



TOWN OF MIDDLEBURY

Zoning Board of Appeals

MINUTES

ZONING BOARD OF APPEALS MEETING

Wednesday, November 04, 2015 – 7:30 p.m.

Shepardson Community Center Room

Present: David G. Alley, Chairman
Ken Long
Ray Caruso
Bill Bellotti
Brian Proulx
Linda Herrmann, Alternate
Bernie Evans, Alternate

Also Present: Rachel Primus, Recording Clerk

Excused

Absent: D.J. Mahoney, Alternate

Call to Order with Pledge of Allegiance

The meeting was called to order by David Alley at 7:30 p.m.

Seating with Regular Members

The regular members present were seated.

Approval of May 06, 2015 Zoning Board of Appeals Meeting Minutes

VOTED: Unanimously with a motion by Bill Bellotti and seconded by Brian Proulx to **APPROVE** the May 6, 2015 minutes as presented.

Public Hearing

Appeal # 3169-David Hennessy 79 Hawley Road, Oxford, CT 06478-Seeking a variance from Section 11 of the Middlebury Zoning Regulations to divide a single lot into two lots not leaving the minimum 150 foot square on either lot. The subject property is 269 Kissawaug Road, Middlebury, CT. The applicants state that the Hardship is to allow the transfer of two separate lots to two adult daughters to live and reside. The variance is needed because of the angle of the town roads. The variance area is within proposed open space.

VOTED: Unanimously on a motion by Brian Proulx and seconded by Ken Long to **ACCEPT** Appeal #3169.

David Alley read Appeal #3168 into the record.

VOTED: Unanimously on a motion by Ken Long and seconded by Bill Bellotti to

OPEN the public hearing.

David Hennessy, applicant, explained to the board that he is looking to subdivide the lot. One lot would be conforming and the second lot would be non-conforming and would encroach on the open space due to the lot angles and location of roads. He would like to have the opportunity to gift these lots to his adult daughters. Brian Proulx asked how long Mr. Hennessy has owned the property. Mr. Hennessy stated he bought the property in 2008, lived there for a year, then due to the expansion of his family he moved. David Hennessy stated the lot subdivision is off by about 10 feet. David Alley asked where the location of the leach fields was. Mr. Hennessy showed the location on the presented plans. He noted the house has a private well, but there is public water available. Ken Long referenced Section 8.2.1 of the Zoning Regulations which stated the plans should show where the proposed house would be located as well as the sewer plans. He also noted that if they take land from the Open Space as part of a building lot you will not have a legal building lot per the regulations. He noted he would like to get clarification from the Zoning Enforcement Officer. He stated the applicant may give the town money in lieu of the open space. Mr. Long said he would like to make a proper decision for them and would need to see the proposed building size, driveway cut, and location of leach fields. David Alley suggested they keep the Public Hearing open until next month's meeting so they can get the answers from the ZEO. Mr. Hennessy said he would revise his plans, and submit them to the ZEO.

VOTED: On a motion by Ken Long and seconded by Bill Bellotti to **CONTINUE** the Public Hearing until the December meeting.

New Business

None

New Applications

None

Other Business

None

Correspondence

None

Adjournment

VOTED: Unanimously on a motion by Brian Proulx and seconded by Ken Long to **ADJOURN** the meeting at 7:50 p.m.

These minutes are submitted subject to approval.

Respectfully submitted,

Rachel Primus

Recording Clerk

ZBA Members

CC: Town Clerk, Barbara Whitaker, Z.E.O.