**Zoning Board of Appeals**

MINUTES

Public Hearing – Regular Meeting

**January 21, 2016**

7:30 p.m. Main Level Meeting Room

**MEMBERS PRESENT:** Ms. Roberts, Mr. Wyant, Mr. Peterson,

 Mr. Bowman

**MEMBERS ABSENT:** Mr. Catlin

**ALTERNATES PRESENT**: Ms. Kaplan, Mr. Wildman

**STAFF PRESENT:** Mr. Ajello, Ms. Pennell

**ALSO PRESENT:** Mr. Iyke, Ms. Miller, Mr. Ziobron, Mr.

Giardina, Mr. Nezames, Mr. and Mrs.

 Tiernan, Mr. Barnett, Ms. Douglass,

 Mr. Bennett

 Ms. Roberts, Chairman, called the Public Hearing to

 order at 7:35 p.m.

 Prior to beginning the Public Hearing, Ms. Roberts

 clarified that the matter before the Board is for the

 variance for the two slivers of land that relate to the

 culvert repair and not for consideration of the overall

 State Highway Project. Ms. Roberts noted that the State

 has scheduled a Public Informational Meeting for March

 2, 2016, with a snow date of March 9, 2016, at which

 time the neighbors will have an opportunity to voice

 their concerns with this project.

 Ms. Roberts did request that the State withdraw these

 two applications and reschedule for the Board’s March

 meeting, after the Public Informational Meeting. Mr.

 Iyke replied that this was not possible due to the State

 seeking to obligate the Federal funds for this project

 this fiscal year and their schedule would not allow

 this.

**PUBLIC HEARING:**

**ZBA-1006- Request of State of Connecticut Department of Transportation, 103 Blackville Road, Washington Depot, CT for an Application for Variance/Zoning Regulations, Section(s) 11.3.3 (minimum lot size).**

 Seated: Ms. Roberts, Mr. Peterson, Mr. Wildman, Mr.

 Wyant, Ms. Kaplan

On behalf of the State of Connecticut Department of Transportation Division Rights of Away, Mr. Robert W. Ike, supervisor with the Department, was present representing this application. Along with Mr. Ike from the Department of Transportation were Ms. Michelle Miller, representative from the Division of Rights of Way, Mr. Nicholas Giardina, Manager of Transportation, Mr. Justine Zioboron, Senior Engineer, Mr. Theodore Nezames, Manager of Bridges.

The above staff members from the State of Connecticut Department of Transportation presented drawing No. S-02, Final Design Review Plan, dated 01/21/16 and drawing No. HWY-04, Roadway Plan, dated 01/21/16.

Mr. Nezames stated the Department of Transportation (D.O.T.)will be replacing the bridge. He stated this is necessary because of the degree of structure deficiency. Mr. Nezames stated that the bridge is also hydraulically inadequate, as the openings of the existing pipes are not large enough to carry the current storm water. He referred to the maps mentioned above showing the areas in question. (The public was invited to come up to the table to view the map). Mr. Nezames noted that this project will not involve closing the road for a very long time. Excavation will be involved. With regards to the neighbor’s concerns with the State straightening the road and causing traffic speed to increase, Mr. Nezames explained the D.O.T. is not changing the geometry of the road very much. He discussed the improvement to site lines, modifying the curves, moving the road to the South, the width of the road, etc. (using maps to address further questions from the Board and the public). Mr. Giardina addressed questions regarding what the guardrails will be made of and how they will be placed.

Ms. Roberts asked Mr. Iyke if anything on these maps has changed from the initial maps submitted. Mr. Iyke replied nothing has changed with plans or maps.

Mr. Tiernan, property owner to 109 Blackville Road, asked the question regarding the State’s original mention of moving two utility poles. Mr. Nezames

informed Mr. Tiernan that these weeks are no longer necessary, as shut offs were able to be installed by the utility company.

Mr. Tiernan voiced his concern with the site lines near his driveway and moving his fence back a number of feet. Mr. Tiernan stated the further back it is moved, the more compromised site lines for his driveway are. Mr. Giardina referred to drawing No. HWY-04, Roadway Plan, dated 01/21/16, to address Mr. Teirnan’s questions. Mr. Giardina did note that it will be necessary to move the fence and plantings on Mr. Tiernan’s property back a bit.

Mr. Barnett, property owner on Sabbaday Lane, inquired if the State did any calculation of how many additional feet of site line involved. Mr. Nezames replied they have indeed done this. Discussion continued between Mr. Barnett and the representatives of the Department of Transportation regarding the specifics of the site lines and how the project will improve them. (Audio was not clear due to maps being moved and individuals not speaking loud enough.)

Mr. Nezames noted that the original designs were changed as best as possible in order to accommodate most of the resident’s concerns which had been voiced. Mr. Nezames stated that this project will begin in Spring 2016. He stated that the project will end in the Fall of 2016 (with the road closure estimated to be about 2 weeks).

Ms. Roberts asked if Ms. Douglass was present, owner of 103 Blackville Road. Ms. Douglass was present and is in favor of the bridge being repaired, as her home almost flooded. However, Ms. Douglass does not want to lose land area.

Ms. Roberts asked Ms. Douglass if she would prefer an easement on her parcel of property or for the State to own it. Ms. Douglass stated she prefers the State to own it.

Discussion continued with regards to the options Ms. Douglass had with regards to her property. Mr. Iyke explained that the State can have an easement or can purchase the section of land from Ms. Douglass. Mr. Bowman raised the question of liability in the event of an accident on this parcel of property with respect to the property owner owning the land vs. having the State have an easement. Mr. Iyke explained that in most cases such as this one, property owners prefer that the State owns the land as they assume responsibility for this property and the homeowner would not be sued if an accident did occur.

Ms. Roberts asked if there were any further questions. None noted.

**MOTION:** To close the Public Hearing ZBA-1006- Request of State of Connecticut Department of Transportation, 103 Blackville Road, Washington Depot, CT for an Application for Variance/Zoning Regulations, Section(s) 11.3.3 (minimum lot size). By Ms. Kaplan, seconded by Mr. Wyant, passed 5-0.

Ms. Roberts stated her support for the project. She feels the State has done a good job in taking a minimal amount of land necessary to complete this project.

Mr. Peterson stated he feels the State has also done a good job taking all concerns into account and is in favor of the application.

Mr. Wyant is not in support of this application, stating that he feels the Board is “rubber stamping it” and that the neighbors need to be protected with regards to this project.

Mr. Wildman is in support of the application and agrees with Ms. Roberts.

Ms. Kaplan is in favor of the application and feels the State has been sensitive to the community’s needs and concerns.

**MOTION:** To approve ZBA-1006- Request of State of Connecticut Department of Transportation, 103 Blackville Road,Washington Depot, CT for an Application for Variance/Zoning Regulations Section(s) 11.3.3 (minimum lot size). By Ms. Roberts, passed 4-1.

**ZBA-1007- Request of State of Connecticut Department of Transportation, 109 Blackville Road, Washington Depot, CT for an Application for Variance/Zoning regulations, Section(s) 11.3.3(minimum lot size).**

**Seated:** Ms. Roberts, Mr. Peterson, Mr. Wildman, Mr. Wyant,

 Ms. Kaplan

Ms. Roberts asked Mr. Tiernan if he would prefer an easement on his parcel of property or for the State to own it. Mr. Tiernan stated he prefers the State to own it

Ms. Roberts asked if there were any further questions. None noted.

**MOTION:** To close the Public Hearing ZBA-1007- Request of State of Connecticut Department of Transportation, 109 Blackville Road, Washington Depot, CT for an Application for Variance/Zoning regulations, Section(s) 11.3.3(minimum lot size). By Ms. Roberts, seconded by Mr. Wyant, passed 5-0.

Board members shared their same views on this application as they did on ZBA-1006.

**MOTION:** To approve the Public Hearing ZBA-1007- Request of State of Connecticut Department of Transportation, 109 Blackville Road, Washington Depot, CT for an Application for Variance/Zoning regulations, Section(s) 11.3.3(minimum lot size). By Ms. Roberts, passed 4-1.

**OTHER BUSINESS**:

**MOTION**: To accept the minutes from the December 17, 2015

 meeting as submitted. By Ms. Roberts, seconded by

 Ms. Kaplan and passed 5-0.

**MOTION**: To adjourn the meeting at 9:45 p.m. By Ms. Roberts,

 seconded by Mr. Peterson, passed 5-0.

**SUBMITTED SUBJECT TO APPROVAL**

BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Donna Pennell, Land Use Clerk

 January 21, 2016