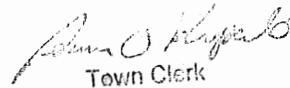


TOWN OF NEWINGTON  
ZONING BOARD OF APPEALS  
CONFERENCE ROOM L101  
NEWINGTON, CONNECTICUT  
NOVEMBER 7, 2019

RECEIVED FOR RECORD  
IN NEWINGTON, CT

2019 NOV -8 PM 3:10

  
Town Clerk

1. Chairman Nicole Pane  
Commissioner Timothy Hutvagner  
Commissioner Michael Karanian  
Commissioner Sharon Dunning

PRESENT

Andrew J. Armstrong  
ZBA Administrator

2. Public Hearing

2.1 PETITION #00-19-03 Sean Kelly of Universal Supply Company located at 36 Holly Drive is requesting a variance related to fencing height located within the southern front setback to increase to 6 feet where a 4 foot maximum height is permitted per section 7.4.19B. 36 Holly Drive is located north of Holly Drive and east of Fenn road.

Chairman Pane: Before we begin let me explain how the ZBA meetings are run. There are two parts to the meeting, first is the public session when the petitioner will come up to the mike and comment on the petition and what the hardship is. After the petition has been heard anyone from the public may come up to the mike and state whether they are for or against the petition. The public part of the meeting will then be closed. During the work session the public may stay but cannot comment. If the petitioner can stay for the work session, it's fine, but if not, he can call the Building Department tomorrow and they will let you know what the decision was. Sharon do you mind reading the petition.

Comm. Dunning: PETITION #00-19-03 Sean Kelly of Universal Supply Company located at 36 Holly Drive is requesting a variance related to fencing height located within the southern front setback to increase to 6 feet where a 4 foot maximum height is permitted per Section 7.4.19B. 36 Holly Drive is located north of Holly Drive and east of Fenn Road.

Comm. Pane: Come on up. Please state your name and address.

Sean Kelly, 36 Holly Drive, Newington, CT.

Chairman Pane: How are you.

Sean Kelly: Good, thank you.

So, what I am basically looking for is that the main characteristics of this location where I have frontage on both sides and on the Holly Drive side. So, based on the zoning, it does not belong here, the 6ft fence there, because of the setbacks.

So on the back side what you have is loading docks and it limits storage protection of the outside facility because of the layout with the circle at the end. Our receiving docks are at the dock at the far right corner and that is where the concrete pad is so the trucks can back in there and trailers to unload material into the building, so there is limited outdoor storage and again, I don't have security to that side of the building. I have already added cameras to protect the building but even with my cameras I had someone deface the building. The back side of the building was spray painted. I spent a fair amount of time renovating this location and that is a picture of the group painted the building has been empty for quite some time and they really dressed it up. If you get an opportunity to look at it, come down and take a look at it. It's probably the one of the nicest looking buildings in Newington at this point. There are a couple of things that the neighbor across the street from me on Holly Drive has an 8' fence which you can see in that picture at the end of the road. So I am just trying to understand the clause because that is an 8' fence and I am looking for a 6' fence. A 4' fence doesn't offer any protection. I'm 6'2" and a 4' fence wouldn't stop me from anything, but that is basically what I am looking to do.

Chairman Pane: Any questions?

Andrew Armstrong

ZBA Administrator: I just wanted to add to put some context in it from this staff report that didn't make it in; the fencing regulation on this property only allows for a maximum height of 4' on front yards but it allows for a maximum of 8' in height on side yards and also up to 12' in height outside of the yards altogether so outside the yard could be 12". So I just wanted to provide some context about the rules for fencing within this section of the fence which happens to be within the front setback.

Comm. Dunning: Okay, would you repeat the last part, 12' from...

Andrew Armstrong

ZBA Administrator: I was just trying to provide context for the rules of fencing but internally to the site, if you are not within the setback the fence can be up to 12' in height, not far from that 25' setback can be up to 12'. That is really all I had, to add and both sides of the property are encumbered by front yard setbacks which is pretty unusual because it eats up a lot of the actual area of the site. I didn't see any issues as far as from the safety or zoning perspective where the fence is, it sits over there at the end of the cul-de-sac and it does not affect visibility or site triangles in sight.

Comm. Dunning: Thank you.

Chairman Pane: Why is this considered the front?

Andrew Armstrong

ZBA Administrator: A front setback is where a roadway is, so this property is bound by two roadways which has large front setbacks rather than side setbacks within the facility. This particular side runs the full length of the property and there is no front yard setback on this side as well as the other side.

Chairman Pane: So if he didn't have that Holly Drive there he would have been able to put that up he would have been able to put that up no matter what went up in here.

Andrew Armstrong

ZBA Administrator: That's correct. So if there was no roadway there would be a side yard setback and he could go up to 8 feet or if he was outside the sideyard setback which is less than 25' he could go up to 12 feet.

Comm. Dunning: And there's no issues with the type of fence. Is it a metal fence.

Andrew Armstrong

ZBA Administrator: No. A chain fence. There is similar fencing across the street.

Chairman Pane: Any other questions? (None) Thank you very much. The petitioner is welcome to stay for our work session.

### 3. Public Participation

Chairman Pane: I don't see anyone from the public. Is anybody going to make a motion to close the public participation and go to the work session.

Comm. Hutvagner: I make a motion to close the public meeting and go right to the work session.

Comm. Karanian: I second it.

Chairman Pane: All in favor? Aye unanimously.

### 4. Work Session

Comm. Dunning: Petition #00-19-03 Sean Kelly of Universal Supply Company located at 36 Holly Drive is requesting a variance related to fencing height located within the southern front setback to increase to 6 feet where a 4 foot minimum height is permitted per Section 7.4.19B.36 36 Holly Drive is located north of Holly Drive and East of Penn Road.

Chairman Pane: Thank you. I don't see an issue with this. I did drive by and it looked very nice, it looked very nice, the fence and I just do not see an issue for wanted up to 6'.

Comm. Hutvagner: Now where would the fence go?

Andrew Armstrong

ZBA Administrator: Inside the parking lot here - they took the variance request stops at this 25' setback line that runs within the parking lot There is an existing 6' fence that has already been there over on this side and comes on the other side of the culdesac here, also 6' from the road.

Comm. Dunning: I have a question. So, if we had the arrow narrowed down approximately in front of the trees, where is the fence.

Andrew Armstrong:

ZBA Administrator: It's running along the inside the area here, the parking area here and it runs up along the island on the east side and the west side of the cul de sac and then the gate closes off here, so it is protecting these areas down here plus there is storage on the inside that is closed off.

Chairman Pane: There is also an existing fence by that parking area.

Andrew Armstrong:

ZBA Administrator: Correct. Yes. There was some existing 6' fencing in this area which, technically, in the front setback was grandfathered in.

Comm. Hutvagner: I agree. I went by there and did realize it. I could see why he would want good fencing to protect himself.

Chairman Pane: Does anyone want to make a motion?  
I make a motion to approve the petition.

Comm. Karanian: I second the motion.

Chairman Pane: All in favor? Aye unanimously.

Sean Kelly: Thank you very much. I appreciate it.

Chairman Pane: You're welcome.

#### 5. New Business

Chairman Pane: Any new business. Andrew? I don't have any new business. No.

Andrew Armstrong: I don't have any new business. No.

#### 6. Minutes of Previous Meeting

June 27, 2019

Comm. Dunning: I make a motion that we approve the minutes of June 27, 2019.

Chairman Pane: I second it. All in favor? Aye unanimously.

#### 7. Old Business

Chairman Pane: Any old business? None.

Comm. Karanian: Are we setting dates for 2020?

Andrew Armstrong

ZBA Administrator: As soon as I get those I will send them out to you.

Comm. Karanian: Like the one in January, you have to post that by 30 days. Actually I believe our first January meeting was set on last year's scheduling.

Chairman Pane: Sounds good.

8. Adjournment.

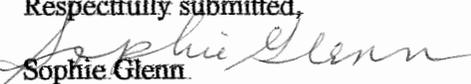
Chairman Pane: I will make a motion to adjourn.

Comm. Dunning: Second.

Chairman Pane: All in favor? Aye unanimously.

The meeting adjourned at 7:20 P.M.

Respectfully submitted,

  
Sophie Glenn

Recording Secretary