



**MINUTES
ZONING BOARD OF APPEALS
SPECIAL MEETING
November 4, 2024
7:00 PM - Council Chambers**

<https://www.youtube.com/watch?v=-KtufhbG5-E>

1. CALL TO ORDER

Vice Chair Stroiney called the meeting to order at 7:00pm.

2. FIRE EVACUATION ANNOUNCEMENT

Fire evacuation information was announced.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Dana Palmer

Absent: Andrew Urbanowicz

Commissioner Palmer was seated as a regular member.

Also present were Director of Planning, Laurie Whitten; Zoning Enforcement Officer Rick Rachele; and Recording Secretary, Rebecca Jones.

5. OLD BUSINESS

A. Legal Notice

6. NEW BUSINESS

A. Legal Notice

B. ZBA# 2024-10-9 – 10 North Maple Street - Application for a variance for section 4.10.3; Town of Enfield, Applicant; 10 North Maple St, LLC, Owner; Map 83/Lot 252; HV33 Zone
This application is being sponsored by the Town of Enfield because they would be the beneficiary of this land swap. Ms. Whitten explained that although the non-conformity in size is increased, the rear property line would be in line with the two lots to the north, would still be slightly larger, and would appear as though they were one small subdivision. The reduction in size is to eliminate the property owner having to monitor and maintain the 25' sewer easement and having an encroachment on their property. Both of these are a

hardship on the property owner. A map was shared with proposed property lines. Vice Chair Stroiney asked for clarification about a small storm drainage easement. Ms Whitten explained it would be unreasonable to have that portion moved over to the Town of Enfield. Commissioner Turner asked if there is an actual storm drain in place, which there is not.

Applicants Gretchen Pfeifer-Hall, 4 Somers Road and Rick Szewczyk, 35 South Road, were present. Mrs. Pfeifer-Hall clarified that the area previously in question is a drainage easement and explained where the three sewer holes are located on the property. The sanitary sewer easement also serves as a right-of-way easement. This transfer would help clear up potential liabilities with people traveling onto that land. The Town of Enfield may use this lot for additional public parking in the future.

MOTION by: Mary Ann Turner **seconded:** Christine DeBonee to close the public hearing.
UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Dana Palmer No: None Abstain: None.

MOTION by: Mary Ann Turner **seconded:** Christine DeBonee to approve ZBA 2024-10-9 - 10 North Maple Street.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Dana Palmer No: None Abstain: None.

C. **ZBA# 2024-10-11 – 27 Booth Road** – Application for a variance seeking relief of the setback requirements under section 4.10.3; Erik Szyluk, Applicant; Paul Rivard III, Owner; Map 59/Lot 64; R33 Zone

MOTION by: Mary Ann Turner **seconded:** Christine DeBonee to table ZBA 2024-10-11 - 27 Booth Road.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Dana Palmer No: None Abstain: None.

7. APPROVAL OF MINUTES

A. June 24, 2024

Commissioner Turner had a question related to the numbering of these minutes. This is tabled until the next meeting.

B. August 26, 2024 Special Meeting

MOTION by: Mary Ann Turner **seconded:** Christine DeBonee to approve the August 26, 2024 Special Meeting minutes.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Dana Palmer No: None Abstain: None.

8. CORRESPONDENCE/STAFF REPORT

None.

9. OTHER BUSINESS

A. Discussion on status for Jarmoc Farms excavation on Grant Road

Commissioner Turner requested an update as this item had been taken off the agenda. She gave a timeline of this matter and confirmed that they never came into compliance, they just ceased activities. Mr Rachele explained that once the cease and desist is issued and then appealed, there is no further action until it's heard by this board. If the violation continues after that, then he can issue a citation. While they did not abide by the cease and desist, the activities are now over, and he cannot issue a citation for past actions. Essentially, this was a manipulation of the appeal process. Commissioner Turner opined that they owe the Town of Enfield money for the excavation permit they should have taken out. The commissioners reviewed a copy of the state statutes related to a procedure for violations of procedures. Violation of excavation regulations did occur until as late as April 3rd. There is no further jurisdiction and any further action has to go through the courts, which would need to be approved by the Planning and Zoning Commission.

B. Bylaws

Commissioner Turner confirmed that the commissioners are in possession of the newest copy of the bylaws.

C. Miscellaneous

Vice Chair Stroiney asked that the 2025 meeting schedules be presented at the next meeting. Commissioner Turner asked for a Certificate of Compliance review list for all variances. Mr. Rachele explained the process for final as-built plans that receive PZC approval. She wants to ensure compliance. Commissioner Turner asked about CivicClerk access. Ms. Whitten is unsure how the materials will be provided to the commissioners going forward. Commissioner Turner asked if tablets will be provided for commissioners in the future. Ms. Whitten shared contact information for CivicClerk help. Commissioner Turner asked for an update on 128 Moody Road. It is still pending in court.

10. TOWN ATTORNEY REPORT

A. July 22, 2024

B. September 9, 2024

C. October 23, 2024

11. EXECUTIVE SESSION

A. **Raffia Farms, Inc. v. ZBA (110 Raffia Road)** Docket #LND-HHD-CV23-6172084-S

MOTION by: Mary Ann Turner **seconded:** Christine DeBonee to enter executive session.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Dana Palmer No: None Abstain: None.

The commissioners entered into executive session at 7:44pm.

Vice Chair Stroiney called the meeting back to order at 7:55pm. There were no votes taken nor were any decisions made.

12. ADJOURNMENT

MOTION by: Mary Ann Turner, seconded: Christine DeBonee to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared the motion adopted unanimously, and the meeting stood adjourned at 7:59pm.

Respectfully submitted,

MaryAnn Turner

Secretary

Rebecca Jones

Recording Secretary