

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS

September 20, 2021

Present for the hybrid meeting was Chair Schoenhorn, Commissioners Callahan, Carrier, Llewellyn, Phillips, Nadim and Alternate Commissioners Brockelman and Walsh. Assistant Town Planner Rutherford and Clerk Michaud were also present. The meeting was called to order at 7:00 p.m.

Present in the Council Chambers were Chair Schoenhorn, Commissioners Callahan, Carrier and Alternate Commissioner Walsh, Assistant Town Planner Rutherford, and Clerk Michaud. All others were present online.

Secretary Callahan read the legal notice into the record.

PUBLIC HEARING

Carrie Sposi & Manuel Burgo – 32 Ben Court

Applicant appeared in person in the Council Chambers.

Application for variance to locate accessory structure in other than required yard at 32 Ben Court, R40 zone. Chair Schoenhorn asked Assistant Town Planner Rutherford to briefly describe the parcel at 32 Ben Court. Assistant Town Planner used an aerial showing the parcel overlapping the Plainville/Farmington Town lines. The home is located in Plainville and the portion of the yard they are proposing to install the shed/accessory structure is located in Farmington. Assistant Town Planner Rutherford explained notice was sent to the Town of Plainville as required by the Connecticut General statutes and no comments have been received from Plainville. Manuel Burgo and Carrie Sposi explained the property is bounded on three sides by Ben Court and Fawn Drive. In addition, the property has a steep grade and the only somewhat level area is the location they propose to install the shed. Ms. Sposi stated they received a letter from Casey and Kathryn Coutu, 46 Fawn Drive, dated September 19, 2021 expressing no issue with the proposal. Ms. Sposi submitted the letter into the record at the meeting. There were no additional questions from the Board.

There was no public comment in favor or in opposition to the application.

The public hearing closed at 7:11 p.m.

Upon a motion made and seconded (Callahan/Carrier) it was unanimously

VOTED: To approve the Carrie Sposi and Manuel Burgo application for variance to locate accessory structure in other than required yard at 32 Ben Court, R40 zone, as presented and on file in the Planning Office.

Members voting in favor of the application agreed the applicant had sufficiently demonstrated a hardship with the configuration and grade of the property.

Halaree Monnerat – Lot 1 Twin Ponds Road

Applicant appeared in person in the Council Chambers.

Application for variance to reduce front yard setback from 50 feet to 25 feet for construction of new home at Lot 8980 (Lot 1) Twin Ponds Road, R40 zone. Attorney Robert Reeve, Scully, Nicksa & Reeve, represented the property owner/applicant. Also present if needed was William Aston, Buck & Buck Engineers. Attorney Reeve stated for the record the certified mail receipts were submitted to Town Staff and the required sign noticing the hearing was posted. Lot 1 Twin Ponds is a vacant parcel located at the corner of Coppermine Road and Twin Ponds Road. The R40 lot was created in 1955 before formal Inland Wetlands regulations were established. Attorney Reeve stated the wetland delineation report dated May 27, 2021 was written by Eric Davison with Davison Environmental. The delineation report includes a map of the parcel with wetland delineation lines defined. Mr. Davison's report states the site contains a forested wetland which drains to the west and discharges under Twin Ponds and then north under Coppermine Rd. The property owner is seeking a variance to reduce the front yard setback to locate a new home out of the wetlands minimizing direct impact the wetlands. They originally proposed a location that would not require a variance but also would directly impact approximately 1,300 sq. ft. of wetlands. As currently proposed the direct impact is reduced to 33 sq. ft. Board members asked if the neighbor to the south has commented on the application. Attorney Reeve responded no. Board members asked for clarification on the distance to the delineated wetlands, the hydrology report and treating runoff as it relates to other development options. Attorney Reeve clarified the report stated Option 3, the proposal before the Board, is the preferred choice because it best avoids direct wetland impact.

Calvin Fredette, 18 Twin Ponds, spoke in opposition to the variance application citing drainage issues and a high-water table on his property.

Mitchell Scott, 8 Twin Ponds, spoke in opposition citing drainage/water issues on his property.

Attorney Reeve summarized it would be best to mitigate direct impact to the wetlands.

The public hearing closed at 7:45 p.m.

Upon a motion made and seconded (Carrier/Callahan) it was

VOTED: 4 in favor (Callahan, Carrier, Llewellyn, Phillips) to 2 opposed (Nadim, Schoenhorn) to approve the Halaree Monnerat application for variance to reduce front yard setback from 50 feet to 25 feet for construction of new home at Lot 8980 (Lot 1) Twin Ponds Road, R40 zone, as presented and on file in the Planning Office. The motion to approve passed.

Members voting in favor of the application agreed granting the variance minimizes the direct impact to the forest wetlands on the property.

ConEdison Solutions – 10 Mountain Lane

Applicant appeared in person in the Council Chambers.

Application for variance to reduce rear yard setback from 50 feet to 31 feet for ground mounted solar array at 10 Mountain Lane, R80 zone. Chair Schoenhorn asked Assistant Town Planner Rutherford to explain the regulation that regulates the location of ground mounted solar arrays. Assistant Town Planner Rutherford explained Article IV, Section 2.D. is the portion of the regulations that is used to regulate the placement of ground mounted solar arrays. Andy Mayshar, ConEdison, stated they are seeking a variance due to the location of a large septic system and leaching field in the back yard. He stated the array is low profile and provided a photo for an example adding the array will be anchored with screws (helical posts).

The ground mounted array is in addition to roof mounted panels on the home. The Board members asked for clarification of the height and length of the array. The plans submitted show the height is 5'-11" and the length is 66'-7". The Board asked for the depth of the helical posts. Mr. Mayshar responded typically five to six feet deep. Chair Shoenhorn commented on the visibility of the proposed array from the new home under construction on the adjacent property. There was discussion regarding screening and whether or not tree clearing will be necessary. Mr. Mayshar commented there may be minimal cutting of branches. As for screening, Mr. Mayshar said he did not see an issue with planting five or six arborvitae.

Elizabeth Wycherly, 2 Mountain Lane, expressed concern with visibility of the ground mounted array and said she would appreciate some screening.

The public hearing closed at 8:10 p.m.

Upon a motion made and seconded (Carrier/Llewellyn) it was unanimously

VOTED: To approve ConEdison Solutions application for variance to reduce rear yard setback from 50 feet to 31 feet for ground mounted solar array at 10 Mountain Lane, R80 zone, as presented and on file in the Planning Office with the following condition: The applicant shall work with Town Planning Staff to provide proper screening hedges or arborvitae along the westerly property line of 2 Mountain Lane and the easterly line of 10 Mountain Lane to minimize visibility of the ground mounted solar array.

Members voting in favor of the application agreed the applicant sufficiently demonstrated a hardship.

NEW BUSINESS

Assistant Town Planner Rutherford provided a packet of Legislative Changes to CGS. A brief discussion followed.

MINUTES

Meeting Minutes

Upon a motion made and seconded (Callahan/Brockelman) it was

VOTED: 4 in favor, 2 abstentions (Nadim, Phillips) to approve the July 19, 2021 Zoning Board of Appeals meeting minutes.

The meeting adjourned at 8:28 p.m.

SJM