

Zoning Board of Appeals

Minutes Summary, July 19, 2022

The following Zoning Board of Appeals (ZBA) members were present: Ackerman, Harris, Judd, Kuhn

Old Business:

The ZBA Minutes Summary of May 17, 2022, regarding Case 22-03, Timothy and Carmen English, 180 Westbrook Road, Deep River, CT 06417, was approved on a motion by Harris, seconded by Kuhn. The vote was unanimous.

New Business:

The chair recognized the following attendees at the meeting: regular board members Harris, Judd, and Kuhn. Legal counsel for the ZBA, Sylvia Rutkowska. Deep River Zoning Enforcement Officer (ZEO) Steve Hnatuk and his legal counsel, Matthew Willis. Applicant for Appeal of the ZEO Decision, Paul Dube of 81 Granite Street, New London, CT 06320.

The Board heard the following case:

22-04. Application ZBA 22-04 for Appeal of Decision of Deep River ZEO issuance of Notice of Violation regarding operation of a Contractor's Business and Storage Yard in the TID Zone without Site Plan approval (Map 59, Lot 13). Applicant for Appeal Paul Dube.

It was noted by ZBA Counsel that the procedures and standards applicable to an Appeal to the ZBA are different from those for a standard Variance Application.

Mr. Dube submitted an Appeal to the ZBA from a decision of ZEO Steve Hnatuk. The specific decision being appealed from was the issuance of the Notice of Violation, dated May 4, 2022, notifying the property owner that the property was being used as a contractor's business and storage yard without the approval of a Site Plan, per zoning regulation 4.31.32. (ZBA Exhibit 1a).

ZEO Steve Hnatuk presented his case for the above-described zoning violation. His submittals included the Notice of Zoning Violation (dated May 4, 2022)(ZBA Exhibit 1.b), a memo to the ZBA (dated July 13, 2022) on the same matter, with photographs of the violation as described in the list of Exhibits (ZBA Exhibit 1.c), and the complaint that initiated his review (ZBA Exhibit 2).

Appellant Paul Dube represented himself and provided an extensive amount of exhibits to the ZBA (ZBA Exhibits 3-21). One such exhibit consisted of pictures of site cleanup following the receipt of the Notice of Violation (ZBA Exhibit 3). After submitting this considerable compilation of exhibits, Judd moved that the public portion of the meeting be closed, seconded by Harris. The decision was unanimous.

On a motion by Harris, seconded by Kuhn, it was recommended to continue the matter and postpone any decision regarding this case until ZBA members have had the opportunity to further

review all the information submitted during the hearing. The decision was unanimous. See List of all ZBA Exhibits below.

The meeting adjourned at 9:02 p.m.

Jerry Ackerman

Chair

List of Exhibits Submitting During the ZBA Hearing on Application ZBA #22-04 Deep River Zoning Board of Appeals. Record for 7/19/2022

- 1.a. Appeal Application
- 1.b. Notice of Violation
- 1.c. ZEO Memo
2. Complaint
3. Appellant's five (5) photographs of current appearance of property (*marked as "Exhibits # 17 A thru E" of Appellant's Memo, herein Board exhibit 6*)
4. Appellant's six (6) pictures of other properties (*marked as "444 Main St. Front 3A, 3B, 3C, 3D, 3E and 3F" of Appellant's Memo, herein Board exhibit 6*)
5. Portion of 2018 regulations (submitted by Appellant) (*marked as "Exhibit 14 A thru F" of Appellant's Memo, herein Board exhibit 6*)
6. Appellant's Memo
7. Definitions of storage yards from other towns (*marked as "Exhibits 10A-R of Appellant's Memo, herein Board exhibit 6*).
8. Appellant's Caselaw (submitted by Appellant) (*marked as "Exhibit # 13 – A thru J" of Appellant's Memo, herein Board exhibit 6*)
9. Appellant's copies of Planning and Zoning Commission minutes (*marked as "Exhibit 11 K thru O" of Appellant's Memo, herein Board exhibit 6*).
10. Appellant's copy of Notices of Violation, dated May 4, 2022 and April 13, 2022 (*marked as "Exhibit 1B, 1B" of Appellant's Memo, herein Board exhibit 6*).
11. Appellant's Google Earth images of 444 Main St (*marked "Exhibit 2A, 2B" of Appellant's Memo, herein Board exhibit 6*).
12. Appellant's Google Earth images of Atwoods Auto, 344 Main St (*marked "Exhibit 4" of Appellant's Memo, herein Board exhibit 6*).
13. Appellant's Google Earth images of Tid 500 Main Street (*marked "Exhibit 5" of Appellant's Memo, herein Board exhibit 6*).
14. Appellant's Google Earth images of Tid 411 Main Street 2019 (*marked "Exhibit 6" of Appellant's Memo, herein Board exhibit 6*).
15. Conservation and Wetlands Commission Site Walk Minutes from October 15, 2020 (submitted by Appellant)(*marked as "Exhibits 7A, 7B, 7C of Appellant's Memo, herein Board exhibit 6*).

16. Appellant's Email re: Site Plan = SP, not Special Permit, dated April 20, 2022 (*marked as "Exhibit 8" of Appellant's Memo, herein Board exhibit 6*).
17. Email re: Answers please. 7B.34 Contractors Business Storage Yards, dated June 22, 2022 (*marked as "Exhibit 9A, B" of Appellant's Memo, herein Board exhibit 6*).
18. Appellant's copies of Planning and Zoning Commission documents (*marked as "Exhibit 11 A thru J" of Appellant's Memo, herein Board exhibit 6*).
19. Copy of Article "Floating Zone Proposal Spars Questions and Concerns in Deep River" (*marked as "Exhibit 12 A-I" of Appellant's Memo, herein Board exhibit 6*).
20. Older Zoning Regulations (*marked "Exhibit 15 A + B" of Appellant's Memo, herein Board exhibit 6*).
21. "Newer Regs" - Zoning Regulations (*marked "Exhibit 16 A + B" of Appellant's Memo, herein Board exhibit 6*).