

**ZONING BOARD OF APPEALS**  
**November 5, 2012 Special Meeting Minutes**

Board Members Present: Curtis Ruckey, Peter Lambert, Robert Rosenberg,  
Douglas Glazier, and Michael Russo

Town Staff Present: Jennifer Rodriguez,  
Town Planner, Assistant Zoning Enforcement Officer and Acting  
Wetlands Agent

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Curtis Ruckey called the meeting to order at 7:01 pm.

Board roll call was taken.

**MINUTES:**

**Chairman Ruckey referred to the October 17, 2012 meeting minutes and asked the Board members and staff for any comments or corrections. There were none. Mr. Ruckey then asked for a motion. Mr. Glazier moved to approve the October 17, 2012 meeting minutes, as published. Mr. Lambert seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**BILLS & CORRESPONDENCE:**

There were none.

**OLD BUSINESS:**

There was none.

**NEW BUSINESS:**

- a. Public hearing on Application #FY12-13-04, Owner/Applicant: Karen and Anthony Giannelli for a variance for the property located at 59 South Center Street to shift lot lines.**

Anthony Giannelli of 2 Colombo Terrace addressed the Board and stated that he owned both 59 South Center Street and 2 Colombo Terrace. He then explained that the property line between the two properties was on an angle and that they would like to straighten it out.

Mr. Glazier asked why they wanted to straighten out the property line. Mrs. Giannelli replied that it was really for aesthetics; it was unusable space. Mr. Giannelli then mentioned that they would like to eventually put a fence up between the two properties and would rather run

the fence straight instead of on an angle as the property line currently sat. Mrs. Giannelli commented that the front yard of 2 Colombo Terrace ran right into the backyard of the 59 South Center Street property.

Mr. Ruckey asked the Giannelli's where they lived. Mrs. Giannelli replied that they lived at 2 Colombo Terrace and 59 South Center Street was a rental property.

The discussion continued briefly.

Chairman Ruckey asked the Board members for any questions or comments. They had none.

Chairman Ruckey asked for any public comments in favor of the application. There were none.

Chairman Ruckey asked for any public comments in opposition to the application. There were none.

**Chairman Ruckey asked for a motion regarding Application #FY12-13-04. Mr. Glazier moved to approve Application #FY12-13-04, Owner/Applicant: Karen and Anthony Giannelli for a variance for the property located at 59 South Center Street to shift lot lines as indicated by the submitted maps. He then noted that the reason for shifting the lot lines was to provide a more adequate spacing for the house at 2 Colombo Terrace. He went on to say that if a fence were put up it would make egress and ingress to the property easier. In addition, it would not be detrimental to the property located at 59 South Center Street. Mr. Lambert seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

Chairman Ruckey reminded the Giannelli's that all of the proper paperwork and site plans must be prepared and submitted to the Building Department.

- b. Public hearing on Application #FY12-13-05, Owner/Applicant: Shane Gordon for a variance for the property located at 275 Main Street to allow a driveway to be located 2 feet 3 inches from a side property line, where 10 feet are required.**

Shane Gordon of 275 Main Street and Robert Hurd, Architect, from 56 Arbor Street in Hartford were both present.

Mr. Hurd addressed the Board on Mr. Gordon's behalf and stated that the house was built about 1930 and that it had been built on a very small, narrow lot. He went on to say that there was no easy way to get from the street to the backyard, because house had been built

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with a garage under it with a narrow, 12 foot wide driveway and retaining walls on both sides of the driveway. Mr. Hurd noted that the retaining wall was about 36 to 38 inches high at the corner of the house. He went on to say that they would like to enlarge the driveway to about 20 feet wide in order to park two vehicles in the driveway. He then noted that Main Street was a very busy street, therefore they wanted to be able to park their vehicles off the road. Mr. Hurd reiterated that the topography of the lot prevented them from accessing the backyard.

Mr. Glazier asked Mr. Hurd if he had spoken with an engineer regarding the impacts of replacing the existing retaining wall. Mr. Hurd replied that he had submitted everything to the Town's Planning staff for review and that they had not come back to him with any questions or concerns. He then noted that their intention was to use a modular block retaining wall system which could go up to four feet without reinforcing.

Mr. Glazier asked what the required minimum distance from a driveway to a property line was. Ms. Rodriguez replied that it was 10 feet.

Mr. Glazier asked if the applicant had spoken with the owner of 273 Main Street. Mr. Gordon replied that he had spoken with the owner of that property. He went on to say that the owner of 273 Main Street was currently in foreclosure and was about to lose the property to the bank.

Mr. Glazier was concerned that the applicant had not addressed the relocation of the retaining wall with the Town Engineer. Ms. Rodriguez stated that those types of things would be reviewed by the Building Department before the issuance of any permit. She went on to say that the Building Department would forward it to the Town's Engineer if they had any concerns.

Chairman Ruckey asked for any public comments in favor the application. There were none.

Chairman Ruckey asked for any public comments in opposition to the application.

Doug Hamilton asked if the property in question was adjacent to the Valero gas station. Ms. Rodriguez replied that it was not; it was the second house from the Valero station. Mr. Hamilton then questioned what kind of precedence the Board would be setting if they were to approve the requested variance.

Chairman Ruckey asked why they could not put the driveway in the front yard. Mr. Hurd stated that the porch was very close to the other retaining wall and that there was an existing gas line within one and one half feet of the retaining wall with a water line six or seven feet from that gas line.

**Chairman Ruckey asked for a motion regarding Application #FY12-13-05. Mr. Lambert moved to approve Application #FY12-13-05, Owner/Applicant: Shane Gordon for a variance for the property located at 275 Main Street to allow a driveway to be located 2 feet 3 inches from a side property line, where 20 feet are required. He noted that the hardship was the need for a second parking space, because of the property's location on a busy street; it would be in the best interest public safety and the owner's safety. Mr. Rosenberg seconded the motion with the condition that the applicant go to the Building Department for all necessary permits; the variance is not a permit to build.**

**Mr. Glazier moved to adjourn the meeting. Mr. Rosenberg seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:23 pm.**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**THIS IS A DRAFT**

**Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.**