

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING VIA ZOOM

June 23, 2020

MINUTES

Present: Board Members: Chairman, Macleod Snaith, Vice-Chairman, Bob Machson, Don Scarborough, Dan Gilbert, Ilene Richardson and Alternates, John Moran, James Low and Megan Loucas

Also: Tracy Kulikowski, Land Use Director, John Conte, Town Engineer, Attorney Gelderman, Town Attorney

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Chairman Snaith opened the hearing at 7:35 p.m. and the Board Secretary read the legal notice into the record.

4 DAVIS HILL ROAD, owner, ANNETTE WENZEL, Map 19, Block 3, Lot 31. In accordance with Connecticut General Statutes, Section 48-24, the Connecticut Department of Transportation requests a Variance to Section 321.4 of the Zoning Regulations to acquire approximately 1,166 square feet of land from the existing nonconforming 1.671 acre residential lot in connection with repair, maintenance and preservation work on the Town's Davis Hill Road Bridge. The lot's size would be reduced to 1.644 acres. The bridge work is considered a DOT Preservation Project and funded under the Federal Local Bridge Program.

Dennis McDonald from the DOT began his presentation explaining that the State proposes to acquire land from a pre-existing non-conforming private property and as a result will reduce the already non-conforming property by approximately 1,166 sq. ft. He noted that the reason the acquisition is necessary is to perform repairs and for current and future maintenance projects. He also noted that he had met with the homeowner and her attorney on June 8 to discuss the project and listen to their concerns. They discussed the trees that would be impacted and ones to be saved, signage and landscaping to provide screening.

Attorney Joseph Hammer, who represents Ms. Wenzel, then noted that at the June 8 meeting, the homeowner was provided with more information on the land that would be acquired and the project as a whole. He stated that they recognized that one way or another, the DOT will take the property it thinks it needs for the project, but their focus is trying to minimize the impacts. Attorney Hammer also noted the Connecticut case law that provides basis for a ZBA to grant a variance in this case. Discussion ensued.

Following discussion Mr. Machson made a motion:

MOTION TO CLOSE PUBLIC HEARING

Mr. Scarborough made a motion to close the Public Hearing and Mr. Machson seconded. All in favor (5-0) the hearing closed at 8:17 p.m.

DELIBERATION:

Voting Members: Snaith, Machson, Scarborough, Gilbert, Richardson

Mr. Gilbert began deliberation noting that the DOT representative summarized the proposal very well and was glad to hear that they gave the homeowner the opportunity to be satisfied with what was proposed. Mr. Scarborough stated that he was glad that the DOT and Town were able to work with the resident to address her concerns. Ms. Richardson stated that she believes that the Board worked well within their bounds of what they can do, they helped to protect the interests of the homeowner and were able to show a fair and just process. Mr. Snaith wanted to address the caselaw and state that this situation is unique in that no one else is affected by having a bridge in their backyard. Mr. Scarborough brought up the Smith case where a decision was made without the knowledge of the homeowner and Mr. Snaith also noted the hardship being, through no fault of the property owners, they lose some of their land and would require granting of a Variance. Mr. Machson stated that he believes that a granting of a Variance is in harmony with the Town's Zoning Regulations.

MOTION FOR APPROVAL

Mr. Machson made a motion to approve the Variance to Sec. 321.4 of the Zoning Regulations so the Connecticut Department of Transportation can acquire approximately 1,166 sq. ft. of land from the existing non-conforming 1.671 acre lot known as 4 Davis Hill Road, to facilitate the repair maintenance and preservation of the Town's Davis Hill Bridge and Mr. Snaith seconded. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Snaith made a motion to approve the Minutes from May 19, 2020, as amended, and May 23, 2020 and Ms. Richardson seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Ms. Richardson made a motion to adjourn the meeting and Mr. Scarborough seconded. All in favor, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Delana Lustberg  
Board Secretary

Date Approved: