

ZONING BOARD OF APPEALS
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF MAY 26, 2011

MEMBERS PRESENT: Warren McDermott, Chair
Peggy Boyajian, Vice Chair (arrived 7:37p.m.)
Vin Avino, Secretary
Robert Green (left at 8:05p.m.)
Bill Eccles, Alternate

MEMBERS ABSENT: Stephen Caron
Kuhrt Bidorini, Alternate

OTHERS PRESENT: Stephen Lowrey, Zoning Enforcement Officer & Wetlands Agent
Linda Farmer, Director of Planning & Community Development
Rick Conti, Town Attorney
Applicants

1. **CALL TO ORDER:** Warren McDermott, Chair, called the meeting to order at 7:05p.m. in Council Chambers. He seated Bill Eccles for Steve Caron.

MOTION: Bill Eccles/Vin Avino to enter into Executive Session to discuss litigation and to invite Linda Farmer, Director of Planning and Community Development and Town Attorney Rick Conti to attend. Motion was unanimously approved. Present for the Executive Session were Bill Eccles, Vin Avino, Warren McDermott, Bob Green, Linda Farmer, Rick Conti and Steven Lowrey, Zoning Enforcement Officer and Wetlands Agent. Peg Boyajian arrived at 7:37p.m.

MOTION: Bob Green/Vin Avino to come out of Executive Session at 7:40p.m. Motion was unanimously approved.

2. **CALL TO ORDER:** Mr. McDermott called the public portion of the meeting to order at 7:43p.m. in Council Chambers. He seated Bill Eccles for Steve Caron. He explained the two-part process of the ZBA meeting and confirmed that all Board members present had visited the applicants' sites.

Mr. Avino read the legal notice.

3. PUBLIC HEARING

- 3.1 ZBA #11-7 – Marios & Lisa Evripidou: 3 Courtland Drive; Variance from Sec. 170-85.B.1 to allow a pool shed to be 46' from the streetline of Bakos Road, where 75' are required. Marios and Lisa Evripidou of 3 Courtland Drive attended the hearing. Mr. Evripidou said they would like to put up a pool shed on their property and they came before the ZBA in the past for a variance for their pool. The location of the pool and the leech field limits where they can located the shed.

Mr. McDermott asked Mr. Lowrey how far the shed needs to be from the septic system. Mr. Evripidou said the shed is 12' x 16' with an 8' overhang. In this case, because it is over 200 square feet, Mr. Lowrey said it should be a minimum of 10' from the septic system.

Mrs. Evripidou turned in the receipt of notification to the water company. She provided paperwork with signatures showing she had notified her neighbors of the Hearing.

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

- 3.2 ZBA #11-8 Frank Staples: 81 Virginia Lane, Variance from Sec. 170-85.B.1 to allow a raised deck to be 16' from the side property line and 71' from the streetline where 25' and 75' respectively, are required.

Frank Staples of 81 Virginia Lane attended the hearing. He said he built a tree fort/tree house for his daughter that is 16' from the side property line. He said in selecting the site he had looked for an area in his yard for the structure where he could supervise his daughter and her friends from their deck. He did not want it to be too far from the deck or in the woods for safety reasons.

Mr. McDermott asked how long the tree fort/tree house has been up. Mr. Staples said it will be about a year this July. Mr. McDermott asked Mr. Staples if he had thought about getting a permit for the structure before he had put it up. Mr. Staples said he had, but had taken advice from the people at Home Depot that because it was just a tree fort, it probably wasn't necessary. Mr. McDermott said he did not see a sign up advertising the Public Hearing. Mr. Staples said it should be there. Mr. Staples noted that he forgot the notification receipts at home or at his office.

Mr. Avino read two letters from neighbors into the record. The first was from Laurel and Jeffrey Blaischik of 97 Virginia Lane, which was dated May 25, 2011. The Blaischiks had no objection to the structure where it is located and said they felt Mr. Staples was a good neighbor. The second letter was from William and Terry Troy of 89 Virginia Lane. The Troy's letter was in opposition to a variance being granted. They said they feel it is invasive to their privacy and will have a negative impact on their house's resale value.

Mr. Eccles asked Mr. Staples if the treehouse was moved, if his daughter could still play in the yard. Mr. Staples said she would be disappointed, but she could still play in the yard. He said he could try to find another place for it, but he would prefer where it is because he did not want it in the woods.

Mr. Warren asked if there is a visual buffer between 81 and 89 Virginia Lane. There is a rock wall between the properties, but no trees. Ms. Boyajian asked if the supports for the treehouse are cemented in. Mr. Staples said there are. He said he was originally not going to put in such supports, but reconsidered because of the height of the treehouse. It would be a safety issue not to do so. He said he made the treehouse bigger than he originally planned.

Mr. Avino asked if it might be possible to move the treehouse to be built around another tree. Mr. Staples said the platforms are about 10' x 5' and 5' x 5' so it would be a lot to move, and, again, he does not want to move it into the woods. He said if he could find a way to keep most of the fort while keeping within the setbacks, he would.

Ms. Boyajian asked Mr. Staples if he still has a pool on the property. Mr. Staples said he does. Mr. Lowrey noted that the location of the leech field is not known well enough for the sanitarian. He said the sanitarian sent a letter asking about the location, since the treehouse is built with excavated posts. The sanitarian has not signed off on the treehouse, because it has to be at least 10' from the leechfield, and that location has not yet been determined. Mr. Lowrey said to be in accordance with the law, they should not grant a variance without knowing where the septic system is. Mr. McDermott asked when they might learn the location of the leechfield. Mr. Lowrey said Mr. Staples would need to find this out. He said septic installers can usually do a good job of determining the location.

There were no questions or comments from the public.

MOTION: Peg Boyajian/Bob Green to table ZBA App. 11-8 to the next meeting to allow Mr. Staples sufficient time to determine the location of the septic system. Mr. Avino asked that Mr. Staples also locate the notification receipts and turn them into Mr. Lowrey. Mr. Eccles reminded Mr. Staples to make sure the public hearing sign is posted on his property. Motion was unanimously approved.

4. BUSINESS MEETING

- 4.1 ZBA #11-7 Marios & Lisa Evripidou: 3 Courtland Drive; Variance from Sec. 170-85.B.1 to allow a pool shed to be 46' from the streetline of Bakos Road where 75' are required.

Mr. Avino said the property slopes quickly near the pool and he cannot see anywhere else that the shed could be located.

MOTION: Vin Avino/Peg Boyajian motion to grant a Variance from Sec. 170-85.B.1 to allow a 20' x 16' pool shed to be no closer than 46' from the streetline of Bakos Road where 75' are required, the hardship due to the location of the pool on the property and the general slope of the land. Motion was unanimously approved.

5. ACCEPTANCE OF MINUTES: Approve Minutes of April 28, 2011

MOTION: Peg Boyajian/Bob Green to approve the minutes of the April 28, 2011 meeting. Motion was unanimously approved.

6. GENERAL

MOTION: Peg Boyajian/Robert Green to enter into Executive Session to discuss litigation at 8:05p.m. Motion was unanimously approved. The Executive Session included Warren McDermott, Peg Boyajian, Vin Avino, Bill Eccles, and Steve Lowrey.

MOTION: Peg Boyajian/Robert Green to exit Executive Session at 8:10p.m. Motion was unanimously approved.

7. ADJOURNMENT

MOTION: Peg Boyajian/Vin Avino to adjourn the meeting and pay the clerk at 8:10p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk