

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS, MEETING HELD ON MONDAY, APRIL 3, 2017 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE, CT 06410

Present:

Ken Wilson, Chairman; Marion Nero, Secretary; Breina Schain, Gerald Devine, John Pepper

Absent: Agnes White, Jackie Cianci, Richard Formica

Staff: David Kehoss, Zoning Enforcement Officer

I. CALL TO ORDER

Chairman Wilson called the meeting to order at 7:31 p.m. and read the fire safety announcement for the record.

II. ROLL CALL

The clerk called the roll.

Mr. Devine is the alternate for the meeting.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined.

IV. PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES

MOTION: A motion was made by Mr. Pepper to accept the minutes of the March 6, 2017 meeting and seconded by Mr. Devine with the following correction: on page 7 second paragraph the wording should be "applicant is not encroaching" not "applicant is no encroaching".

VOTE: The motion passed unanimously by those present.

VI. PUBLIC HEARING

Chairman Wilson began by explaining to everyone the procedures of the public hearing. He said that this will be an open public hearing during which time the applicant will present his application, there will be back and forth questioning and

The board members reviewed the application and drawings. An as-built survey was submitted with the application. Letters of notification about the public hearing were sent to abutting neighbors and a copy of the letter was submitted for the file. There was response from one neighbor, Paul & Gretchen Cahill, 740 South Meriden Road, Cheshire, CT 06410. The letter was read to the committee.

Timothy Mellitt, 35 Colton Lane, Cheshire, CT presented his application. He began by explaining to the committee that he and his family had moved here from North Carolina and they chose Cheshire because it was close to family that live in Wolcott and Southington. He felt that when they built this home it would be their dream home and he required the builder to make sure he had a flat piece of property and a large back yard so there could be a basketball court and a pool. When he went to Brothers Pools to discuss the pool neither he nor the man from Brothers Pools realized that a variance was needed. He said he wanted the location to be so that when the pool was in use it could be viewed from the house at all times for safety reasons. Mr. Mellitt also felt that if the pool were closer to the house it would not be safe because it would be too close to the house. He felt the hardship is for safety because he can see the pool better if it were further away from the house. He said he has the support of his neighbors and has notified all that are concerned. Mr. Mellitt also referred to the pictures that were submitted to show the committee just where the pool would be located.

Chairman Wilson once again reminded the applicant that it is his duty to show that there is a hardship and to show the committee why he cannot place the pool in another location.

Mr. Mellitt was asked about the septic system and where it was located. He was also asked about the retaining walls in the front of the property. He said the walls were decorative and the septic system is in the front of the property.

Ms. Schain visited the property but said she could not really see the area where the pool would be located.

Chairman Wilson asked the applicant if he could move the pool. The applicant said he could move it to the right side of the house but then could not see the pool as well as if it were in the rear of the yard.

Mr. Devine asked the applicant where there would be water discharge and was told that there is a wooded area on the property and the water would go there as it does now during a rainstorm. Mr. Mellitt said the water flows toward the woods.

Ms. Schain asked about the depth of the pool and was told it will be from 4' to 8'. She also asked the applicant about putting in a window on the side of the house if the pool were to be moved.

The applicant said he could put in a side window but it would be not the same as having many windows in the rear of the house.

Ms. Schain asked how old the children were. She was told that there are four children and they range for age 14 to 20. Ms. Schain then suggested mirrors. The applicant said he had not looked into mirrors.

The applicant also explained to the committee that the children are older but he would want to keep an eye on them when they are in the pool especially if they have friends in the pool.

Chairman Wilson asked if there was anyone from the public that would like to make any comments at this time. There were none.

Chairman Wilson invited Mr. Mellitt, the applicant, to summarize his application focusing on the hardship.

Mr. Mellitt once again told the committee that when he had the builder build this house for his family he stressed that he wanted a flat piece of land and that he wanted to have a pool there. If the pool were to be built in the back he could safely watch his children, their friends, neighbors and future grandchildren while they were in the pool.

Chairman Wilson thanked Mr. Mellitt for his response to questions and concerns.

CHAIRMAN WILSON CLOSED THE PUBLIC HEARING.

The board recessed for two minutes.

Mr. Pepper felt that the builder didn't plan very well and couldn't see a hardship.

Ms. Nero said she also didn't see a hardship in this case.

Ms. Schain said she agreed with the chairman and thought that by granting the variance it would give the applicant a special privilege.

Mr. Devine said he felt that there was a problem created when the house was set up and the location of the septic system and propane tanks. He said he would be inclined to vote in a positive way for the applicant.

VOTE: In favor – 1; Opposed – 4 The Motion did not pass and the variance was not granted.

VIII. Other Zoning Board of Appeals Business

There was no other business for the Zoning Board of Appeals.

IX. ADJOURNMENT

MOTION by Ms. Nero; seconded by Mr. Devine

VOTE: The motion passed unanimously by those in attendance.

Attest:

Patricia W. Kuzmak, clerk

