

Agenda
Tolland Zoning Board of Appeals
21 Tolland Green, Tolland, CT
Thursday, June 22, 2023 at 7:00 p.m., 6th floor – Council Chambers

1. Call to Order
2. Seat Alternate(s)
3. Public Hearing(s)
 - 3.1. ZBA #23-2 – 17 Walbridge Hill Road – Variance request from Section 17-2.C.1 to allow a 22' x 24' garage to be 10 feet from the side property line where 25 feet is required. Zone: RDD. Map/Block/Lot: 29/L/018. Applicant: Louis and April Marchigiano.
4. Business Meeting
5. Approve Minutes - February 23, 2023 Regular Meeting
6. Other Business
7. Adjournment



TOWN of TOLLAND/ 21 tolland green, tolland connecticut 06084

Zoning Board of Appeals

LEGAL NOTICE
TOLLAND ZONING BOARD OF APPEALS

The Zoning Board of Appeals will hold a public hearing on June 22, 2023 at 7:00 p.m to consider the following application:

ZBA #23-2 – 17 Walbridge Hill Road – Variance request from Section 17-2.C.1 to allow a 22' x 24' garage to be 16 feet from the side property line where 25 feet is required. Zone: RDD. Map/Block/Lot: 29/L/018. Applicant: Louis and April Marchigiano.

A copy of this application is available on file and available for review in the Planning and Building Department at 21 Tolland Green. At this hearing, public comments will be heard and written communications received.

To be advertised twice in the Journal Inquirer:

Once on: Thursday, June 8, 2023

Once on: Monday, June 19, 2023



TOWN OF TOLLAND
APPLICATION FOR VARIANCE

Zoning Board of Appeals

App. # _____

Property Information

Property Address: 17 WALBRIDGE HILL RD
Property Owner: LOUIS + APRIL MARCHIGIANO
Zone: RDP Map/Block/Lot: 29/L/Ø18

Applicant Information

Name: (if different than above)
Address: (if different than above)
Phone Number: 860-870-1609 Email Address: Lou@Marchigiano.net

Variance Requested

Describe variance being requested and hardship (self-created, financial or cosmetic issues are not hardships):
To secure our vehicles from an increase in thefts statewide and catalytic converter thefts. It will be built on our existing driveway which is also on the same side as our main entry into the house. Other side is close to wetland area.
Section of Zoning Regulations to be Varied: 25 Foot Side Setback

All of the above statements and the statements contained in any documents and plans submitted herewith are true to the best of my knowledge:

Applicant Signature: Date:

Owner Signature: Date: 5/25/23

A separate letter or email from owner authorizing permission to apply for a variance is also acceptable.

9 copies of a sketch / plot plan clearly showing the proposed location of the structure, property lines, and distance to property lines must accompany this application along with the appropriate fee. Please consult with staff.

OFFICE USE ONLY

Fee Amount: \$320.00 Official Date of Receipt:
Form of Payment: Check Public Hearing Set for:
Date Submitted: 05/25/2023 Decision Date:
Decision:

ALFRED E. SCHINDLER
 LAND SURVEYOR
 ELLINGTON, CONNECTICUT

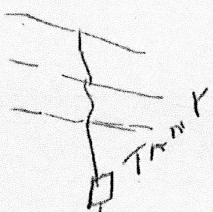
N/F ROSENBAUM

I.P. I.P.

79.08'

509.27'

515.45'



N/F JOHN E. LUETJEN, INC.

BUILDING LINE

158.49'

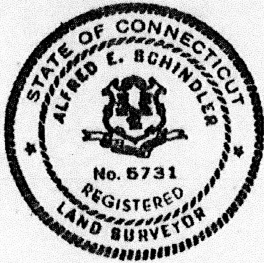
I.P.

I.P.

WALBRIDGE HILL ROAD

PLOT PLAN

LOT OF JOHN E. LUETJEN, INC.
 LOCATED IN TOLLAND, CONN.



FOUNDATION CHECKED

DATE _____

SCALE 1" = 50'

DATE 5/6/68

CERTIFIED SUBSTANTIALLY CORRECT

Alfred E. Schindler LS 5731

6711-1A

WETLANDS

N/F ROSENBAUM

71'

86
72

9589 0710 5270 0422 0734 29

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**ZONING BOARD OF APPEALS
TOLLAND, CONNECTICUT
REGULAR (HYBRID) MEETING MINUTES OF FEBRUARY 23, 2023**

MEMBERS PRESENT: Claudette Morehouse, Chair
Ben Chevalier, Vice Chair
Nate Carlson
Bob Burns (remote)
Mike Martel
Jean Fiske, Alternate (remote)

OTHERS PRESENT: Robin Newton, AICP, CZEO – Tyche Planning & Policy Group
Matt Geanancopoulos, CT Department of Transportation
Raymond Zabilansky, 56 Skungamaug Road
Public (remote)

1. CALL TO ORDER

Claudette Morehouse, Chair, called the hybrid meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

2. SEAT ALTERNATES

None.

3. PUBLIC HEARING

Claudette Morehouse explained the two-part process of the public hearing.

MOTION: Ben Chevalier/Nate Carlson to open the public hearing. All were in favor. Motion carried.

3.1 ZBA #23-1, 56 Skungamaug Road – Request for a variance to reduce the required lot size from 15,433 s.f. to 15,093 s.f. where 87,120 s.f. is required in conjunction with the CT DOT Project 142-152 per Tolland Zoning Regulations Section 5-3.A.1. Zone: Residential Design District. Applicant: State of Connecticut Department of Transportation.

Bob Burns read the legal notice.

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Note: There was some initial confusion over who was the applicant as there was only one person in the audience, Raymond Zabilansky, who was actually the impacted resident, and so he was invited to speak first.

Raymond Zabilansky of 56 Skungamaug Road said he bought his small non-conforming in size lot about two years ago. He said he understands the Department of Transportation would like to take 350 square feet of his lot for their project. He understands their issue but it would encroach on the back of his barn and it feels like a lot of land is being taken.

The biggest issue for him is safety. When the work is completed and the bridge reopens, Raymond Zabilansky said he was concerned that with Route 74 being a very busy road with many people driving very fast down it, there are bound to be some people who will go right through the corner and plow into his barn. Right now there are some large trees that protect his barn and property, but when they come down, that protection to safety will be gone. Additionally, the barn is heated and there is an oil tank in back of it.

Matt Genancopoulos representing the CT Department of Transportation attended remotely. He said the project to replace the bridge includes a proposal to realign Skungamaug Road and tee up the intersection with Route 74. This realignment is designed with enhanced safety in mind. He said the realignment will not move Route 74 closer to his barn. Skungamaug Road will turn right and tee with the intersection. This is the reason they need to take the 350 square feet of Raymond Zabilansky's property.

Claudette Morehouse asked if the plan is to straighten the curve in the road. Matt Genancopoulos said, yes, there will be a slight flattening out. Bob Burns asked if the bridge will end up being a little wider. Matt said it would be. The redesign will bring it up to standards.

Raymond Zabilansky said if a driver were coming from Route 74 to Skungamaug, the issue is that if someone doesn't slow down, they could end up going straight into his property. He asked what the distance would be from the road to his barn. Matt Genancopoulos said it is about 35 feet to the barn, and the taking line is at about 17 feet.

Raymond Zabilansky asked if someone from DOT would be reaching out to him, and, if so, when?

Matt Genancopoulos said the first step is to send out the notices about the project. After they resolve that, then they would contact him with an offer for the property being taken. If the variance request is resolved, then it would likely be about one to two weeks. If, however, the variance request is denied then, they go back to the drawing board.

Matt Genancopoulos said there were three options for them if the variance request is denied. They could (a) pull off the property all together and not tee up with Skungamaug Road as the town had requested; (b) try to get an easement across the Zabilansky property, or (c) acquire the entire property at 56 Skungamaug Road by eminent domain.

Raymond Zabilansky said it would be helpful if he could get an idea how much he would be offered for the 350 square foot taking. Matt Genancopoulos said he couldn't say what the value might be. The question then arose about whether the ZBA could approve the variance request,

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but then deny it later if the DOT and Raymond Zabilansky could not agree on a suitable offer. They could not do so. Matt Genancopoulos said their first step is always to try to work out a fair agreement.

Claudette Morehouse asked if the DOT would be willing to increase the safety to Raymond Zabilansky's property by adding a barrier of some kind, like a guardrail. Matt Genancopoulos said it is not in the plan and something the DOT does not ordinarily do. Raymond Zabilansky said he would entertain an agreement if he could get some ballpark number or if there were added safety provisions offered. Without that, it's difficult to make a commitment.

Nate Carlson asked if there were plans they could see. Robin Newton provided Matt Genancopoulos document sharing capability on Zoom. Matt Genancopoulos noted it is not the most up-to-date plan but pointed out the property and the realigned Skungamaug Road.

Claudette Morehouse asked if there was any signage in the plan to inform drivers of the turn or that it is no longer a straight-away. Matt Genancopoulos said there was. He showed the type of signage that would be added—a sign with an arrow showing the curve coming up.

Raymond Zabilansky said without seeing the most up-to-date plan, it is difficult to agree to anything. Matt Genancopoulos said he understood his safety concerns, but noted that the plan was already vetted out with the town. He said the purpose of the variance application is whether or not the reduces lot size would be in harmony with Tolland's zoning regulations.

Claudette Morehouse noted it is already a non-conforming lot and the taking would make it more non-conforming. It would also be making his property more unsafe.

Mike Martel asked how the easement option would work. Matt Genancopoulos said they could proceed with an easement without the need for a variance, but they prefer not to do them. It would only be an option they might consider if they were denied the variance. However, they would also need to take into account the safety considerations. He said they could possibly not do the tee up or they could consider buying his entire property. If they went the easement route, it would be a permanent easement across his property. They would pay the full value in a one-time payment. In this situation, the lot size would not change, so it would not trigger the statute.

Raymond Zabilansky said that without any numbers to consider and with the safety issues, he saw no value in it. He said right now, it would be pretty much a "no" for him.

Claudette Morehouse asked if a hardship requirement applies in these cases. Robin Newton said as far as she knew the DOT is not exempt from the hardship claim in Tolland's zoning regulations. Matt Genancopoulos said due to the unilateral nature of the DOT, they do have eminent domain authority. He said without a variance, the hardship might be that they would have to take the property owner's entire property.

Robin Newton said if they grant a variance for the 350 square feet, the property owner would only lose a small portion of his property. She suggested he may want to work with the DOT to install a barrier. This would be preferable to losing his whole property. She asked Matt Genancopoulos if added safety features might be worked in with the engineer, such as adding large boulders. Matt Genancopoulos said he believed it could possibly be a negotiated item if

the barrier were installed on the owner's property, as the DOT would not maintain it. He said he could not make any promises, though.

Claudette Morehouse asked if Matt could go back to the DOT first before any decision was made by their Board. Matt Genancopoulos said he would not expect that would happen with the DOT.

Raymond Zabilansky said this is a route Tolland High School students take to school and he could easily see a crash happening in the area.

Nate Carlson said no matter what the Board decides, the job will go forward and probably at a price Raymond Zabilansky won't like. Robin Newton said the offer is a small taking, adding that Matt Genancopoulos handles Right of Way issues and can't commit the DOT to any specific requests. She suggested that Raymond Zabilansky, the DOT and the Town could sit down together and figure out the best way to make his property safer. In discussing the potential offer, Matt Genancopoulos said the offer for the 350 square feet would be the difference between the current fair market value now and what it would be with that piece taken. He said the minimum offer the DOT makes in any taking is \$500. They can't offer less than that.

Raymond Zabilansky asked if there were any grounds under which the DOT could not touch his property. Robin Newton said if the DOT wanted to take his land by eminent domain, they could do it. She suggested the most feasible way to handle it would be to sit down with representatives from the Town and the DOT to address his safety concerns. She noted the reconfiguration proposal would naturally slow traffic – it's a traffic-calming measure. The current "V" design of the road does not slow traffic. She said adding boulders might add a layer of safety. If the DOT won't add them, perhaps the town would be willing to do that with Raymond Zabilansky's approval. Matt Genancopoulos said he would share their discussion with the engineers.

MOTION: Ben Chevalier/Nate Carlson to close the Public Hearing for ZBA #23-1, and open the Business Meeting. All were in favor. Motion carried.

4. BUSINESS MEETING

Mike Martel said he felt the best option would be to approve the variance as it would provide the property owner with the best chance of not having his entire property taken by eminent domain. Claudette Morehouse agreed. The Board discussed the need for the property owner to meet with the Town and DOT to discuss taking extra safety precautions. Bob Burns suggested berms, a guardrail or boulders. He said he understood the homeowner's concerns about someone not familiar with the road change barreling through onto his property.

MOTION: Ben Chevalier/Nate Carlson to approve ZBA #23-1 for a variance to reduce the required lot size at 56 Skungamaug Road from 15,433 s.f. to 15,093 s.f. where 87,120 s.f. is required in conjunction with CT DOT Project 142-152 per Tolland Zoning Regulations Section 5-3.A.1, the hardship being the need to avoid losing the property in full to eminent domain. All were in favor. Motion carried.

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4.1 Commissioner Training – Robin Newton referred to the UConn CLEAR land use commissioner training in members’ packets. She noted that pursuant to a Connecticut Statute, ZBA members are required to obtain four hours of training every two years, including one required hour of training on affordable housing. She said their four years would be required to be completed by the end of this year.

Robin Newton said UConn CLEAR has recently put up a training calendar on their website. They can take classes and then inform Michael D’Amato when they have completed them. Claudette Morehouse asked where she could find the information on the website. Robin messaged Michael D’Amato asking him to send them all a direct link to them.

5. **APPROVE MINUTES** – October 27, 2022 Regular Meeting

MOTION: Ben Chevalier/Mike Martel to approve the October 27, 2022 Regular Meeting minutes as written. All were in favor. Motion carried.

6. **OTHER BUSINESS** – None.

7. **ADJOURNMENT**

MOTION: Claudette Morehouse/Ben Chevalier to adjourn the meeting and pay the clerk at 8:05 p.m. All were in favor. Motion carried.

Respectfully submitted,

Annie Gentile
Clerk