

NEWINGTON ZONING BOARD OF APPEALS

Regular Meeting

June 1, 2023

Chairman Nicole Pane called the regular meeting of the Newington Zoning Board of Appeals to order at 7:00 p.m.

I. ROLL CALL

Commissioners Present

Chairman Nicole Pane
Commissioner John Bachand
Commissioner Willard Bechter
Commissioner Michael Connolly-Alt
Commissioner Sharon Dunning-Alt

Commissioners Absent

Commissioner Timothy Hutsvagner
Commissioner Michael Karanian

Staff Present

Paul Dickson, Town Planner
Erik Hinckley, Asst. Town Planner, ZEO

Commissioners Connolly and Dunning were seated for Commissioners Hutsvagner and Karanian.

II. PUBLIC HEARINGS

A. Petition 00-23-02: 154 Pheasant Run (R-12 Zone) Newington: Requesting a variance of 6' (Six) from Section 4.5 (Table A) of the Zoning Regulations to reduce the required 35' (Thirty-Five) front yard setback to 29' (Twenty-Nine) to allow for the addition of a 21' (Twenty-one) x 8 (eight) Covered front porch. Applicant/Contact/Owner: David Gimler and LaToya McGregor-Gimler.

David Gimler/LaToya McGregor-Gimler: I guess we are here to talk about the addition of the front porch. Really, the reason why, part of the problems that I have with the house, I get a lot of sun on the front door, and in addition to that, in the winter time all the snow that accumulates on the second floor creates icicles and creates a potential hazard. In addition to that, I'm looking to eliminate any problems, especially slip and fall issues that we have had. That is really the primary reason that we want a small variance.

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LaToya McGregor-Gimler: And of course there is the aesthetic part of that, and the ability to create additional living space for our family. As residents of the Town of Newington for almost ten years we enjoy the town, we enjoy our lovely neighbors, and some of them are here to support us as we try to advocate for this. We pay our taxes, our children are in school and we just want to be able to enjoy the space that we are currently residing in, as well as making sure that it is safe as well for not only our family but anybody that walks up to our front step and leaving a package could slip and fall. My own Mom had a near accident because of the icing so it's really a safety concern and well as being able to enjoy the space that we enjoy living in.

Chairman Pane: Does anyone from the Commission have any questions to the petitioners?

Commissioner Dunning: I have a question. I don't understand how the addition of the porch prevents the, it seems to me that if you had a porch you would still have the problems with the leakage because the water and the icicles would now transfer to that porch. That doesn't seem to answer the repairs that need to be done, I don't know if it is like an ice damming situation with the icicles and all that.

David Gimler: It could be ice damming on the second story, so if you see the picture of the second story, the gutters are right up above the step to the point where I don't have really anything to knock down icicles at that point, so if we are putting on a cover porch, the front of the porch is going to be maybe six or seven feet off the ground so I can clear that out much easier versus trying to get to the second floor.

Commissioner Dunning: I guess I still see an ice damming issue, and then the other thing is with the porch, if you do cut into the setback, if that is going to have to cause you to take away from the, I think you have a sidewalk or something, that you go from the driveway to the front entrance of your home.....

David Gimler: So the plan is, at least on paper and we really haven't gone too far, is the the bluestone walkway that we have.....

Commissioner Dunning: In front of those hedges?

David Gimler: Yes. So we're not planning on really removing that, we're going to end up having the doorway and stairs up into the porch.

LaToya Gimler: Right where that second light is, towards like the garage so there is going to be little impact on the walkway area.

Commissioner Dunning: So this is the sidewalk, which side would be.....

LaRoyla Gimler : So it's on the other side of the lawn, the other side.

David Gimler: And we would have an entrance up onto the porch using the existing sidewalk.

LaToya Gimler: So we are trying to do something to fill out the front porch, the other side, so that would come out past the second light to the right.

Commissioner Bachand: So if we are looking at this picture here across the front of the house, if that measurement is correct here, it shows 8.5 feet to the edge of the walk. So then is we were looking this way, or that way, we would be looking at the limit of the porch as well, correct? The porch isn't going to extend further than that walk?

LaToya Gimler: Right now you are looking at a possible 8.5 feet right to the, from the front door to the end.....

Commissioner Bachand: That wall wouldn't be disturbed or anything?

LaToya Gimler: No, we are trying not to do anything.....

Commissioner Bachand: I have some questions for Erik. What is allowed for encroachment into a front yard as far as stoops and overhangs, what is allowed now.

Erik Hinckley: I believe it is like four feet stoop and you have 24 square feet of encroachment, so basically it's a 4 x 6.

Commissioner Bachand: And that could be covered

Erik Hinckley: That could be covered, yes, as a projection. There is a projection allowance as well.

Commissioner Bachand: That is approximately the same as the stoop I would imagine. So they are looking at two extra feet there. I'm kind of a fan of front porches, I think I warned you about that before, so I'm kind of partial to front porches, but if I did vote to approve it, it would have to come with the stipulation that it could never be enclosed, first of all, because then it starts to turn into a bedroom, after twenty years, so that would have to be very strictly cloused in, and not even screening, or anything. That would have to be basically a roof with a little bit of a railing there. If it's two feet further than what is allowed now for a stoop, that is why I'm kind of leaning towards this one. I have a little conflict with the other one possibly.

David Gimler: We're not looking for screening or windows, it's just basically a porch.

Commissioner Bachand: I understand, I'm just saying it could morph into a fully enclosed space at some point.

Chairman Pane: I have a question. I'm still trying to figure out what exactly the hardship is, especially like in the regulations, Section 8.1.3, because safety really, technically, is not a hardship. So I just want to know what really is a hardship for going the extended way and not

maybe just doing a cover over the walkway, or at least the step. That would cover your ice damage, or ice issues, I don't really have anything that covers it.

LaToya Gimler: Basically during the winter months, we don't use our front door. We can't use it, and I think for us that is a hardship, not being able to walk out your front door. Legally, technically no, but really but, again we have the delivery issue. I wouldn't want a person to be falling on our front step, falling, spraining an ankle and then we end up getting sued. So for us it is a hardship and an issue of liability as well. As you walk down our street ninety percent of the homes have a front porch area, so this isn't something that is not out of place, but for ice, the ice damming issue, the icicles being formed and the water being an issue, becomes a significant hardship and having the ability to impact the house structure.

Commissioner Bachand: Following up on the point, as a hardship, the allowable roof that we just talked about, that would solve the problem alone, so I don't think that is a really good argument. I'm just saying you could correct it easily with what is now allowed. A stoop with a roof.

David Gimler: What would that look like?

Commissioner Bachand: Just like a lot of people who have a stoop and have a roof, a little entry way, awning or, not really an awning, but just little roof. They can make them out of wood and I guess you can even have columns to hold it up. I have a partial one, but it doesn't stick out much further than.....

David Gilmer: So you are basically talking about a dormer and a walk out?

Commissioner Bachand: Yes. That would solve the problem with the ice. You wouldn't have to ask for permission to do that.

David Gilmer: So a three foot projection in the front yard, four, and no more than 24 square feet?

Commissioner Bachand: It sounds like they are a foot behind the 35 feet already so they could have a three foot projection into that setback.

David Gilmer: So we would have a five foot then.

Commissioner Bachand: Correct.

David Gilmer: So we can go out five feet from the house.

Erik Hinckley: But not more than 24 square feet, you come out two feet and then you have the 24 square feet within the setback.

Commissioner Bachand: Yes, it would be a five by four or five by five, something like that. It would fully cover the doorway, that's what I'm saying.

David Gilmer: Do you receive any letter, support from the neighbors?

Chairman Pane: No, we didn't see any letter.

LaToya McGreggor-Gimler: We canvased the neighborhood, a couple of neighbors, those around us.

Commissioner Connolly: I'm just concerned if we grant for you, based on ice damming and icicles, then we could get a whole bunch of people coming in for, we're creating an open door for people to say that is a hardship and then everybody would want the exact same thing that you are asking for, for the extra space and that is something that we would have to figure out, if there is an actual hardship or not.

David Gimler: So if we are allowed four feet out from the door, has to be 24.....

Chairman Pane: And I think you have an extra foot, right?

Erik Hinckley: Yes, it's three feet of encroachment, so three feet past the 35 foot line.

David Gimler: So then, really we are asking for one foot additional, and then the full width.

Commissioner Connolly: That is quite a bit of a difference.

Erik Hinckley: Yes, you have 37 feet to the front now, so you can work, you have two feet you can put on the house, with no issue, and then you can come out another three.

David Gimler: I think we asked for eight, but we're trying to go our there really, and then down the front of the house.

Chairman Pane: Any questions from the Commissioners?

We did talk to the neighbors. Let me read the letters. "I/We, there are about five letters, five different residents that reside on Pheasant Run, Newington, Connecticut, 06111. We are neighbors of the Gilmer family who currently reside at 154 Pleasant Run. We are in support of the Gilmer's desire to add a front porch onto their home, a modestly sized front porch will provide their family with greater living space, while maintaining the current aesthetics of the home, located on Pheasant Run and eliminating the safety hazard. Collectively as neighbors we ask that you grant the Gilmer's the variance that is needed. As tax payers of the town, we ask the Commission and the Town Planner give this matter strong consideration with an outcome that is favorable for the Gilmer's. We demonstrate our support by signing this letter on the Gilmer's behalf." The residents of about five homes came in, in support of them.

Anyone have any questions?

Commissioner Dunning: I kind of perused the neighborhood on line, just to see how other, how the front of other homes looked. I really didn't see too many with any kind of porch of anything, from what I could tell. I wanted to ask Erik if, in the past, this particular neighborhood, have there been any other variances for this type of request.

Erik Hinckley: I did look through what I have and I did not see any variances for porches in this neighborhood, no.

Commissioner Dunning: Okay, thank you.

LaToya McGregor-Gilmer: There are porches in the neighborhood, our neighbors to the left have a porch area and the neighbors, the Durkins's have a porch area, so the people on either side of us typically have those types of porch areas on their property and we asked every neighbor in our immediate area, walking distance to see if they had an issue with what we are trying to do, and actually for the most part, felt that it would maintain the neighborhood from an aesthetic perspective, and generate more tax revenue, since it is something that would be assessed, in addition to what we currently pay. We're not looking to do anything too crazy, but we're just trying to create a covered space that fits with the current building structure, and we appreciate the consideration of this Commission. Thank you.

Commissioner Bechter: Looking at the idea and all that, I think it is a pretty good idea because it breaks off on top and the roof below and it goes off into the grass, it's not going to be in the walk area anywhere. I just think what the regulation is, you mentioned before it had to be a small roof over the door, so.....

Chairman Pane: Yes, that is what is allowed right now.

Commissioner Bechter: So is it going to go this way, or is it going to go away from the front of the house?

Chairman Pane: That's a great question, I don't know, maybe John knows, but I don't know exactly and whoever is doing the job would know. Any other questions from the Commission?

Commissioner Bachand: Another question for Erik or Paul. If they were to pour a concrete slab there, would that be allowed? Would that be considered encroachment if they just want a patio in the front?

Erik Hinckley: Yes, if it is considered an accessory structure, it's not attached to the house. If you pour a slab or patio in the front, eventually it could be come enclosed, not that they.....

Commissioner Bachand: No, I'm talking about something strictly on the ground. What about a detached wood deck?

Erik Hinckley: Accessory structures have to be behind the house? It has to be behind the primary structure.

Chairman Pane: Thank you very much.

B. Petition 00-23-03: 107 Cambria Avenue (R-12 Zone), Newington: Requesting a variance of 12' (Twelve) from Section 4.5 (Table A) of the Zoning Regulations to reduce the required 35' (thirty-five) front yard setback to 23' (Twenty-three) to allow for the addition of a 27' (twenty-seven) x 6' (six) covered front porch. Applicant/Contact/Owner: Devindra Nepal.

Davindra Nepal, 107 Cambria Avenue, Devinger Nepal: We have lived here for four years now, I'm a correction officer, she is a third grade teacher, we have brought up our kids and this is a beautiful neighborhood. The reason for the request is that we have young kids and we're at work, and my parents come to pick up the kids every so often, and they just need somewhere to sit and wait for the bus, because you have to be outside for the bus, kindergarteners outside. So we were just figuring that a porch, right outside, a front porch where they can sit, wait for the kids.

Davindra Nepal: The bus stop is right in front of the house and right now they don't really have anywhere to sit. His father is blind in one eye and have some medical issues so this would really help.

Devon Nepal: We're asking for six feet, so it won't touch the pavers at all.

Davindra Nepal: We have the mulch and plants so we are hoping that the porch will just take over that area. It won't go past the walk or pavers.

Erik Hinckley: This is a little bit of a different case.

Chairman Pane: Because of the overhang, and the steps, would that be their

Erik Hinckley: Well, basically, where the end of the steps are is basically the property line now. So they have a little room, a little more room I guess.....

Chairman Pane: I'm just trying to figure out how much more you want, that you are looking for, after the overhang, whatever you have right now. Because if you have the overhang, wouldn't you just be able to.....

Erik Hinckley: They have four feet to work with, as they discussed with me, a four foot wide porch is now large enough for chairs and people and stuff like that, so that they were asking for a six foot wide porch.

Davindra Nepal: Four feet from the house doesn't go to the walkway, it goes two feet before the walkway, it's smaller.....

Devon Nepal: We wouldn't go past the stairs.

Commissioner Bachand: Where is the 35' line Erik?

Erik Hinckley: When this house was built it was a 25' line. So, and they have 29 feet to the house, twenty-nine and change. So that is where they have the additional four feet there.

Chairman Pane: Twenty-five, and they have twenty-nine.

Erik Hinckley: It is 35 today, but if you read the memo that I went through, it's still, there is still an encroachment. Basically, if you put the 35' line on there now, part of the house encroaches, but that is common for this neighborhood. Houses that were built in 1910, up to the '70's, so you have, and you can go down this block and you can see houses closer to the road because they were built in the '30's and '20's.

Commissioner Bachand: So it's like now we have a ten foot side yard but when that house was built it was only a five foot side yard, so we had to adopt a new side yard.

Erik Hinckley: That was for mechanicals because the rule was ten feet and we changed it to make it easier because when the ten foot rule was put in place for mechanicals back in the '60's or '70's, that.....

Commissioner Bachand: No, this is about the second story to be built within that five foot line there.

Erik Hinckley: Oh, right, yes.

Commissioner Bachand: So I guess I'm confused as to what we are calling the line now. The new line that we are debating.

Chairman Pane: I'm going to assume that the line is the edge of that dormer.

Commissioner Bachand: The stoop.

Chairman Pane: No, the stoop would be what they are looking for. The overhang would be the exact of what they can extend to if they wanted to.

Commissioner Bachand: So they could stay right to there with no trouble at all.

Chairman Pane: With no trouble whatsoever.

Commissioner Bachand: So they are asking for a two foot variance.

Erik Hinckley: It's okay for the 25' setback line.

Commissioner Bachand: So we're still 12 feet from the 35.

Erik Hinckley: Again, like I said, the character of this neighborhood is different from other neighborhoods because of its age.

Chairman Pane: Are there any questions at all, anything for the applicant?

Commissioner Dunning: I'm still trying to understand it a little bit, it's not like they are grandfathered, right? You wouldn't say they are grandfathered because of the neighborhood and the setback being now 35'.

Erik Hinckley: No, because the house is built and existing, you know, if they had a porch that was damaged by fire or something, and they wanted to replace it, yes they would then be grandfathered technically. This is a new existing.

Paul Dixon: Consider too when you are looking at the house itself. As you know is actually within the newer setbacks. Again as noted, 25 was the previous, it got changed to 35 and most houses were built out with that 25.

Devon Nepal: We don't have any paperwork, but we have spoken to all of our neighbors, and everyone is basically for it. They see how we grew up with the girls and all the neighborhood kids, they all come to our house to play and hang out in our yard.

Chairman Pane: I'm going to ask the same question, because I did it for the first application, it's the same exact, I just want to know exactly what the hardship is, because we are based solely on hardship.

Davindra Nepal: The size, when we have the furniture, trying to maneuver around it, so we thought just two extra feet, when we have furniture that comes out three feet and it would give space for people to move around.

Devon Nepal: The hardship also is to have one of our elderly parents just sit out there and wait for the bus, when the bus comes.

Davindra Nepal: Now there is no where for them to wait for the bus.

Chairman Pane: Okay, anyone from the Commission? Any additional questions? Is there anything else that you want to add?

III. PUBLIC PARTICIPATION

Len Montinari, 151 Pheasant Run: Speaking on the first application. My wife and I live around the corner from the Gimler's, down on Fredrick Street. Prior to moving to Frederick Street we lived at 33 Theodore Street, which is a 1909 gambrel colonial, with a front porch. The charm of that porch is what drew us to the house and in 1985 when we sold the house, we literally closed the deal on the front porch. The front porch aced the deal. The family lived there for about 30 years. They loved it. Front porches make neighborhoods, I think we would all agree. They make them more open, more friendly and adds to the value of the neighborhood. Those who have front porches tend not to hibernate, but sit on their front porches and talk to people as people go by, become more friendly. I walked up and down Frederick Street periodically and my walk down Frederick is a very pleasant part of that walk. A front porch on the Gimler's home would add to the value, and the curb appeal of their home and I would speak in favor of it. All about aesthetics.

Chairman Pane: Thank you.

Brenden Dirken, 151 Pheasant Run: I am here with my wife Barbara, and we are here to support the petition by the Gimler's for their veranda style front porch. Living at 151 we are directly across the street from the Gimler's so we will be looking at this every day and we see it as nothing but a big improvement for them, and for the neighborhood. I agree with Mr. Bachand when he said he is a supporter of porches, especially veranda style porches, they are as American as apple pie.

I was fortunate enough to grow up in a neighborhood that had many verandas and those verandas were always used by people sitting on them, and it contributes to a community in the neighborhood, and as I said, we would be looking at it every day across the street from our house and we are very much in favor of it.

I did hear somebody say that they saw no other porches on the street, but we have a front porch, it's built within the confines of our house, it's about forty square feet, 8 x 5 maybe. There is another front porch, almost veranda down the street from us, three or four houses. I believe it's the Marci family that lives on Pheasant Run, so I'd like to correct the record from whoever said that, there are other porches in the neighborhood. My wife and I can't wait to have the thing built, to be able to sit on it ourselves. Thank you.

Chairman Pane: Thank you. Anyone else for either of the petitions?

Alan Paskevitch, 100 Cambria Avenue: I live diagonally from Devon Nepal's family and they keep the property impeccable. They have made some minor improvements which should have been down by the last owner. I can attest to their parents coming there, more frequently than not, and they are really family oriented, the whole family. There are always family there, helping out with the kids, and the bus and everything else and I think it is part of a safety issue also,

because to me, that is a hardship, to worry about your kids, where they are, and if they are going to come home or not, and somebody causing a problem on the street. We are all aware of that, so I find that is part of a hardship as well. This is also an improvement to the neighborhood, it will build the equity and market value of my home across the street as well, because it will have that look, and the use of it. I go back many years. My house was built in '52, my parents home. It gives you a little historical value, me being there. When I was a youth, we used to go to my grandparents house in New Britain and Hartford, and sit on these types of porches, wave to the neighbors, neighbors would come over and talk. We are losing that. We have almost lost it because everybody is on the phone, staring at it, don't talk to people any more, so I think that has a value as well. I don't want to call it a hardship, but I think it's an improvement to the community. Thank you.

Chairman Pane: Thank you. To close the Public Participation, if we are ready to vote on this. If we do, we will close it, if we are not ready I think maybe can consider leaving it open like we had that issue last meeting, that we closed it and we could have asked more questions. So just before we close Public Participation, if everyone is comfortable with voting this evening. Does anyone want to make a motion?

Commissioner Bachand moved to close the hearing on Public Participation. The vote was unanimously in favor of the motion, with five voting YEA.

IV. WORK SESSION

Commissioner Bachand: I grew up in a house with a porch and I think as Mr. Paskevitch's concerns, yes, we got away from them but that was planned, that was a choice that the builders made, so I would like to see more. I am going to vote for these two but I know it's a stretch because we are strictly based as you point out regularly to us that it has to be a hardship, so here's my stretch of the hardship. That, in referring to number three here that the special conditions and circumstances, which would be number one, do not result from the actions of the applicant, so yes, there were special circumstances and conditions that were created by the original builders who did not anticipate building a porch, so it was their fault for not doing it. I know it's a little bit of a stretch, but that's my reasoning for the special conditions and circumstances now, that the house was built in.....

Chairman Pane: And that it was originally at 25.

Commissioner Bachand: Well, not even that, that issue is even more confusing, that is a whole another exercise in zoning and things, but I'm just talking about in general, that both of them, the condition is that the builder didn't anticipate building a porch in the future and now these people are stuck with it, whether that is a hardship to everybody or not. I realize it is a stretch.

Chairman Pane: And that was under what again?

Erik Hinckley: Section 8.1.3

Commissioner Bachand: Item one, special conditions and circumstances exist which are peculiar to the land, so, and then the third one, that the special conditions and circumstances do not result from the actions of the applicant. That the conditions were not created by the applicant, that's what it means.

Chairman Pane: I agree with you partially, but not fully because I also think with everyone that wants a variance, no one expected to do that, you know what I mean, like put a shed up, or put an addition on the house, they wanted the backyard, they wanted an addition in the back, they wanted to go a little further.

Commissioner Dunning: I have concerns if we start to approve these types of variances that this is something that maybe TPZ should be looking at because that means that people are changing the character of their homes. I love porches, I grew up on a porch, and my grandparents had a porch, I understand that, but my concern is that we have to be very careful about the path that we are on, in terms of ZBA being, granting a lot of variances and then people coming to us to get, circumvent the TPZ.

Chairman Pane: You're correct Sharon, I agree with you.

Commissioner Connolly: I honestly think they are both great ideas, however like you say, you open the door for, and make hardships for certain things, and then that is what people use down the road once you open the door, and say and like I said, I like the idea of it, but you say for icicles and ice damming, and then somebody comes in with that down the road with a new issue and says, well, you give it to so and so, you are opening that door, that's my only opinion on it. I don't want to be the dream crusher on it, because I grew up on a porch myself across town, but I struggle with it.

Commissioner Bechter: I'm in a quandary trying to figure this one out with the regulations of the zoning board fixing this with a hardship. I kind of like the ideas myself.

Commissioner Bachand: Are we lumping them both together?

Chairman Pane: I prefer to do the separately.

Commissioner Bachand: That would be better, the discussion I guess is okay.

Commissioner Connolly: They are similar even though one of them is the change of zoning lot, but the issues are kind of the same that we can discuss them together.

Chairman Pane: I just don't see the full hardship, I would consider maybe possibly the peculiar land for the second one, because it was a 25' and now it is a 35, possibly, but I don't think it would be considered really peculiar legally because I remember one, many years ago we had one on Connecticut Avenue, they have a very big, long yard and they wanted a front porch I

think, there was a railroad supposedly going through there, and that is why, that was the peculiarness of that.

Anyone else have anything to add?

Erik Hinckley: All I can point out is, just the items in the memo, a lot of houses were built typically up to the front yard setback line, so people would have a rear yard to work with. Like you point out, builders not thinking of future porch expansions, or porches in general and that just might have been in the times of when some of these were built and nobody was doing front porches and now they are coming back, so the character of the neighborhoods is a little different given the subdivision is a much older one than houses built in much different times, and the Cambria Avenue area versus Pheasant Run.

Commissioner Bachand: Erik just raised the question in my mind, is there any engineering reason why, I know we have setbacks for a reason, it's for uniformity and everything, but is there any engineering reason why a porch, encroaching two feet over the line is a problem.

Paul Dixon: In these scenarios you are not looking at an engineering one per se, an engineer would be more concerned about things along the lines of, okay is it going to affect any city services, is it closer, you know we're not talking about something that is right on the sidewalk and then you have snow plowing issues, you have water line issues, you have something you wouldn't want a structure immediately adjacent to the roadway because that could cause complications and then you would want their input, again scenarios more specific to that where yes, an engineer you want to talk to him about a fence, you want to talk to him about something when it encroaches, you want to know easements, what is there. This is all something that is you know twenty feet plus from that front yard line, please correct me if I'm wrong, Erik is very familiar with these applications, he's been running through them.

So even at some time in the future, if sidewalks were put in in both those neighborhoods, and they both have porches, it wouldn't affect the sidewalks, but they are not going to be right up to the sidewalk. There would be room to put in sidewalks or other potential infrastructure, and again, it's a uniformity kind of thing back in the day, even in some of the much older subdivisions, you will see the setback line and you will also see what they call the veranda line for porches, where they made an allowance in the '20's and '30's so you could put on that porch in the front because obviously it was more common then.

Commissioner Bachand: Another technical question Erik. One either of these do you know off hand what the difference is between the property line and the street line is, because you mentioned sidewalks so that would have to go....

Erik Hinckley: They would go in the right of way.

Commissioner Bachand: So do you know how much difference there is?

Erik Hinckley: Not off the top of my head, no. It would be twelve to fifteen feet from the curb line. It also depends on if the road is centered in the center of the fifty foot right of way. Sometimes they shift it over to one side, it happens. Every road is different. Cambria I believe is a fifty foot right of way.

Commissioner Bechter: What are the roads, twenty-five?

Erik Hinckley: Usually they are about 28 feet of pavement, typically.

Chairman Pane: Anything else before the close the work session.

Commissioner Bechter: A concern about the future occurrences based on what we do tonight, because both ideas seem like a great idea to me and this solution as presented is definitely going to fix both of the problems to start with, and how does this all balance out. I'd be inclined to go for it. Is there any reason we shouldn't.

Erik Hinckley: I'm not a voting member and I'm not supposed to sway either way. As I said in my staff report, we don't have an issue with it if you were to approve it, and we don't have an issue if you deny it. Each application that you review is that application. If you were to approve both of these tonight, it doesn't mean the next one, it doesn't mean that you have to approve the next one, or the two after. It's the Zoning Board of Appeals and this is what they look at. Looking at the guidelines you have some things that you can look at and address and if you feel that, either way, have there been applications approved where somebody might not think is a hardship, yes that happens. Some towns and boards are tougher than others.

Commissioner Bechter: Just seems that the roof line for Pheasant Run definitely covered the ice problem and on Cambria it does a good job for what they use it.

Commissioner Bachand: Let me just add one more thing, about how he doesn't have an issue one way or the other, that makes it a little harder for us, but we have our own opinions and then it comes down to the interpretation of hardship and I know everyone is going to be a little bit different.

V. MINUTES OF PREVIOUS MEETING

Chairman Pane moved to accept the minutes of the May 4, 2023 meeting. The motion was seconded by Commissioner Dunning. The vote was unanimously in favor of the motion with five voting YEA.

