

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS

March 4, 2021

1. **Roll Call**

Commissioners Present

Commissioner Bechter
Commissioner Karanian
Chairman Pane
Commissioner John Bachand-A
Commissioner Sharon Dunning-A

Commissioners Absent

Commissioner Eksrom-Excused
Commissioner Hutvagner-Excused
Commissisoner Igielski-A-Excused

Commissioner Bachand was seated for Commissioner Ekstrom and Commissioner Dunning was seated for Commissioner Hutvagner.

Commissioner Bechter moved to seat the alternates with the motion being seconded by Commissioner Karanian. The vote was unanimously in favor of the motion, with five voting YEA.

Chairman Pane: Before we start, I want to let everyone know how the ZBA meetings are run. There are two parts to the meeting, the first is a public session and the petitioner will speak to us, state their name, address and what the hardship is. After the petition is heard anyone from the public may come to the mike, well, may speak and express whether they are for or against the petition.

After that, the public part of the meeting will be closed. During the work session, the public may listen, but they cannot comment. If the petitioner does stay on, they can listen and see what happens with the work session, if not, they can always call the Building Department tomorrow and they will let you know what the decision was. This meeting is different because we are doing it through Zoom, so if we could hear the public hearing petition.

Erik Hinckley: I can read the legal notice as posted if that works for you Nicole.

Chairman Pane: Thank you Erik, I appreciate it.

2. **Public Hearings**

- 2.1 Petition 00-21-01: Mark and Lisa Loffredo are Requesting a variance from Section 4.5 Table A to allow an Accessory Structure to be located in the side of the principal building at 129 Main Street in Newington.

Chairman Pane: We have Mark and Lisa on as well?

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Chairman Pane: If you could just state your name and address for us, then go ahead and speak.

Lisa Loffardo: This is Mark and Lisa Loffardo from 129 Main Street in Newington and we are asking that the committee consider a variance to allow a 14 x 20 sunroom to be placed next to our house. A structure of this size, this dimension can't be added behind the house due to the placement of the house on the lot. The house is set at an angle and it's tucked into the corner of the property. You see on the first map here the house, our existing house and then the structure to the side of it and the proposed placement of the sunroom. You can see if we were to place that sunroom with those dimensions behind the house, it would cause the, the building would be at a very strange angle and/or too close to the existing house property line. With the house and the structure set back from the road, and then we are working with Kloter Farms to make this structure look as close to the color of the house, we're hoping that it will be pleasing enough to the eye for those who can see it from the road. Because we are set back so far from the road, it's not easily seen from the road, but because it is next to the house, we are asking for the variance.

Chairman Pane: Thank you very much. Does anyone have any questions for them, and if so, if you have a question, would you please state your name who is asking so we do have that for the record, I'd appreciate it.

Commissioner Karanian: I have a quick question. On the petition, you state you want to put in a shed, but you are stating that you want to put a sun room up?

Lisa Loffredo: We originally were looking at a shed, but then when we went to visit Kloter Farms, we saw this sunroom that basically has windows all around, and we really like the look of that, we thought that would be more aesthetically pleasing next to the house, so that is what we are doing to be putting in. It's not going to be a, like an outbuilding shed kind of thing. It's a sunroom.

Commissioner Karanian: My follow up question is to Eric, is there different regulations for sheds as opposed to sunrooms?

Erik Hinckley: No, it's unattached so it still qualifies as an accessory structure, which falls under the same section and table that we are reciting. If it were attached to the house, then it's a building addition, and that is different.

Commissioner Karanian: You can't use it to live it?

Erik Hinckley: No, I wouldn't recommend it, not my call, but would be another zoning violation and we don't want that.

Commissioner Dunning: I have a question. So is there going to be like a breezeway or how, you are going to go outside of the house and enter to the, a separate entrance to the shed, or sunroom?

Lisa Loffredo: Yes, correct. There is no breezeway, it's a separate structure.

Commissioner Dunning: What is the difference if the sunroom is positioned at this location and the zoning between your home and the next property, is that the proper distance from the next property?

Mike Loffredo: The next property is very far away, we have 2.4 acres and most of that property is on that particular side.

Lisa Loffredo: As you can see on the map, there are no other homes on that side.

Commissioner Dunning: I was just concerned about the property line and the variance, just making sure that it doesn't abut another property line or anything.

Erik Hinckley: As they demonstrated on the plan, that will satisfy all zoning regulations for setbacks in that location.

Commissioner Dunning: Okay, thank you.

Chairman Pane: I have a question. What size is the sunroom going to be, because it did state that it changed, and then I know that you stated that it was going to be a 14 x 20, but I do see a 12 x 30, and then it changed to I think a 12 x 20 at some point.

