

**ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES**

The Brooklyn Zoning Board of Appeals held a special meeting aNd public hearing on Monday, June 7, 2021 via Web Ex virtual meeting on the following:

Members Present: Bruce Parsons, Bill Macnamara, Lucien Brodeur, Stephen Mylly.

Members Absent: Dan Ross with notice.

Staff Present: Audrey Cross-Lussier, Recording Secretary, Margaret Washburn, Zoning Enforcement Officer, Rick Ives, First Selectman.

Also Present: Shawn and Stacy Olson and Eileen McKenna.

Call to Order: The meeting was called to order at 6:30 p.m.

Seating of Alternates: None.

Approval of Minutes: Regular Meeting Minutes January 25, 2021.

A motion was made by Lou Brodeur to approve the regular meeting minutes of January 25, 2021 as written. Bill Macnamara seconded this motion. No discussion held. All in favor. The motion passed unanimously.

Reading of the Legal Notice:

Vice Chairman Parsons read the legal notice into the record.

Public Hearings:

1. ZBA21-001 Shawn and Stacy Olson, 10 Hillside Drive, Map 46, Lot 42-1, R-30 Zone; Addition of a 2-car garage with mudroom/breezeway. Front yard setback of 50 feet cannot be met.

Mr. and Mrs. Olson have resided at 10 Hillside Drive for 15 years, they built the house when they moved to town. They would like to stay in this home when they retire as the layout suits their needs. They now have equity in their home and would like to build a 2-car garage with mudroom/breezeway which would enhance the property.

The Olson's met with Ms. Washburn who informed the Olson's that the proposed project cannot comply with the Zoning Regulations because it cannot meet the front yard setback, which is 50 feet in the R-30 Residential Zone.

No public commentary.

Bill Macnamara commented that he looked at the property from google maps and it looks like there is a side road off of Hillside Drive. Mr. Olson commented that immediately beyond the stonewall is a shared driveway. Mr. Macnamara asked what do we classify this lot as, a rear lot? Mr. Macnamara is disputing the front and side of the house, is there a possibility to have more than one front side? If this were the side of the house than they would not have to worry about the amount of setback.

Mr. Olson commented the driveway comes off of Hillside Drive, they are setback off of the corner of South Street and Hillside. The front of house faces South Street, but the driveway is on Hillside Drive.

Vice Chairman Parsons asked is there another parcel of land between the Olson house and Hillside Drive. There is a right of way in back and another small parcel of land? Mr. Olson commented that is the neighbor's property. Their property does not go all the way out to Hillside Drive, they have a 100-foot easement onto the shared driveway.

Ms. Washburn commented that the lot was created during a subdivision. Because it was created during a subdivision, the location of front, side and rear yard setbacks cannot be change. She looked into this and tried to help out, but it cannot be changed and that is why we are at a ZBA meeting.

Vice Chairman Parsons commented that this is a very unusual situation from his point of view. The front yard is in front of your house. This is the way it was years ago, somehow it has changed over to the way it is now, they cannot change the regulations, however, they have the authority to waive certain requirements.

Ms. Washburn commented if members decides to do a site walk it will become evident what the challenges are on the property.

Mr. Macnamara commented that looking at it from google maps you can see the challenges they are facing. Defining the front lot facing the street, they are almost closer to South Street than Hillside Drive. It is debatable what is the front of the house.

Mr. Olson commented there is land that goes out to South St. At the time when building the house, they could have put a driveway on South Street, but it would have been a lot longer driveway with more maintenance. Because it was a subdivision the Town hoped they would go with he shared driveway.

Vice Chairman Parsons stated he looked at the lot and feels there is a hardship for the applicant.

No further discussion held, Vice Chairman Parsons closed the public hearing at 6:39 p.m.

2. ZBA21-002 Eileen McKenna, 301 South Street, Map 45, Lot 2-3, R-30 Zone; Installation of 24-foot round above ground swimming pool installed where there was an existing swimming pool. Side yard setback of 30-feet cannot be met.

Ms. McKenna would like to install a 24-foot round above ground pool where there was an existing swimming pool. The pool electrical is already there. If the pool were moved further to the center, it would be too close to the septic system. She would like to place the proposed pool at 19-ft where the former pool was. Ms. McKenna read the zoning regulations and believed the setback was 15-feet. She filled out the zoning permit and purchased the pool. She was told that the setback was 30-feet.

Mr. Macnamara asked Ms. McKenna when was the last time the other pool was there? Ms. McKenna is not sure. She purchased the property in September 2020, she does not know exactly when the former pool was there. Part of purchasing the property was being able to replace the pool. There were building and zoning permits for the former pool.

Vice Chairman commented that the issue at hand is the classification of a pool. There is a referenced 15-ft side yard setback for an accessory structure. A pool is not an accessory structure, according to regulations, a pool is an accessory recreation facility. What the difference between that an accessory structure is, he does not know.

Mr. Ives commented he truly believes Mrs. McKenna did everything right. She believed she could put the pool there. There were some change in the setbacks regarding accessory structures which is extremely confusing. Mr. Ives gives Ms. McKenna the benefit of the doubt. The regulations are the regulations, but he does believe it is confusing.

Vice Chairman closes the public hearing at 6:44 p.m.

Public Hearing Closes

Unfinished Business:

1. ZBA21-001 Shawn and Stacy Olson, 10 Hillside Drive, Map 46, Lot 42-1, R-30 Zone; Addition of a 2-car garage with mudroom/breezeway. Front yard setback of 50 feet cannot be met.

Some members visited the site.

Mr. Brodeur stated there are no neighbors here for discussion or disapproval.

A motion was made by Lucien Brodeur to approve application ZBA21-001 Shawn and Stacy Olson, 10 Hillside Drive, Map 46, Lot 42-1, R-30 Zone; Addition of a 2-car garage with mudroom/breezeway; Request variance from Section 3.B.5.2 Setback Standards 50-foot front

yard setback reduced to 30-foot setback. Stephen Mylly seconds the motion. No discussion held. All in favor. The motion passes unanimously.

2. ZBA21-002 Eileen McKenna, 301 South Street, Map 45, Lot 2-3, R-30 Zone; Installation of 24-foot round above ground swimming pool installed where there was an existing swimming pool. Side yard setback of 30-feet cannot be met.

A motion was made by Stephen Mylly to approve application ZBA21-002 Eileen McKenna, 301 South Street, Map 45, Lot 2-3, R-30 Zone; Installation of 24-foot round above ground swimming pool installed where there was an existing swimming pool; Request variance from Section 3.B.5.2 Setback Standards 30-foot side yard setback reduced to 19-foot setback. Lucien Brodeur seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Vice Chairman Parsons agrees with Mr. Ives with regards to the regulations. A swimming pool is an accessory building, not a permanent structure, it has sand on the bottom and can be taken down at any time.

Mr. Macnamara thanks Ms. Washburn for her input and support on the applications.

Other Business: None.

Adjourn: A motion was made by Lucien Brodeur to adjourn the meeting at 6:48 p.m. Stephen Mylly seconds the motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier, Recording Secretary