

**ACTIONS OF THE ZONING BOARD OF APPEALS
MARCH 25, 2009**

MEMBERS PRESENT: James Stevenson, Chair
Kathleen Maffe, Vice Chair
Albert Gionet, Secretary; recused for application # 2397
Robert Schneider
Mark Connors

ALTERNATES PRESENT: Edward Slegeski
Paul Harnois, sitting for application # 2397
Armando Darna

The following actions were taken by the ZBA at its meeting of March 25, 2009:

FREDERICK J. LEA – application #2395 – request a variance to Article II Section 1.03.05(a) to allow a 10' in height fence (6 feet permitted) at 176 & 176A Gardner Street, Rural Residence zone.

MOTION: Mr. Gionet made the motion to approve the application with the condition the fence is made of woven wire or similar material used for deer exclusion, and that it not be a stockade fence. Ms. Maffe seconded the motion and all members voted in favor.

The reason for the approval was the high deer population and Mr. Lea's assurances that the fence would be aesthetically pleasing.

CONCORDIA LUTHERAN CHURCH – application #2396 – request a variance to Article II Section 1.00.02(4) to eliminate the required fence along a portion of the north property line at 40 Pitkin Street, Residence A zone.

MOTION: Ms. Maffe made the motion to approve the application, Mr. Schneider seconded the motion and all members voted in favor.

The reason for the approval was the church property pre-dated the regulations and the difficulty of snow storage due to the close proximity of the fence to the parking spaces.

RICHARD M. EATON – application #2397 – request a variance to Article II Section 4.01.01 to reduce the front yard setback to 12' (25' required) at 584 North Main Street, Residence A zone.

Mr. Gionet recused himself from this application; Mr. Harnois sat for this application.

MOTION: Ms. Maffe made the motion to approve the application, Mr. Schneider seconded the motion and all members voted in favor.

The reason for the approval was there is no increase in the square footage of the livable space, and the variance is needed to create safe ingress & egress.

RISHIMA & PRIYAL, LLC – application #2398 – request a variance to Article IV Section 7.02.02 and to Article IV Section 7.02.03 and Article IV Section 8.06 to change existing use to permit sale of alcoholic liquors under package store permit, at 276 Oakland Street, Residence A zone.

MOTION: Mr. Gionet made the motion to approve the application with the conditions that all the businesses have separate entrances and interiors not be connected and the liquor store is a maximum of 1800 sq. ft. Ms. Maffe seconded the motion and Messrs. Stevenson and Schneider voted in favor. Mr. Connors voted against the motion.

The reason for the approval was the recent improvements to the building and that the business presently has a beer license and would drop their license when the package store started.

CONNECTICUT CVS PHARMACY, LLC – application #2399 – request a variance to Article IV Section 13.06.01.01 to install a 140 sq. ft. building sign on the south side (100 sq. ft. permitted) and a 128 sq. ft. building sign on the east side (100 sq. ft. permitted) of the CVS Pharmacy building at 245 Middle Turnpike West, General Business zone.

MOTION: Mr. Connors made the motion to deny the application; Ms. Maffe seconded the motion and all members voted in favor.

The reason for the denial was an adequate hardship was not demonstrated, the regulations are clear regarding calculations of signs, and the visibility and location of the building will allow the business to be easily identifiable.

APPROVAL OF MINUTES – of public hearing and business meeting of February 4, 2009.

MOTION: Mr. Gionet made the motion to approve the minutes as written; Mr. Connors seconded the motion and all members voted in favor.