Lisa Loffredo: We're asking for a variance for a 14 x 20. The 12 x 30 was because of the example that Kloter Farms had printed out, which is kind of their standard, because those sunrooms can be made up to 30 feet.

Erik Hinckley: I did amend the staff report after we discovered that, I did send out the amended one to you, and it should say 14 x 20.

Chairman Pane: Okay, perfect. Is there a garage going to be in there as well? Or is it just going to be all windows all around?

Lisa Loffredo: It's going to be windows all around with a door, there is no garage. No garage at all.

Chairman Pane: Any other questions for Mark or Lisa?

Commissioner Karanian: I do. Eric, you just said that the structure meets all of the setbacks of the property, so what is the hardship that we are looking at?

Erik Hinckley: The distance setbacks, the requirement that hangs them up is that accessory structures have to be behind the principal structure. So, typically we define the back of the principal structure, that line that they drew on the plan, is a projection of the rear building line, so they can't fit it back there in a location that they are comfortable with, so that is why they are asking you to allow it in the side yard, rather than in the rear of the building.

Commissioner Karanian: Okay, thank you.

Commissioner Bachand: I have a question and a comment. I don't know if it is relevant to the application but I was just curious, do you plan on using it as a shed, or as a sunroom?

Lisa Loffredo: It's going to be used as a sunroom. Because I have been working from home it's going to be like a home office/studio, my husband is a musician, so it's not going to be a utility shed, that type of thing.

Commissioner Bachand: My comment would be, as far as a hardship goes, clearly if you just look at the lot, there is a hardship built in because it has such a limited rear yard. Little different using it for a recreational purpose like that rather than a utility purpose, but that's why we're here.

Chairman Pane: Any other questions at all?

Commissioner Bechter: I have a comment that's all. The location where they are planning to put it is way back from the street, and he said, there are over two acres of land here, and all kinds of distance because the other side of where they are putting the sunroom goes all the way to the brook in the back there before you get to the end of the property, and where you are looking at the back of the house, you have maybe, taking a wild guess now, fifteen feet between that and the little slope going down to where the property line is. You just don't have room, like they are saying, try to mow grass down there, between this and that. You have plenty of space out there in that field, people driving by on the street would have to look fast to even see where that shed is back there. Doesn't look like a problem to me.

Chairman Pane: Thank you. Anyone else, any other questions or comments? I'm not sure if there is anyone from the public that would like to speak, for or against what is going on, I'll give them a second.

3. Public Participation

Lucas Sambita, 14 Francis Avenue: Could you indicate the location of the sunroom again on a map?

Chairman Pane: Yes, Eric can show the site plan. Can you see that by any chance?

Lucas Sambita: Okay, I just wanted to make sure, I have no problem with that.

Chairman Pane: All right, thank you very much. Anyone else from the public who would like to speak? I think we can close the public participation and start on the work session unless, Erick, do you have anything else to add?

Erik Hinckley: No. You have my staff report to review. I think we're good.

Chairman Pane: I'll make a motion to close the Public Participation and open the work session. The motion was seconded by Commissioner Bechter. The vote was unanimously in favor of the motion, with five voting YEA.

4. Work Session

Commissioner Bachand: I have no problem with the placement of it, and I think it's far enough from the street. I have a little bit of a question of it changing from a shed to a sunroom, but I guess that is not necessarily our purview, but it does kind of change the dynamic a little bit. Again, I don't have any major problem. I would point to that lot, just looking at it, it's the poster child of needing or of having a hardship.

Chairman Pane: Erik, did it change that because it is now becoming a sunroom and not a shed?

Erik Hinckley: No, it's still an accessory structure. If they were to, as somebody mentioned before, attach a breezeway from the house to that, then it actually becomes an addition to the house, and they wouldn't even really need a variance.

Chairman Pane: Okay, anyone else?

Commissioner Karanian: I have a quick question for Erik. If the shed, or sunroom, is that similar to saying you have a pool house in the back of your house. Is that similar?

Erik Hinckley: Yes, that would be similar. Any small structure, shed, gazebo, things like that are considered accessory structures to the primary residence, if they are not attached.

Commissioner Karanian: Okay, so they all carry the same classification.

Commissioner Dunning: I do have a question, just curious, about the sunroom, it's going to be unheated? Is this something that is going to be year round? Just curious, because it's going to be pretty cold in the winter. It's a detached building, no wiring, no heating, that kind of thing, seems kind of, it's definitely not a shed, it doesn't have electricity or heating, just curious.

Erik Hinckley: A number of people have detached garages that you know, have electricity to them, and plumbing, so I guess if they choose to do that they are just going to have to get whatever building permits are required to do that.

