



# **TOWN OF MIDDLEBURY**

## *Zoning Board of Appeals*

### **MINUTES**

### **ZONING BOARD OF APPEALS REGULAR MEETING**

### **Wednesday, August 4, 2021 – 7:30 p.m.**

### **Shepardson Community Center**

### **Room 26**

**Present:** Joe Mancini  
Candice Graziano  
Linda Herrmann, Alternate  
Bryan Ferrucci, Alternate

**Also Present:** Curt Bosco, ZEO  
Rachel Primus, Recording Clerk

#### **Excused**

**Absent:** Brian Proulx  
Ray Caruso  
Tom Ford, Alternate

#### **Call to Order with the Pledge of Allegiance**

The meeting was called to order by Joe Mancini, with the absence of a chairman at 7:34 P.M.

**VOTED:** Unanimously on a motion by Candice Graziano and seconded by Linda Herrmann to **APPOINT** Joe Mancini as acting Chairman.

#### **Seating with Regular Members**

The regular members present were seated and Joe appointed Linda Herrmann a regular voting member in place of Ray Caruso and Bryan Ferrucci in place of Brian Proulx.

#### **Approval of November 4, 2020 Regular Meeting Minutes**

**VOTED:** Unanimously on a motion by Candice Graziano and seconded by Linda Herrmann to **APPROVE** the November 4, 2020 regular meeting minutes as presented. Bryan Ferrucci abstained.

#### **Public Hearing:**

**Application #3191** – Susan and Brandon Nappi, 13 Stevens Road – Seeking a variances from Section 11, maximum lot cover of the Middlebury Zoning Regulations allowing maximum lot coverage of 16.48% rather than the limit of 10%.

Joe Mancini read Appeal #3191 into the record. He noted that it was published in the Voices newspaper on July 21<sup>st</sup> and July 28<sup>th</sup>. He said that both certificates of notification from the paper are in the record. Joe noted a letter was received from Kevin and Christine Harris, 25 Stevens Road on August 3<sup>rd</sup>. He read the letter into the record. The letter was in favor of the approval for the addition.

Attorney Kevin McVerry, 35 Porter Avenue in Naugatuck, was present representing the applicant, as well as the architect Hugh Sullivan. Attorney McVerry explained Stevens Rd is a quiet street. The house was built in 1937 and the Nappi's have been living in it since 2008. They are looking to construct an addition on the back of the house for Mrs. Nappi's parents to

move in to. Attorney McVerry submitted photos of the property into the record. He said the lot is in an R40 zone and is a 12,000 sq ft narrow lot. They are proposing a 2 car garage underneath the addition. There will be allowed access on the ground level. He explained there are woods at the back of the property and wetlands, which they may need approval for if this appeal is granted. Attorney McVerry explained this lot pre-dates zoning. He said that it meets all the setback requirements. The addition will be 30x24 and will consist of 2 ½ rooms and a bathroom. The Nappi's have 2 children and the current home has 3 bedrooms. There is no additional space for the parents. He explained that the house on the left received a variance in 2010 for an addition to the left side of the house.

Hugh Sullivan, architect with an office in Southbury noted the Nappi's hired a land surveyor and the report is included in the packets. An A2 survey was done and it confirms all the regular setbacks and zoning information for an R40 lot. They chose the location for the addition as to not have to ask for a rear or side yard setback. The proposed addition is for a 2 car garage with level access. The addition is for 2 bedrooms and bathroom only, it will not be an accessory apartment. There will be no kitchen. There will be access to a reading nook with a connector to the main home. He said they will mimic the detail of the existing home. Mr. Sullivan said the bay windows will match the existing home as well.

Linda Hermann noted the floor plans show a door at the ground level and the second level appears to be a door as well, but is labeled a window. Mr. Sullivan said that it is a door and was miss labeled.

Mrs. Nappi noted they are proposing 2 bedrooms because her father requires a hospital bed. Attorney McVerry said the doors and bathroom are all handicap accessible.

Linda Hermann said it looks straight forward and felt it was very nice they were doing this for their parents.

**Public Comment:**

Kevin Harris, 25 Stevens Road, said he had submitted the letter, and he feels it is a wonderful thing for them to do. He said that Susan's parents are the nicest people in the world. He thinks this is a really good thing.

**VOTED:** Unanimously on a motion by Candice Graziano and seconded by Linda Hermann to **CLOSE** the public hearing at 7:55 PM.

**Old Business**

None

**New Business**

**Discussion/Decision regarding Appeal #3191**

Candice Graziano said she thought it was a good thing that the setbacks are still met, and she has no objections. Joe Mancini said he stopped by the property tonight and he thought it was a nice area. Linda Hermann asked if the addition will stay in character with what is in town currently and if the lot coverage was unreasonable. Curt Bosco said it is far beyond 60% lot coverage. Brian Ferrucci said he doesn't feel there are any other options for them. Curt said the Mylar will be filed with the town clerk and the certificate of variance will reference whatever the town clerk assigns for the appeal. Joe Mancini said the hardship is the pre-existing non-conforming lot of 11,765 sq ft which was created and has existed prior to current lot size requirements of 40,000 sq ft which creates a very restrictive impact on use.

**VOTED:** Unanimously on a motion by Linda Hermann and seconded by Candice Graziano to **APPROVE** Appeal #3191 as presented.

Roll call vote: Candice Graziano voted to approve.

Joe Mancini voted to approve.  
Linda Hermann voted to approve.  
Brian Ferrucci voted to approve.

**Correspondence**

None

**Adjournment**

**VOTED:** Unanimously on a motion by Candice Graziano and seconded by Linda Herrmann to  
**ADJOURN** the meeting at 8:04 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.