

AMENDED

Preston Zoning Board of Appeals
Regular Meeting
Tuesday, August 8, 2022
Preston Town Hall - Lower Level

Call to Order - John Moulson called the meeting to order at 6:15 P.M.

1. Roll Call

Members

John Moulson. - Chairman
Gregory S. Moran Sr. - absent
Nicholas Vegliante
Merrill Gerber - arrived at 8:25 P.M.

Alternates

John Sacrey - seated
Nicole Serra - seated

Thomas Weber - Zoning Enforcement Officer
Kim Lang - Recorder

Also Present

7 members of the public

2. Approval of Minutes

a. Regular Meeting Minutes May 9, 2022

Nicholas Vegliante motioned to approve the Regular Meeting Minutes of May 9, 2022 as presented. Nicole Serra seconded the motion. The motion was carried unanimously.

b. Public Hearing Minutes May 9, 2022

Nicole Serra motioned to approve the Public Hearing Minutes of May 9, 2022 as presented. John Sacrey seconded the motion. The motion was carried unanimously.

3. Correspondence

- August 3, 2022 - Letter: Lloyd L. Langhammer, Law Offices of Lloyd L. Langhammer, LLC to John Moulson, ZBA Chairman, regarding his objections to Richard Snarski Variance Application, 11 Hinckley Hill Road; ZBA Application #2022-02.

It was decided that this would be discussed later during the Public Hearing.

4. Public Hearing - Please see Public Hearing Minutes

- a. Zoning Board of Appeals Application #2022 - 002, R. Richard Snarski, 11 Hinkley Hill Road. Applicant seeking to vary Zoning Regulation 3.14.3(e), Lot Access Driveways, use**

of a right of way for two (2) lots. Zoning Regulation 3.14.3 (a), required access from an accepted town road or state numbered highway. Zoning Regulation 15.2 Dimensional Requirement, required lot frontage on street 250 ft to zero ft (0) parcel not on town road. Zoning Regulation 16.5 Rear Lot Development, 25 ft required to zero ft (0) parcel not on a town road.

8. Public Comment - None

9. Adjournment

Nicholas Vegliante motioned to adjourn at 7:40 P.M. Merrill Gerber seconded the motion. The motion was carried unanimously.

Respectfully Submitted,

Kimberly Lang

Recording Secretary

AMENDED

Preston Zoning Board of Appeals
Public Hearing
Tuesday, August 8, 2022
Preston Town Hall - Lower Level

Call to Order - John Moulson called the Public Hearing to order.

1. Roll Call

Members

John Moulson. - Chairman
Gregory S. Moran Sr. - absent
Nicholas Vegliante
Merrill Gerber - arrived at 8:25 P.M.

Alternates

John Sacrey - seated
Nicole Serra - seated

Thomas Weber - Zoning Enforcement Officer
Kim Lang - Recorder

Also Present

7 members of the public

Zoning Board of Appeals Application #2022 - 002, R. Richard Snarski, 11 Hinkley Hill Road. Applicant seeking to vary Zoning Regulation 3.14.3(e), Lot Access Driveways, use of a right of way for two (2) lots. Zoning Regulation 3.14.3 (a), required access from an accepted town road or state numbered highway. Zoning Regulation 15.2 Dimensional Requirement, required lot frontage on street 250 ft to zero ft (0) parcel not on town road. Zoning Regulation 16.5 Rear Lot Development, 25 ft required to zero ft (0) parcel not on a town road.

Susan Mattern of DGT Associates, 148 Route 2, Preston submitted the following to the Board:

- The application fee
- Application
- Letter of support from Leona L. Bourassa co-owner of the parcel
- List of abutters and certified mail receipts proving they were notified
- Sample of the letter sent to abutters
- Legal notice published in the Norwich Bulletin on July 27th and August 3rd.
- Letter from Uncas Health District stating that the deep test pits and percolation test results were favorable to the proposed plans.

She then went on to explain the proposed plan for the parcel in question, 11 Hinckley Hill Road. The 56 acre parcel would be divided into 2 building lots, one 29.0 acres and the other 27.56 acres. The parcel in question is located off the terminus of Hinckley Hill Road. The access to the property is a deeded right of way from the 1920's, which predates Zoning Regulations that required road frontage. The area was described as having several structures along the right of way: barn, shed, garages, a well, and a home. Due to the topography of the parcel there are only two buildable areas which is where the proposed homes would be built. Access to the two lots would be an existing wood road. This existing wood road crosses a wetlands area and comes close to a vernal pool. The owner would like to divide the parcel into two building lots in order to give one to his son and one to his daughter. The parcel was purchased in the 1920's by his grandfather and has been in the family for close to 100 years. Ms. Mattern summed up that a variance is needed due to the following issues:

- The parcel predates Zoning Regulations and is landlocked, but was deeded a right of way
- The owner has requested to purchase land from the abutters to gain additional land in order to meet regulations, however, no one was willing to sell, therefore he doesn't own the land that the right of way sits on.
- If the existing road were to be brought up to code that would mean the demolition of several buildings.
- If the existing roadway were widened then existing buildings would no longer meet codes.
- Variance is needed to avoid a serious impact to the wetlands.

What is proposed is a reasonable use of the land due to the topography and Uncas Health District has stated that the soil tests are adequate to support two building lots on this parcel.

Susan Mattern then discussed Attorney Langhammer's letter that was just received tonight objecting to the application. Langhammer stated that he would see additional runoff due to the topography of the lot therefore this would be a burden. She stated that the proposed building site is 300 to 400 feet away from the property line so there should be no issue. He objects because the lots are not flag lots and only have a right of way. The applicant is asking for two homes on the property rather than one; and there would be no impact to Mr. Langhammer because his home is too far away. There will be more vehicles during construction, but afterwards it will be just family and friends. Mr. Langhammer stated that there is no hardship, the predecessor bought the property with limited access. Ms. Mattern pointed out that the property was purchased well before Zoning Regulations were established. She also pointed out that the rugged topography, ledge, wetlands, and high quality vernal pools on this property make it impossible for farming, and logging would bring increased traffic of heavy vehicles; therefore it's logical to use this as two building lots as shown in the proposal.

Speaking for the opposition, Attorney Michael Carey, representing Quentin DePina and family, shared a survey map by Steven Marian dated July 2007.

Quentin DePina then shared pictures of Hinckley Hill Road from various points. He explained that the road is paved to the front of #12 and is gravel to approximately 50 feet beyond #12. The road is only 9 feet wide and is overused as it is. The town maintains up to a point and the residents maintain the rest. The public road is poorly maintained and with the cell phone tower crews using the road he feels that the road is at its capacity.

Dorothy Donaldson, 7 Hinckley Hill Road stated that the town road ends at her house the rest is an abandoned road and it can't support any more houses. The town gave up Old Hinckley Hill Road and it's not maintained well.

Quentin DePina stated that at one point this parcel was cleared with stone walls visible, perhaps it could be used for farming.

Michael Carey stated he was confused by the request being made. The fact that Mr. Langhammer offered \$180,000 shows that this property has value. This property has no frontage per Zoning Regulations. They haven't presented a deed showing the scope of the right of way. The right of way should be clarified before any action is taken. Will this proposed plan allow access by emergency vehicles? How binding is the variance in the future? Could this become 15 lots? The issue is, is their hardship unique? The property should be used for any purpose that would burden the roadway less.

Susan Mattern then presented copies of the Deed that states that "the property has a right of way for all purposes to and from the highway". Copies were made for the Board members and Attorney Michael Carey.

It was then decided that due to the influx of new information, that the Public Hearing will be continued at the September meeting.

Respectfully Submitted,

Kimberly Lang

Recording Secretary