

**ZONING BOARD OF APPEALS  
Town of Clinton  
Clinton, Connecticut 06413  
860-669-6133**

**MINUTES**

Virtual Regular Monthly Meeting  
February 17, 2021

Chairman George Doerrer called the February 17, 2021 Virtual Regular Monthly Meeting of the Zoning Board of Appeals of the Town of Clinton to order at 7:07 P.M.

Members present: Chairman George Doerrer, Interim Secretary Andrew Richards, Bertram Schmitz (arrived at 7:15 P.M.), Dennis Irmscher, Laurie Jaffe and Alternates Tom Shultz, Maureen Noonan and Dylan Walter (arrived at 7:11 P.M. and left at 8:10 P.M.)

Members absent: none

Also present: Zoning & Wetlands Enforcement Officer Kathleen S. King (ZEO King), Clerk Sherry Lee Hynes (Clerk Hynes), applicants, applicants' agents and members of the public

Doerrer **SEATED** Noonan for Schmitz, outlined the procedure for the public hearing, and the criteria for the granting of a variance.

Irmscher **MOVED** to amend the Virtual Regular Monthly Meeting Agenda to add "Executive Session: Pending Litigation, Korman v. Zoning Board of Appeals, 20 Glenwood Road" to the end of the Agenda. Richards seconded the motion. Discussion: none. Voting in Favor: Doerrer, Richards, Irmscher, Jaffe and Noonan. Opposed: none. Abstentions: none. The motion was **carried** 5-0-0. Schultz was not seated. Walter and Schmitz were not present.

Walter arrived at 7:11 P.M.

Doerrer had Richards **READ** the Legal Notice of Public Hearing into the record.

**ZBA 21-000:** 29 Maplewood Drive, Lance F. & Deneen A. Hedge (Applicant & Owners). Application for Certificate of Variance of Section 26.10.14 (Ground Coverage) for an in-ground swimming pool & pool surround. Assessor's Map 45 Block 16. Lot 11. Zone: R-10

- Public Hearing
- Deliberation & Decision

**Public Hearing:** Lance F. Hedge presented his application for a variance for ground coverage for an in-ground swimming pool and pool surround. The property owners thought they had a double lot.

Schmitz arrived at 7:15 P.M. and assumed his seat.

The hardship claimed is the lot was created prior to the zoning regulations.

Jaffe inquired why the current structure, subject of the variance, is not considered “non-conforming”. Clerk Hynes advised that the “current structure” would be the pool and it is not constructed.

Several members asked if there were any impervious surfaces that could be converted to a pervious material, if pervious materials could be used for the pool surround and if a “plunge” pool could be in place of a standard pool. Hedge advised only the driveway was available for conversion to a pervious material, and, it is not desirable to do that because of snow removal, the pool winter cover must be stabilized into an impervious material per the pool installer, and a “plunge pool” will not accommodate his family.

Doerr **READ** the List of Documents received through February 16, 2021. There was no request to have a document from the List read into the record.

Doerr noted that there were no reports from the Fire Department and the Health Department. Members wanted the reports and input from the neighbors.

Irmscher **MOVED** to **CONTINUE** ZBA 21-000: 29 Maplewood Drive, Lance F. & Deneen A. Hedge (Applicant & Owners). Application for Certificate of Variance of Section 26.10.14 (Ground Coverage) for an in-ground swimming pool & pool surround. Assessor’s Map 45 Block 16. Lot 11. Zone: R-10 to the March 17, 2021 Virtual Regular Monthly Meeting. Schmitz seconded the motion. Discussion: none. Voting in favor: Doerr, Richards, Irmscher, Jaffe and Schmitz. Opposed: none. The motion was **carried**, 5-0-0. Schultz, Noonan and Walter were not seated.

**ZBA 21-001 & CAM:** Lot 194 East Road (vacant lot), Tim Willard (Contract Purchaser), Raisa Kukta (Owner). Application for Certificate of Variance of Sections 26.11.6 (Front Setback), 26.11.10 (Rear Setback), 26.11.14 (Maximum Ground Coverage) and Section 26.8.2 (Tidal Wetlands Buffer) to construct a 2-Bedroom Dwelling and Other Associated Improvements Including a Shed. Assessors Map 69 Block 66 Lot 194. Zone: R-10.

- Public Hearing
- Deliberation & Decision

**Public Hearing:**

**Joe Wren, P.E.** and **Tim Willard** were present.

**Wren** presented a technical description of the project using the record documents. As to the CAM application, their comments have been addressed as to the storm water collection and treatment. The proposed shed is needed because there is no room for a garage and a crawl space under the proposed residence. As to ground coverage, the shed and raised air conditioner deck to meet local flood zone regulations, brings the coverage to 23% where 20% is permitted. Wren **READ** in part the hardship as noted in the Variance Application.

Approximately 89% of the lot is in the setbacks or tidal wetlands buffer. As to square footage, the lot is almost 50% of what is required in this zone.

As to the Town Engineer February 13, 2021 Comments, they are addressed in the record documents.

As to the CAM comments, this is a lot in its natural state. There will be no additional encroachment into the tidal wetland. As to their comment on moving the residence closer into the front setback, it is not desirable due to the need in this area for stormwater discharge.

Wren noted that there is a Planning and Zoning Application pending for this property and asked that the Zoning Board of Appeals render their decision at tonight's meeting.

Doerrer **READ** the following documents into the record:

1. List of Documents received through February 16, 2021. There was no request to read a document from the List read into the record.
2. February 17, 2021 Letter from Fire Marshal Heser.

Doerrer noted that there was no report from the fire department or from the Health Department.

Wren stated the usual recommendation from the fire department is for an Emergency Access System (EAS) and a monitored fire alarm system. Willard was agreeable to this.

Wren then addressed inquiries from the Board regarding the distance from the proposed structures to the tidal wetlands, ground coverage and setbacks. Wren advised that the impervious driveway belongs to the neighbor and removal was not desirable. The proposed driveway will be a combination of a paved apron and crushed stone. The shed is needed because there is no garage and no basement. The proposed residence is a one-story, 1,000 square foot structure which blends in with the neighborhood. The building setbacks run through the proposed structure and, as proposed, the overhang will be 10' from the property line but appears to be 20 feet the road, with the walls of the structure 12' away from the property line. It was suggested that a two-story structure would reduce the footprint and the 4' under the house could be used for storage. Wren advised that the applicant has already reduced the size of the structure from what they originally wanted. He noted that a minimal conventional sanitary septic system is proposed.

Members expressed their concerns for the proximity of the overhand to the front property line, the proposed distances to the rear setback and to the tidal wetlands.

Willard advised using the crawl space for storage was not desirable, especially for gasoline-powered maintenance items such as a lawnmower and snow blower. Wren noted that the area under the house is not consistently 4'. Willard was willing to decrease the size of the proposed storage shed.

Walter left the meeting at 8:10 P.M. and did not return.

Members, by consensus, agreed they wanted reports from the Health Department and the Fire Department.

Irmscher **MOVED** to **CONTINUE** ZBA 21-001 & CAM: Lot 194, 0 East Road (vacant lot), Tim Willard (Contract Purchaser), Raisa Kukta (Owner). Application for Certificate of Variance of Sections 26.11.6 (Front Setback), 26.11.10 (Rear Setback), 26.11.14 (Maximum Ground Coverage) and Section 26.8.2 (Tidal Wetlands Buffer) to construct a 2-Bedroom Dwelling and Other Associated Improvements Including a Shed. Assessors Map 69 Block 66 Lot 194. Zone: R-10. Schmitz seconded the motion. Discussion: none. Voting in Favor: Doerr, Richards, Irmischer, Jaffe and Schmitz. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Shultz and Noonan were not seated. Walter was not present.

**Bills & Correspondence.** None.

**Minutes:**

- December 9, 2020 Virtual Regular Monthly Meeting
- January 21, 2021 Virtual Regular Monthly Meeting (Cancelled)

**December 9, 2020 Virtual Regular Monthly Meeting.** Schmitz **MOVED** to accept and approve as submitted the Minutes of the January 9, 2021 Virtual Regular Monthly Meeting. Irmischer seconded the motion. Discussion: none. Voting in Favor: Doerr, Richards, Irmischer, Jaffe and Schmitz. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Shultz and Noonan were not seated. Walter was not present.

**Annual Meeting (Continued)**

- Election of Officers
- Annual review of the Rules of the Zoning Board of Appeals

Doerr opened the floor for nominations for Chairman.

Jaffe **NOMINATED** Doerr for Chairman. Schmitz seconded the nomination.

There being no further nominations, Schmitz **MOVED** to close the nominations for Chairman. Jaffe seconded the motion. Discussion: none. Voting in Favor: Doerr, Richards, Irmischer, Jaffe and Schmitz. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Shultz and Noonan were not seated. Walter was not present.

Doerr opened the floor for nominations for Secretary.

Irmischer **NOMINATED** Richards for Secretary. Schmitz seconded the nomination.

There being no further nominations, Schmitz **MOVED** to close the nominations for

Secretary. Jaffe seconded the motion. Discussion: none. Voting in Favor: Doerrer, Richards, Irmischer, Jaffe and Schmitz. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Shultz and Noonan were not seated. Walter was not present.

The officers for 2021 are: Chairman – George Doerrer, Secretary – Drew Richards.

Annual review of the Rules of the Zoning Board of Appeals. No review. These can be amended at any time.

### **Old/New Business**

Report: January 25, 2021 Annual Town Meeting. WEO King reported.

**Executive Session:** Pending Litigation, Korman v. Zoning Board of Appeals, 20 Glenwood Road

Richards **MOVED** to go into Executive Session: Pending Litigation, Korman v. Zoning Board of Appeals, 20 Glenwood Road and to invite ZEO King, Town Counsel Kari Olson and Clerk Sherry Lee Hynes into the Executive Session. Discussion: none. Voting in Favor: Doerrer, Richards, Irmischer, Jaffe and Schmitz. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Shultz and Noonan were not seated. Walter was not present.

Irmischer **MOVED** to come out of Executive Session at 9:04 P.M. and immediately return to Open Session. Richards seconded the motion. Discussion: none. Voting in Favor: Doerrer, Richards, Irmischer, Jaffe and Schmitz. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Shultz and Noonan were not seated. Walter was not present.

**Chairman's Comments:** None.

There being no further business. Schmitz **MOVED** to adjourn the meeting. Richards seconded the motion. Discussion: none. Voting in Favor: Doerrer, Richards, Irmischer, Jaffe and Schmitz. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Shultz and Noonan were not seated. Walter was not present. The meeting was adjourned at 9:05 P.M. to the March 17, 2021 Virtual Regular Monthly Meeting.

Respectfully submitted,  
*Sherry Lee Hynes*  
Sherry Lee Hynes, Clerk

E-mailed: Town Clerk  
Town Council

Posted to: Website