

ZONING BOARD OF APPEALS  
TOLLAND, CONNECTICUT  
REGULAR MEETING MINUTES OF JULY 28, 2011

**MEMBERS PRESENT:** Warren McDermott, Chair  
Peggy Boyajian, Vice Chair  
Vin Avino, Secretary  
Robert Green  
Stephen Caron  
Bill Eccles, Alternate

**MEMBERS ABSENT:** Kuhrt Bidorini, Alternate

**OTHERS PRESENT:** Stephen Lowrey, Zoning Enforcement Officer & Wetlands Agent  
Rick Guerreri  
Gary & Laura Roberge

**1. CALL TO ORDER:** Warren McDermott, Chair, called the meeting to order at 7:35p.m. in Council Chambers. He confirmed the Board members had visited the sites. Mr. Avino read the legal notice into the record.

**2. PUBLIC HEARING**

2.1 ZBA #11-11 Rick Guerreri: 11 Rolling Meadow Drive: Variance from Sec. 170-85.B.1 to allow a shed to be 13' from the side property line where 25' are required.

Rick Guerreri of 11 Rolling Meadow Drive attended the hearing. Mr. Lowrey noted that prior to the meeting Mr. Guerreri submitted a sheet with the signatures of all of his neighbors showing notification. Mr. Guerreri said he would like to put up a 12' x 14' shed on his property to house his lawnmowers. He chose the location, which is only 13' from the property line, he said, because there were no other suitable areas. In most areas the grade of the property would be too great and he said he cannot put it on the far side of the property because this is where the leechfield and septic is located.

Mr. Lowrey explained that the application for this variance request was signed by Steve Amedy. He said Mr. Guerreri owns the house but the town owns the land it sits on. Mr. Avino read a June 27, 2011 letter from Steve Amedy, President of the Tolland Non-Profit Housing Corporation to Rick Guerreri which indicated that the placement of the shed would be acceptable to the Corporation as long as the town grants a variance for the requested location.

Ms. Boyajian suggested Mr. Guerreri could square off the placement of the shed rather than angling it. She said by pivoting the placement of the shed, they could minimize the variance by a couple of feet, and part of the Board's objective is to try to minimize variances. Mr. Geerreri said he would prefer angling it as that placement follows the contour of the land.

There were no other questions or comments from the Board, nor from the public. Mr. McDermott explained the two-part process of the ZBA meetings for both applicants in attendance.

2.2 ZBA #11-12 Gary & Laura Roberge: 31 White Tail Way: Variance from Sec. 170-85.B.1 to allow a shed to be 15' from the side property line, where 25' are required.

Gary and Laura Roberge attended the hearing. Mr. Roberge said they have been residents for about 11 years. They are requesting a variance to allow them to install a garage at the end of their existing driveway. The placement is an attempt to maintain it being square to the house which is cocked slightly on the lot. Mr. Roberge said placing the garage on the other side of their home would not be feasible as that is where the septic and leechfield is located. There are also wetlands on the back and side of the lot.

Mr. Roberge turned in receipts of notifications to neighbors.

Ms. Boyajian noted that there were stakes on the property and confirmed these marked the anticipated placement of the garage.

Mr. Avino read a letter from neighbors Matthew and Deborah Moser indicating they had no objection to a shed on the property. From the letter, it was clear they had misunderstood the Roberges' request. Mrs. Roberge said she explained to the neighbors their intentions with adding a garage and she submitted a subsequent letter from the Mosers dated July 28, 2011 which also indicated they had no objections.

There were no other questions or comments from the Board, nor from the public.

**MOTION:** Peggy Boyajian/Robert Green to close the Public Hearing. Motion was unanimously approved.

**MOTION:** Robert Green/Stephen Caron to open the Business Meeting. Motion was unanimously approved.

### 3. BUSINESS MEETING

- 3.1 ZBA #11-11 – Rick Guerreri: 11 Rolling Meadow Drive: Variance from Sec. 170-85.B.1 to allow a shed to be 13' from the side property line, where 25' are required.

Mr. McDermott said he realizes that squaring off the shed would minimize the variance by about 3 feet, but that he does not have a problem with the location requested because of the buffering of woods. Mr. Caron agreed saying the contour of the lawn does suggest placing the shed as Mr. Guerreri suggested. Ms. Boyajian said she would still prefer to try to minimize the variance by either squaring it off or moving it in further to make it at least 15' from the side yard. Mr. Avino said he did not have any objections to placing the shed where Mr. Guerreri requested.

**MOTION:** Peggy Boyajian to approve the request for a Variance from Sec. 170-85.B.1 to allow a shed to be no closer than 15' from the side property line, where 25' are required, the hardship due to the topography of the land, the location of the septic system, and the position of the house on the lot. There was no second on the motion and the motion failed.

**MOTION:** Stephen Caron/Vin Avino to approve the request for a Variance from Sec. 170-85.B.1 to allow a shed to be no closer than 13' from the side property line, where 25' are required, the hardship due to the topography of the land, the location of wetlands, the location of the septic system and the position of the house on the lot. Mr. Caron, Mr. Avino, Mr. Green, and Mr. McDermott voted in favor. Ms. Boyajian voted against the motion. Motion passed.

- 3.2 ZBA #11-12 – Gary & Laura Roberge: 31 White Tail Way: Variance from Sec. 170-85.B.1 to allow a shed to be 15' from the side property line, where 25' are required.

**MOTION:** Peggy Boyajian/Stephen Caron to approve the request for a Variance from Sec. 170-85.B.1 to allow a shed to be no closer than 15' from the side property line, where 25' are required, the hardship due to the position of the house on the lot and the location of the septic system. Motion was unanimously approved.

Mr. Lowrey explained to both applicants that he will put an advertisement in the newspaper that the variances have been granted and will mail them their variances. They will need to file the variance with the town clerk and then they may apply for a building permit.

### 4. ACCEPTANCE OF MINUTES

**MOTION:** Peggy Boyajian/Robert Green to approve the minutes of the June 23, 2011 meeting. Motion was unanimously approved.

## **5. GENERAL**

The Board discussed inspecting Joe Matteas' property at 124 Browns Bridge Road on his progress in establishing an agricultural use on the property. Mr. Green recused himself from this discussion. Mr. Lowrey said he has not inspected the property recently but they can schedule visits, adding that they could do this in August or September. The Board agreed on a target for August. There was consensus to have Mr. Lowrey email all members Mr. Matteas' contact information so they can arrange inspections. Mr. Lowrey said he did see some shrubs and trees planted on the property some time ago. Ms. Boyajian asked Mr. Lowrey if Mr. Matteas receives a tax break for planting agriculture. Mr. Lowrey said he can check into that. He said agricultural businesses need to demonstrate that they are generating a certain amount of income. The Board also discussed whether there were any restrictions on what can be stored in the agricultural building. Mr. Lowrey said there are some fine lines, but in general, he should not be storing landscape equipment in there. He said they can inspect this also when they visit.

## **6. EXECUTIVE SESSION**

**MOTION:** Peggy Boyjian/Vin Avino to enter into Executive Session at 8:07p.m. to discuss pending litigation. Motion was unanimously approved.

**MOTION:** Peggy Boyajian/Robert Green to exit Executive Session at 8:21p.m. Motion was unanimously approved.

## **7. ADJOURNMENT**

**MOTION:** Peggy Boyajian/Stephen Caron to adjourn the meeting and pay the clerk at 8:21p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile  
Clerk