

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 13 October 2020

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held remotely on Tuesday, 13 October 2020, beginning at 7:00 p.m. via ZOOM®, to hear all parties concerning the following applications, some of which require Coastal Area Site Plan Reviews or exemptions.

A. PLEDGE OF ALLEGIANCE / ROLL CALL

Mr. Tuozzola called the meeting to order at 7:02 pm. He reviewed guidelines for online public meetings. He asked **Mr. Hirsch** to vote for Mr. Soda and asked **Mr. Dubois** to vote for Ms. Ferrante on Item 2, as she wanted to recuse herself.

MEMBERS PRESENT: Sarah Ferrante, Christine Valiquette, Chris Wolfe, William Soda, Joseph Tuozzola (Ch)

ALTERNATES PRESENT: Gary Dubois, Etan Hirsch,

MEMBERS/ALTERNATES ABSENT: Michael Casey

STAFF PRESENT: Stephen Harris, Zoning Enforcement Officer; Meg Greene, Clerk

B. CONSIDERATION OF AGENDA ITEMS

- 1) **781 East Broadway** MBP 22/474/35, R-5, Thomas Lynch, Esq., for Grace Willison, owner; Vary sec. 3.1.4.1 side-yard setback to 1.8' where 10' required; 4.1.4 eave projection to 0.8' where 8' permitted, stair projection to 1.8' where 8' permitted, rear deck projection to 2.1' where 8' permitted; 6.3.2 expansion of nonconforming structure; all to construct a single family home.

Attorney Lynch, 63 Cherry Street, addressed the board. He reviewed the previous presentation which resulted in a denial without prejudice. He introduced the owner's daughter and son-in-law. He said the owner purchased the property in 1964, describing it as typical of beach cottages built in the 1920s and 30s. He said the owner wants to build a new, elevated house for extended family enjoyment. He said construction of the proposed 2700sf house is consistent with other rebuilds in the area. He said all structures in the area are already nonconforming and that the proposed structure does not encroach on side-yard setbacks more than the original structure. He said the non-conforming garage will be removed and the house moved to a more central location. He said the house had reduced by 3' and moved further away from the street. He said effort had been made to alleviate parking problems on East Broadway, sharing floor plans and drawing attention to the garage area with tandem parking for 3 cars plus another space in the driveway. He said the 3rd-level floorplan with two bedrooms had been eliminated and changed to an open area for storage. He said that at the previous meeting abutter Ron Purcell might have been opposed but is now satisfied that with the reduction in the size of the house, it does not project further than his own house. Attorney Lynch said Mr. Purcell could not attend the meeting but now has no objection. He compared this application to another East Broadway application denied without prejudice and later approved based on revised plans.

DISCUSSION

Ms. Valiquette said she was satisfied with the reductions. **Ms. Ferrante** agreed. Both approved of the parking.

QUESTION FROM ABUTTER

Rob Pursell, 779 East Broadway, asked for clarification about the proposed house's dimensions; **Mr. McElroy** said Mr. Purcell's home is about even in the rear with the proposed house and clarified where the deck would be.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or in opposition to the application; hearing none, closed the hearing and asked for a motion.

Mr. Hirsch motioned to **approve** based on submitted materials. **Mr. Wolfe** seconded. The motion carried with **Mss. Ferrante and Valiquette**, and **Messrs. Hirsch, Wolfe and Tuozzola voting with the motion**.

- 2) **41 James Street** MBP 27/520/52, R-5, John and Kathleen Mortimer, owners; Vary 4.1.4 setback of 1'10" where 4' permitted to construct outdoor stairway.

Ms. Mortimer addressed the board. She said she had received the letter the board asked to see from the affected neighbor. She said her neighbor's 10' side-yard setback is on the side of the proposed variance providing a wider space between the 2 houses. She provided photos to show what guests see upon entering the house, which was her workshop in the garage. She said the hardship is

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difficulty in accessing the house. She said large pieces of furniture are difficult to carry into the house. She said the state required the current design. She said it is good to have access when driving into the garage in shelter, but that if someone wants to access the house for the first time, it is not obvious how to do it. **Mr. Tuozzola** asked about putting the stairway on the other side of the house and emphasized the variance runs with the land, so the current neighbor's approval might not reflect how a future neighbor would feel. **Ms. Mortimer** said putting the stairway on the other side of the house would involve demolishing existing parts of her kitchen or the back of the house. She said a stairway in the back of the house could disturb the wetlands. She noted that she had reduced the width of the stairway since her last application. **Mr. Mortimer** said he wanted the stairs in back, but there was a concern about the wetlands. He said he had wanted a 4-ft-wide stairway but narrowed it for the sake of compromise.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or in opposition to the application; hearing none he asked for a motion.

Mr. Hirsch motioned to **deny**. There was no second. **Ms. Valiquette** motioned to approve based on the restrictions required by the state and based on submitted materials. **Mr. Wolfe** seconded. The motion failed with **Ms. Valiquette, Messrs. Dubois and Wolfe** voting **with the motion**, and **Messrs. Hirsch and Tuozzola** voting **against the motion**.

C. NEW BUSINESS-

D. OLD BUSINESS-None.

E. STAFF UPDATE-None.

F. ACCEPTANCE OF MINUTES 8 September 2020: Approved unanimously.

G. ACCEPTANCE OF APPLICATIONS for 13 November 2020 hearing.

Adjournment was at 7:49 PM.

Any other business not on the agenda to be considered upon two-third's vote of those present and voting. **ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE DIRECTOR OF COMMUNITY DEVELOPMENT, 203-783-3230, PRIOR TO THE MEETING IF POSSIBLE.**

Attest:

Meg Greene
Clerk, ZBA