VI. COMMUNICATIONS AND REPORTS

Erik Hinckley: Just wanted to introduce you to the new Town Planner, Paul Dickson.

Paul Dickson: There is no P.E. behind my name so having gone through that rigmarole but since I haven't met all of you yet, so it's a pleasure to meet you. I did my introduction to the Council where I did the larger introduction to the town at large, but previously I was in the City of Meriden, where I actually was their zoning officer for a significant amount of years and then went to the, eventually progressed to the Director of Development and Enforcement. Prior to that I worked actually enforcement with the Town of Groton and their planning department as well for wetlands and zoning and everything, so I am familiar with zoning and enforcement and the ZBA as well, so it's a pleasure to meet you and I will be here to help you with whatever as we go forward.

VII. **NEW BUSINESS**

A. Petition 00-23-02: 154 Pheasant Run (R-12 Zone) Newington: Requesting a variance of 6' (Six) from Section 4.5 (Table A) of the Zoning Regulations to reduce the required 35' (Thirty-Five) front yard setback to 29' (Twenty-Nine) to allow for the addition of a 21' (Twenty-one) x 8 (eight Covered front porch. Applicant/Contact/Owner: David Gimler and LaToya McGregor-Gimler.

Commissioner Bechter moved to approve the request. The motion was seconded by Commissioner Bachand with the caveat that there would have to be a deed restriction that it would never be enclosed.

Erik Hinckley: You can add that as a condition.

Chairman Pane: So you would have to change your motion, you would have to say that as you are making a motion.

Commissioner Bechter: I will add that to my motion too.

Commissioner Bachand: It would be a deed restriction so legally they couldn't enclose that.

Erik Hinckley: What he is asking for is basically a friendly amendment to his motion and then you would have to say, yes, you would amend your motion to include that condition, if you chose to do so.

Paul Dickson: It is changing from approval to approval with conditions, and stating that condition.

Commissioner Bechter: I'll state that with the approval.

Erik Hinckley: So I have it as the porch is not to be enclosed in the future. Is that sufficient for you all? The vote was not in favor of the motion, with two voting YEA and three opposed (Pane, Connolly, Dunning.)

B. Petition 00-23-03: 107 Cambria Avenue (R-12 Zone), Newington: Requesting a variance of 12' (Twelve) from Section 4.5 (Table A) of the Zoning Regulations to reduce the required 35' (thirty-five) front yard setback to 23' (Twenty-three) to allow for the addition of a 27' (twenty-seven) x 6' (six) covered front porch. Applicant/Contact/Owner: Devindra Nepal.

Commissioner Bechter moved to approve Pettion 23-03.

Erik Hinckley: Do you want the same condition that you put on the last one, not to enclose the porch?

Commissioner Bechter: We can do that, let's not enclose it.

Paul Dickson: So while you are making the motion my recommendation would be to say, a motion to approve with conditions, and then just say the condition and that would be good.

Commissioner Bechter: All right, approve with conditions.

The motion was seconded by Commissioner Bachand.

Commissioner Dunning: I'm going to say no, with the same reason as the previous petition.

Chairman Pane: I as well am going to say no, the same with the previous petition.

Commissioner Connolly: If I have to go by what I have right now, I would have to say yes on that one based on everything around it and the original builder not considering it for the extra two feet.

Erik Hinckley: That also was denied, because they need four, correct?

Paul Dickson: Sorry to interrupt, did the motioner and the second vote as well? I didn't hear it, sorry if I missed it.

Erik Hinckley: The motion doesn't count as a vote, he should go ahead and record an actual vote.

Paul Dickson: Even if you do make a motion, you still vote on that motion.

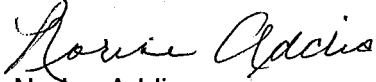
VIII. OLD BUSINESS

None

IX. ADJOURNMENT

Commissioner Bachand moved to adjourn the meeting. The motion was seconded by Chairman Pane. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary