Board Member Judy Pehota questioned the location
of the boundary line. Board Member Evelyn Russo questioned
if the City inspected the pool. Erin Hassett stated that the Build-
ing Inspector did inspect the pool. William Warner stated that
a zoning inspector should have inspected the pool. From the

ITEM 3.3
TABLED AN APPEAL
OF A DECISION BY THE
ZONING ENFORCEMENT
OFFICER REGARDING A
SWIMMING POOL
LOCATED IN THE RPZ
ZONE AT 36 MCKENZIE
STREET.

public, Kevin Hassett questioned the Connecticut General Statute exemption and believed that a building permit was granted and that the pool should be exempt. Dick Hassett stated there is also a three-year statute on negligence for the contractors who installed the pool. A neighbor two houses down does not believe that the pool is causing any problems. Al Fazzino opposed the application for appeal and stated that the pool drain was draining into his yard. Al Fazzino stated that he inquired about the pool starting in the fall of 2004 and filed a complaint in the spring of 2005. Chw. Annabel Resnisky read a letter from a neighbor on Frissell Street from Ms. Fowler opposing the location of the pool. Board Member John Voli questioned the fee to install the pool. Board Member Judy Pehota questioned if a drain could be installed to correct the drainage issue. Erin Hassett restated that the Building Department did inspect the pool. On motion and seconded by Board Members John Voli and Judy Pehota the Board closed the public hearing. Vote was unanimous. Board Member John Voli stated that the Connecticut General Statute does appear to apply. Board Member Judy Pehota recommended tabling the decision to next month's meeting and to have the neighbors come to a compromise. Board Member Evelyn Russo stated the Board should only consider if the Connecticut General Statute does apply and recommended having the City Attorney determine if an above ground swimming pool is exempt. Board Member John Voli questioned what structures require permits and if the Zoning Enforcement Officer inspects pools. On motion and second by Board Members Judy Pehota and Evelyn Russo the Board tabled an appeal of a decision by the Zoning Enforcement Officer regarding a swimming pool located in the RPZ zone at 36 McKenzie Street, requested that the City Attorney make a determination as to whether a pool is exempt under Connecticut General Statute Section 8-13a and recommended that if the pool is not exempt that the neighbors negotiate an agreement. Vote was unanimous. Applicant/agent Erin C. Hassett ZBA2005-24

Joanne Musumeci summarized the application for a variance and stated that the boundary lines were not clearly known. The neighbors had their property surveyed and the survey indicated the Musumecis' shed was located on their property. William Warner stated that the retaining wall is a civil matter but that a variance would be required for the pool and deck. Joanne Musumeci stated that the old neighbor did not care about the shed and thought the property line was further to the north. On motion and second by Board Members Evelyn Russo and John Voli the Board closed the public hearing. Vote was unanimous. Board Member Evelyn Russo supported the variance

ITEM 3.4
GRANTED A VARIANCE
TO SECTION 21.02 WITH
REGARD TO THE SIDE
YARD REQUIREMENTS
FOR AN EXISTING SWIM-
MING POOL AND DECK
IN THE R-30 ZONE AT 47
ARBUTUS STREET

for the pool and deck. Board Member Judy Pehota stated that the topography does create a hardship. On motion and second by Board Members John Voli and Martin Reardon the Board granted a variance to Section 21.02 with regard to the side yard requirements for an existing swimming pool and deck in the R-30 zone at 47 Arbutus Street. Vote was unanimous.
Applicant/agent David and Joanne Musumeci ZBA2005-25

There was no Old Business.

ITEM 4
OLD BUSINESS

There was no New Business.

ITEM 5
NEW BUSINESS

On motion and second by Board Members Martin Reardon And John Voli the Board adjourned at 6:55 p.m. Vote was unanimous.

ITEM 6
ADJOURNMENT

Respectfully submitted,

Brian Robinson
Zoning Enforcement Officer