Commissioner Dunning: That was my concern about additional permits, you just can't run those without going through the proper channels.

Erik Hinckley: Correct, and since the structure is over the 200 square foot threshold there, they are going to have to get the required building permits if needed, they will be tied into something like that because it is a large type of structure. If you approve a variance, then they still have to get all of their, they would have to get a wetland permit, and they would also have to get building permits.

Chairman Pane: Erik, is this in the wetlands area, on the line, is that anything.....

Erik Hinckley: It's in the buffer area, pretty much that entire lot, they own to the center of the brook there, so there are a lot of wetlands on the property, the rest of the property is a buffer and it is also part of the flood plain, flood storage.

Chairman Pane: Okay, so if we were to approve this, then they would have to next go to wetlands to be able to have that approval before they could even have this.

Erik Hinckley: Usually shed of that nature in the buffer area are done with administrative approval and reviewed by the Chairman.

Chairman Pane: Okay, any one else like to comment at all about this?

Commissioner Karanian moved to approve Petition 00-21-1. The motion was seconded by Commissioner Bachand.

Erik Hinckley: If I could ask a question? According to the agenda, we are still in the work session. Is that when you typically vote on it, or do you wait until it gets done under New Business. I'm just curious.

Chairman Pane: We usually vote on it, and then do the minutes afterwards.

Commissioner Bechter: I have a question. The motion, the way that it is stated now is just specifically for this one structure, not changing anything else? It's not a blanket variance, right?

Erik Hinckley: Correct. The language, whatever you come up with would dictate just for this specific structure. You should state on the record that you are approving it because of the hardship, whatever the hardship is, and you may even want to use their offset distance there from the house to the structure, something along those lines?

Commissioner Dunning: Erik, do we need to indicate, for the record, that the plan is for a sunroom versus a shed, just to be clear what the intent is?

Erik Hinckley: You can certainly say that in your motion to approve, you can call it a sunroom and that is the way it will get filed.

Commissioner Bachand: Just a general question, and Erik might know better, whenever we approve a variance like this, we are not changing, like Mr. Bechter said, it's not a blanket change, we're not changing what is the side yard and what is the rear yard, it's just for this exact application or this specific application?

Erik Hinckley: Right, it's specific to the structure that they are going to install. So, if you approve it as a 14 x 20 and then they come back and say, oh we wanted something different, then that would be something different, so you are going to hold them to what you approve, the size and the offset, and it is only to that specific structure.

Commissioner Karanian: so if they came back for a swimming pool, and said like, well this is our side yard now, or something, that would.....

Erik Hinckley: They would have to go through the whole process again.

Chairman Pane: I will make the motion to approve the 14 x 20 sunroom for the petition that we are hearing. The motion was seconded by Commissioner Dunning.

The vote was unanimously in favor of the motion after a roll call vote with five voting YEA.

Chairman Pane: Mark and Lisa, you are all set, hopefully you make it through the wetlands, there are no issues, and you can get that sunroom.

Mark and Lisa Loffredo: Thank you, thank you for your time.

Chairman Pane: You're welcome.

5. Minutes

Chairman Pane: Did everyone see the minutes from the previous meetings. We do have, from the January 21st meeting as well as the September 3, 2020.

Did we not do the meeting minutes for September?

Erik Hinckley: that was the last meeting that you had. We didn't do the minutes at the January meeting, we just had elections and the dates.

Chairman Pane moved to approve the minutes of the September 3, 2020 meeting as well as the January 21st,

Commissioner Dunning: Can I make a correction? My name is mis-spelled, it's Dunning.

Commissioner Bechter: Mine too.

Erik Hinckley: I don't know who did the minutes, I wasn't here for September. It might have been Sophie when she was still doing them, but I'm not sure.

Chairman Pane: Can we still do an approval with just that change?

Erik Hinckley: You can make any changes that you want, and they will go down as amended. You can approve it now.

Chairman Pane moved to approve the minutes of September 3, 2020 and January 21, 2020 as amended. The motion was seconded by Commissioner Dunning. The vote was unanimously in favor of the motion, with five voting YEA.

6. Communications and Reports

None

7. New Business

7.1 Petition 00-21-1: Mark and Lisa Loffredo are Requesting a variance from Section 4.5 Table A to allow an Accessory Structure to be located on the side of the principal building at 129 Main Street.

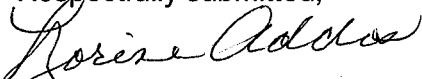
8. Old Business

None

9. Adjourn

Commissioner Dunning moved to adjourn the meeting. The motion was seconded by Chairman Pane. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary