

**Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday, June 21, 2016 at 7:30 PM**

- 1) #0216-02 243 Huntington Street, Proposed Lot 1, Thomas Bombero and Elaine Bombero, Trustee c/o Attorney Dominick Thomas of 315 Main Street, Derby, CT
- 2) #0216-03 243 Huntington Street, Proposed Lot 2, Thomas Bombero and Elaine Bombero, Trustee c/o Attorney Dominick Thomas of 315 Main Street, Derby, CT
- 3) #0416-04 185 Nichols Avenue – Lot 1 of 3 Subdivisions, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton, CT (Property Owner on application reads Barbara A. Badela of 14 North Avenue, Derby, CT 06418)
- 4) #0416-05 185 Nichols Avenue - Lot 2 of 3 Subdivisions, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton, CT (Property Owner on application reads Barbara A. Badela of 14 North Avenue, Derby, CT 06418)
- 5) #0416-06 185 Nichols Avenue - Lot 3 of 3 Subdivisions, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton, CT (Property Owner on application reads Barbara A. Badela of 14 North Avenue, Derby, CT 06418)
- 6) #0516-01 124 Lane Street, Keith Swan of 124 Lane Street, Shelton, CT
- 7) #0516-02 Toas Street, Lot #490, Larry Ellis of E&E Quality Homes, LLC of 23 Macintosh Drive, Oxford, CT
- 8) #0516-03 86 West Street, Stephen Kennedy of 86 West Street, Shelton, CT
- 9) #0516-04 58 Judson Street, Christopher Kubowski of 58 Judson Street, Shelton, CT (Property Owner Danuta Ciach, Trustee)
- 10) #0516-05 Cree Trail Lot E, Summit Ridge Development LLC of 8 Huntington Street, Shelton, CT
- 11) #0516-06 475 Booth Hill Road, Randall Rogowski of 247 Waverly Road, Shelton, CT

<p>Commissioner Edmund Conklin</p>	<p>Good evening ladies and gentleman. Welcome to the June meeting of the Shelton Board of Appeals. We meet monthly to consider variances on Zoning regulations and appeals on Zoning Department appeals and actions. When your application is called, please come up to the table and give your name and address. To start the hearing, our regulations require that you have placarded your property, that you provide pictures (one including the placard), and the receipts indicating that you notified your abutting neighbors ten days in advance of the hearing tonight. If you don't have these, we will reschedule the hearing for the next meeting. When you come in front of this board you are giving testimony. This is a hearing. If the decision made by this Board at the end of this hearing is appealed and taken to the next level, it is the recorded testimony that is presented, not any member of this Board. Our minutes are transcribed verbatim. The 2 recorders on the table can only record one person speaking at a time. The conversation at all times is between you and the members of the Board. Please turn off or mute your cell phones. Any conversations need to be taken out into the hallway. Present tonight are alternate commissioner Jim Oraziotti, Commissioner Linda Adanti, our clerk who is Tina Kelly, myself Ed Conklin, to my right is Commissioner Jamie Jones, to his right is Phillip Cavallaro, and to his right is Bryan Vassar. OK.</p>
<p>Commissioner Philip Jones</p>	<p>To whom it may concern: The following having applied to the Shelton Board of Zoning Appeals for certificate of approval, public hearing on such applications will be held on Tuesday, June 21, 2016 at 7:30 p.m., in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT</p>
	<p><b>1) #0216-02, 243 Huntington Street, Proposed Lot 1, Thomas Bombero and Elaine Bombero, Trustee c/o Attorney Dominick Thomas of 315 Main Street, Derby, CT</b>  <b>2) #0216-03, 243 Huntington Street, Proposed Lot 2, Thomas Bombero and Elaine Bombero, Trustee c/o Attorney Dominick Thomas of 315 Main Street, Derby, CT</b></p>
<p>Commissioner Philip Jones</p>	<p>Number 1, #0216-02, 243 Huntington Street, Proposed Lot 1, Thomas Bombero and Elaine Bombero, Trustee c/o Attorney Dominick Thomas of 315 Main Street, Derby, CT for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 square feet to 25,005.8 square feet and a variance to Section 24, Schedule B, Line 3 to reduce the lot square from 150 feet to 100 feet, and a variance to Section 24, Schedule B, Line 11a to reduce</p>

	the maximum lot coverage from 1,000 square feet to 625 square feet to allow for the remaining house and garage on lot after the proposed split.
Commissioner Edmund Conklin	Actually this will take care of number 2 also.
Commissioner Philip Jones	Chairman Ed Conklin, regarding applications 0216-02 and 0216-03, Thomas and Elaine Bombero, Trustee 243 Huntington Street. Dear Chairman Conklin, Please be advised that my clients Thomas and Elaine Bombero Trustee, the applicants in the above caption matters are withdrawn in the above-captioned application. Thank you for your attention. Very truly yours, Cowan and Thomas, Attorney Dominic J. Thomas Jr.
	<b>3) #0416-04, 185 Nichols Avenue – Lot 1 of 3 Subdivisions, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton, CT (Property Owner on application reads Barbara A. Badela of 14 North Avenue, Derby, CT 06418)</b> <b>4) #0416-05, 185 Nichols Avenue - Lot 2 of 3 Subdivisions, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton, CT (Property Owner on application reads Barbara A. Badela of 14 North Avenue, Derby, CT 06418)</b> <b>5) #0416-06, 185 Nichols Avenue - Lot 3 of 3 Subdivisions, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton, CT (Property Owner on application reads Barbara A. Badela of 14 North Avenue, Derby, CT 06418)</b>
Commissioner Philip Jones	OK. Number 3. Number 0416-04, 185 Nichols Avenue – Lot 1 of 3 Subdivision, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton (Property Owner Barbara A. Badela of 14 North Avenue, Derby, CT 06418) for a variance to Section 24.2 Line 1 to reduce the minimum lot area from 40,000 square feet to 38,000 square feet; for a variance to Section 24.2, Line 3 to reduce the minimum dimensions of square from 150 feet to 115 feet; and for a variance to Section 24.2, Line 4 to reduce the minimum lot frontage from 135 feet to 115 feet in an R-1 zone. Number 4, Lot 2 and 3 subdivision, same people, for a variance to Section 24.2 Line 1 to reduce the minimum lot area from 40,000 square feet to 38,000 square feet; for a variance to Section 24.2, Line 3 to reduce the minimum dimension of square from 150 feet to 115 feet; and for a variance to Section 24.2, Line 4 to reduce the minimum lot frontage from 135 to 115 feet in an R-1 zone. And Number 5, also 185 Nichols Avenue, owners for a variance to Section 24.2 Line 1 to reduce the minimum lot area from 40,000 square feet to 38,000 square feet; for a variance to Section 24.2, Line 3 to reduce the minimum dimension of square from 150 feet to 115 feet; and for a variance to Section 24.2, Line 4 to reduce the minimum lot frontage from 135 to 115 feet in an R-1 zone.
Attorney Dominick Thomas	Attorney Dominick Thomas, Cowan and Thomas 315 Main Street, Derby, CT, for the record I will state that Ms. Barbara Badela who is listed as the owner of the property in the application has since sold the property to Welkin Inc. so Welkin Inc. is also now the title owner to the property. Ms. Badela was an individual who inherited the property from her aunt. I'll get in to a little more detail and explain some of the issues. Uh, I'd first like to present to you the notices
Commissioner Edmund Conklin	And this notice will cover all the properties?
Attorney Dominick Thomas	Right, the internal properties, by the time the notices went out, the internal properties were owned by the applicant.
Commissioner Edmund Conklin	Right. So this is just the surrounding properties.

<i>(Multiple voices; inaudible)</i>	
Attorney Dominick Thomas	The posting of the 3 properties.
Commissioner Edmund Conklin	OK. Do you have pictures for any other parts of
Attorney Dominick Thomas	Yes, I do. Just, before I get to, we take a look at it to explain why I took the pictures, uh Ms. Badela inherited it from her aunt who passed away. The property was, is and was unsalvageable. Her aunt had rumored in excess of 20 or 30 cats, maybe more, and the property was, it needs to be taken down. There's no salvageability in it. Now when we went in, there was, I don't want to get into too much detail as to what was inside but it was basically, you could not breathe clearly inside the house. So what I've done is I've taken some pictures of the house and the surrounding area for all of you particularly, to look at and the condition of the property. The uh, the area is substantially overgrown which my clients and the representatives of Welkin, Inc.
<i>(Inaudible)</i>	
Attorney Dominick Thomas	Who have been going around speaking to the neighbors, the people who received the notices verbally expressed their, that they had no objection because the neighborhood and especially the neighbors across the street who were property owners across the street and I will present their statements that they have, their desire is to see the blighted property fixed up. This is a pretty well kept up neighborhood on this side of the street, the lots are pretty much a similar size if you go closer towards Huntington center within a very short distance the lots are relatively small with older home son them. Uh, the lots that are adjacent, I'm not sure about direction but I'll say on the Trumbull side of the property, those lots are similar in size, probably compliant with some older zoning regulations. And there are, some, as you can see from, if you have the map in front of you there are lots, there across the street that are R-1 lots. What I do have for you that we didn't, that they didn't have for you the initial time they were in here...since that time they've had a survey done verifying the fact that the amount of the variances that are being requested are actually less than the numbers. I have several of these full-size maps for you to take a look at
<i>(Inaudible; rustling of paper)</i>	
Attorney Dominick Thomas	Anyway, you can see from the full-size map, the proposal that each of these frontages is slightly over the 115,000 square feet, I'm sorry, 115, 115 feet frontage. The squares on the lot are shown at 116.30 and the lot sizes are shown on it. The lot sizes are relatively slightly below the full lot sizes of the R-1, R-1 which is 40,000 square feet and there's a chart, a variance chart to the left of the map, which shows you the required variances and the differential. This property was, ya' know, it at one point when you looked down was part of the property that was going to be developed in line with the properties that I guess would go, would be to the south or southwest of it, which are lots of similar, similar type size. They're older when the zoning regulations did not require the 150-foot or the 135 that exists right now. So um, and the
Commissioner Edmund Conklin	All the abutting properties of this, where you're making this, do not meet the zoning as it stands right now.

Attorney Dominick Thomas	They do not meet the zoning regulation. And, but obviously, the necessity of this property with its size and everything its issues here is that's it's basically a blighted property and needs to be, the neighborhood would like to see it fixed up and the intention here is to put 3 homes similar to the homes in the neighborhood. Again, we're hear to answer any questions for you.
Commissioner Edmund Conklin	OK. Questions? Any questions? OK.
Commissioner Philip Jones	What's the size of these houses roughly? Square footage supposed to be?
Unknown voice	Right around uh, 2,200.
Commissioner Edmund Conklin	Excuse me. You have to identify yourself.
Skylar Wells	Skylar Wells, um, uh size of the house...5 Boysenberry Lane, Shelton. The size of the houses is, um, Ron ( <i>Shawacker?/inaudible</i> ) and I will be building on there will be approximately 22 to 2400 square feet, and we have city water and city sewers.
Commissioner Edmund Conklin	OK. A two story?
Skylar Wells	Yup.
Commissioner Edmund Conklin	Colonial type houses?
Skylar Wells	Yup. Exactly.
Commissioner Edmund Conklin	All right. OK. Any other questions? OK is anybody else in favor of this application? OK. Anybody else opposed? All right. Any further questions from the board? OK. I declare the hearing closed.
Attorney Dominick Thomas	Thank you very much.
Skylar Wells	Thank you.
	<b>6) #0516-01, 124 Lane Street, Keith Swan of 124 Lane Street, Shelton, CT</b>
Commissioner Philip Jones	Number 0516-01, 124 Lane Street, Keith Swan of 124 Lane Street, Shelton for a variance to Section 24.12.4 to reduce left side setback from 10 feet to 5 feet for a shed, 10 feet by 12 feet, in an R-1 zone.
Commissioner Edmund Conklin	I need those...whose got the ...one second please
<i>(Inaudible; rustling paper)</i>	
Commissioner Edmund Conklin	OK, I'm sorry go ahead. Name and address for the record, please.
Keith Swan	Keith Swan, 124 Lane Street, Shelton.
Commissioner Edmund Conklin	OK.
Keith Swan	This is the notice of receipt of the letters for the hearing from my neighbors.

Commissioner Edmund Conklin	OK.
Keith Swan	I didn't get the actual thing back in the mail yet.
Commissioner Edmund Conklin	That's OK. As long as you show that you've mailed them out.
Keith Swan	I went to each one individually and I have the signatures from all 5 of the properties that abut my property.
Commissioner Edmund Conklin	OK. Do you have the notices that you, of the mailing?
Keith Swan	Oh, the little green thing?
Commissioner Edmund Conklin	Yes.
Keith Swan	Oh, I do have those in the car.
Commissioner Edmund Conklin	OK. We're gonna' need those before. We'll get those after? OK.
Keith Swan	Yeah, I have them in my car.
Commissioner Edmund Conklin	OK. All right.
Keith Swan	OK. So I went to everyone to explain what was happening. So I also have the um, the neighbors who are most adjacent to the area...
Commissioner Edmund Conklin	OK. Have those pictures of the property please?
Keith Swan	These are pictures of the <i>(hearing?)</i>
Commissioner Edmund Conklin	OK.
Keith Swan	This is the area for which the shed is to be built.
Commissioner Edmund Conklin	All right.
Keith Swan	I have multiple pictures so you can see. And I can explain the area and angles that you're looking at, at the top.
Commissioner Edmund Conklin	OK. Pass them down this way.
<i>(Inaudible)</i>	
Keith Swan	This is my "as built." It shows the, my property, Lane Street, um this is Balsam Circle, my property comes to Main Street right here, this is my house, building, um, the uh, neighbors in each direction on the other side, 1,2,3,4,5. Um the area of the shed would be in this area right here. This is off the south side of my building, off of the basement. Um there's about 15to 30 feet until you get to the boundary right here. The location of the shed, um, would be in this area right here. And I can show you on photos. Um, the neighbor to this property right here which is

	the most adjacent to where the shed is going to be is, ya' know.
Commissioner Edmund Conklin	OK, why don't you take that, uh, you guys want to send this this way. Uh, actually the reason, one of the reasons why I can see is that property is extremely irregularly shaped, correct?
Keith Swan	Correct. That's one of the, there was a variance needed for that property in order to get the house on it. So if you look at the boundary lines, even from the north boundary, uh, to where the, the this here driveway, that's only, that's the minimum regulation of 20 feet and then there's only 50 feet on the other side. And if you look at the natural lay of the land, the useable space on the property is relatively small. So, it's really the area where the house is.
Commissioner Edmund Conklin	Now, what type, is this city water, city sewers?
Keith Swan	Yes, city water, city sewers.
Commissioner Edmund Conklin	OK.
Keith Swan	So the, the plan is to put a shed on the property and I was trying to find the most appropriate location. And so, in order to stay in line with the building lines, because there's little houses, to put the shed further into the woods from the building line, certainly come wintertime, there will be a building sitting in the middle of the woods which, which wouldn't make a lot of sense. I don't think my neighbors would like that either. Um so, I figured I'd keep the building um, in my building line, the house line. Um, so in this case, I would like an indication of where I want it to be. Um, I would like to put a patio off from the basement and I also have a swing set that is beyond that so I want to be able to look at the swing set from the patio. And if I come the 10 feet out which is the regulation, I wouldn't be able to see the kids at the swing set. So if I could go right up to the boundary line, 5 feet as opposed to 10 feet, then I should be able to see everything.
Commissioner Edmund Conklin	How large is the shed?
Keith Swan	Um, I wanted to do a 10 feet by 12 feet; I may end up doing a uh, 8 feet by 12 feet but certainly I was going for a 10 feet by 12 feet.
Commissioner Edmund Conklin	OK.
Keith Swan	The other thing to note is that there's a ( <i>cliff face?/muffled</i> ) between the adjacent property from where the shed's going to be um, it's actually about 9 feet in height from the driveway of the adjacent neighbor, to where the shed is going to be. So there's actually a significant elevation difference between the two properties, right on the property line.
Commissioner Edmund Conklin	OK.
	( <i>Inaudible</i> )
Commissioner Bryan Vassar	This is
Commissioner Edmund Conklin	Hold on one second, though. I'm just noticing that you are recusing yourself from this, correct?

Commissioner Phillip Cavallaro	Yeah, Bryan is.
Commissioner Edmund Conklin	OK. Bryan is? And you will be sitting in for him, OK? Can I make a suggestion that you go sit in the audience for this?
Commissioner Bryan Vassar	Sure. Whatever you want. I can't see the documents.
Commissioner Edmund Conklin	You can come up and see it as a, on the other side of the table. Ha Ha. All right. Need to get the record straight. OK. Um, questions from the board?
<i>(Multiple voices; unclear)</i>	
Commissioner Edmund Conklin	Can I see that, what's on the other side of the table? You want to put the shed in this area
Keith Swan	It would be
<i>(Multiple voices; unclear)</i>	
Commissioner Linda Adanti	I'd like to know really what the hardship is? The hardship?
Keith Swan	The hardship is the topography and the shape of the lot.
Commissioner Edmund Conklin	The microphone...sure, sure
Keith Swan	<i>(Inaudible)</i> This is the frontage right here on Main Street. This is Main Street. This is topography shows that it's <i>(multiple voices, inaudible)</i> .... this adjacent right here, ...10 feet off of here, and 5 feet off of here. It's a 10 feet drop from here down to this level right here. And the lot is shaped, there's a natural tree line going this way so I don't have too many options or places to put the shed. Um, so I have a little swing set <i>(inaudible)</i> the patio is right here so in order to see the shed is going to be here, so I'm just trying to get it as close to this and I'm gonna' actually put a wall of trees so from this property you won't see the shed. Because there will be trees will be blocking the shed. <i>(Quiet, inaudible)</i>
Commissioner Edmund Conklin	OK. All right. Any other questions? OK. Uh, Jamie can you just read this?
Commissioner Philip Jones	This is a notification letter from the, there's 1, 2, 3, 5 identical letters Section B of the Shelton ZBA regs. you are notified of a pending application for a setback for 124 Lane Street. The pending application will be heard on June 21, 2016. So again, if you have any questions please call me for a copy of the application <i>(inaudible)</i> . You have received this notice for the above hearings, Joann Vassar, Jean Berkwitt, Paul Stewart.
Commissioner Philip Jones	I just want to make sure that the area you plan is <i>(Commissioner Conklin and other voices; inaudible)</i> .
Commissioner Edmund Conklin	It's right here. OK. Here's the drawing that shows it...what he submitted. OK. Any other questions? All right. Anybody in favor of this application? Please give your name and address.

Bryan Vassar	Bryan Vassar, 18 Balsam Circle, Shelton. First thing is, I just want to understand cause I didn't, you talked to Joanne, you didn't talk to me so I, can I, we just run through it quickly.
Commissioner Edmund Conklin	Yes. This would be what was submitted.
Bryan Vassar	So where are we?
Keith Swan	So you're right here.
Bryan Vassar	OK. That's what I thought.
Keith Swan	This is you right here. So I'm here. The swing set is over here.
Bryan Vassar	OK. Got it.
Keith Swan	Cause this is uh, ( <i>Quiet, inaudible</i> )
Commissioner Edmund Conklin	Actually, the questions have to be directed toward us.
Keith Swan	Oh, I'm sorry.
Commissioner Edmund Conklin	You're sitting in the back lot behind the uh, what is this, the northwest corner?
Keith Swan	Southwest.
Commissioner Edmund Conklin	Southwest, OK. And he's building it on the person's property line, the abutting neighbor towards you, so that backs up to the ( <i>inaudible</i> )
Bryan Vassar	OK
Commissioner Edmund Conklin	OK. Any more questions do you have or
Bryan Vassar	Well I just, um, I don't suppose I don't, I don't have an issue with it, myself. But, it's far enough away from me, but along this line here there's an accumulation of things that get put along this ridge line so with the addition of a shed, I'm hoping that maybe those things could be put in the shed? Or picked up, so we don't stare out of the back window at them. Miscellaneous stuff that has been put there, so if the shed helps that, then I certainly support it.
Commissioner Edmund Conklin	OK. We ask you to clean up your yard, OK? All those in favor of this? Come up to the table please. Give your name and address for the record, please.
Paul Stewart	Paul Stewart, 128 Lane Street, Shelton, CT.
Commissioner Edmund Conklin	Are you one of his abutting neighbors, down the street, or
Paul Stewart	I'm directly where the shed will be going and I have no issues.
Commissioner Edmund Conklin	Oh, OK. OK. All right. Thank you. Anybody else in favor? Anybody opposed? OK. Anybody opposed? OK. Any further questions for the board? If not, I declare this hearing closed. Thank you.
	<b>7) #0516-02, Toas Street, Lot #490, Larry Ellis of E&amp;E Quality Homes, LLC of 23 Macintosh Drive, Oxford, CT</b>
Commissioner Philip Jones	Number 7, 0516-02, Toas Street, Lot number 490, Larry Ellis of E&E Quality Homes, LLC of 23 Macintosh Drive, Oxford, CT for a variance to Section 24.4.11 to reduce the longer lot line street set back from 15 feet to 10 feet to allow for construction of a new house on a corner lot in an R-4 zone.



Commissioner Edmund Conklin	Thank you. ( <i>Papers rustling</i> ). Name and address for the record, please.
Larry Ellis	Larry Ellis, 23 Macintosh Drive, Oxford, CT.
Commissioner Edmund Conklin	All right. Can I see the receipts please?
Larry Ellis	I have the one.
Commissioner Edmund Conklin	OK. One abutting neighbor?
Larry Ellis	Yes.
Commissioner Edmund Conklin	What are these lots in the back that
Larry Ellis	Uh, I don't know, I guess that's this lot, and I got hers, she's one lot
Commissioner Edmund Conklin	OK. OK. Pass that over there.
Larry Ellis	And I own this one.
Commissioner Edmund Conklin	You own that? OK.
Larry Ellis	And I have a better map if you want it.
Commissioner Edmund Conklin	OK.
Larry Ellis	( <i>Rustling paper</i> ) Oh, you have it there.
Commissioner Edmund Conklin	All right. Now are there pictures of the property?
Larry Ellis	Yes. They're marked on the back side. Uh, you want me to go through 'em?
Commissioner Edmund Conklin	Pile of dirt? Right side.
Larry Ellis	Side lot, side lot, side lot, across the street, and across the street.
Commissioner Edmund Conklin	All right. Can you tell us what you are trying to do, why you can't meet the regulations?
Larry Ellis	Um, according to the zoning regs. this lot was created in the early 1900s. And it's an R-4 zone and it's on the corner. R-4 requires the town zoning regs. recognize this as a frontage and this also as a frontage. So, you can only really have one front and the house will be facing this way so they need us to be 15 feet away from here, which would result in a 26 foot house, which is totally uncharacteristic of the neighborhood and it really doesn't work. So, we need to go to, or wish to go to 10 foot, point two on the side so you're allowed 15 I believe
Commissioner Edmund Conklin	This is a pre-existing non-conforming lot, you not going to subdivide this, ( <i>inaudible</i> ) sit as it is.
Larry Ellis	Correct

Commissioner Edmund Conklin	OK. Going to be serviced by city water and city sewers?
Larry Ellis	City water, city sewer.
Commissioner Edmund Conklin	OK.
Larry Ellis	Uh, I have the lady in the rear lot, the one that was notified and then I have 3 other neighbors that also sent in letters, or signed letters.
Commissioner Edmund Conklin	Read this please.
Commissioner Philip Jones	“To the Shelton ZBA, We have no objection to granting a variance at 135 Toas Street, Shelton, for a side yard. We believe it will fit well into the neighborhood.” I have 4 identical letters signed by Cynthia Sears, 23 Westminster, Matt Coffee, 11 Westminster, Charles Tunseck, 8 Westminster, and Milford H. Wolke, 149 Toas Street.
Commissioner Edmund Conklin	OK. All those are surrounding neighbors or across the street?
Larry Ellis	Yes. These also several new houses here and over here and this is, fits in with those as far as character, style, and it actually is in line with all the other houses on Toas.
Commissioner Edmund Conklin	OK.
Larry Ellis	So if tried to face the house to go to Westminster, now you’re dealing with 50 feet it would never work. So it’s the corner lot where they recognize both frontages. They actually would say this is a front and that’s a front.
Commissioner Edmund Conklin	Right. Houses are going to be square footage, typical of the neighborhood?
Larry Ellis	Yup. Total will be about 18, 19, 1900, up and down. 2-story colonial, 1 car garage.
Commissioner Edmund Conklin	All right. Off street parking?
Larry Ellis	Off street, 2 spots. Plus the garage.
Commissioner Edmund Conklin	OK. All right. Questions?
Commissioner Phillip Cavallaro	City water, city sewers?
Larry Ellis	City water, city sewer.
Commissioner Edmund Conklin	All right. Commissioner Linda Adanti? Jim?
Commissioner Linda Adanti	I’m sorry?
Commissioner Edmund Conklin	Any questions?

Commissioner Linda Adanti	No, I'm OK.
Commissioner Edmund Conklin	OK.
Commissioner James Oraziotti	Are those all the adjoining, I didn't hear the letters...
Larry Ellis	The one adjoining in the back, cause that's the only one that adjoins it besides me on the other side and then the other was across the street neighbor, another across the street neighbor, and I think someone who lives behind on Westminster
Commissioner Edmund Conklin	Yeah. Second one down on Westminster. OK. OK. Now, anybody in favor of this application? Anybody opposed to this application? Come up to the table please.
Seth Rose	My name is Seth Rose, from number 6 Manton Street. Manton street is just down the other end of Westminster. I don't know what he's trying to build. I just saw that there was a sign that said that he was looking to decrease the setback and I only wanted to speak my concern in that I've lived in Shelton since I was 4, uh, continuously except for a period where I was in Stamford, CT, where houses are right on top of each other, the houses are as big as the lots. And I'm just concerned when houses get bigger and lots get smaller and I just wanted to voice
Commissioner Edmund Conklin	This isn't really an issue of the houses getting bigger. The problem is that on the street side you need double the setback
Seth Rose	OK
Commissioner Edmund Conklin	than you would on a side where a house abuts a house. All right. So he's not, he's keeping essentially the setback on each side, it's just that he needs, being a side street, you are winding up with a double setback because of it.
Seth Rose	A double setback.
Commissioner Edmund Conklin	Right. So he's not really increasing the size of the house or say to the given lot, ( <i>inaudible</i> ) the rest of the neighborhood.
Commissioner Bryan Vassar	So Mr. Chairman, is it fair to say that if there were a house here, then the setback would be fine.
Commissioner Edmund Conklin	Correct.
Commissioner Phillip Cavallaro	See, because you've got 2 streets, you got that large setback on 2 sides, where normally you only have it on one side.
Seth Rose	OK
Commissioner Phillip Cavallaro	So, it kind of makes it possible (multiple voices)
Commissioner Bryan Vassar	If there was a house here, that setback would be totally fine.
Commissioner Edmund Conklin	OK
Seth Rose	OK. Thank you so much.

Commissioner Edmund Conklin	OK, you're welcome. Thank you. Anyone else opposed? OK. If there are no other issues, I declare this hearing closed. Thank you.
	<b>8) #0516-03, 86 West Street, Stephen Kennedy of 86 West Street, Shelton, CT</b>
Commissioner Philip Jones	#0516-03, 86 West Street, Stephen Kennedy of 86 West St., Shelton for a variance to Schedule B, #7, Section 25 to reduce the minimum set back from the street from 25 feet to 15 feet 6 inches to allow for an addition to a single family home (12 feet wide by 23 feet deep) with a front porch (37 feet 9 ½ inches by 6 feet) in an R-5 zone.
Steven Kennedy	Hi, my name is Steven Kennedy from 86 West Street in Shelton. The purpose of the variation
Commissioner Edmund Conklin	First, get the uh,
Steven Kennedy	Here's the pictures
Commissioner Edmund Conklin	Pictures, and the (rustling of paper)
Steven Kennedy	I have 3 neighbors that signed cards and sent them back and one that either signed it but I didn't get the card back but
Commissioner Edmund Conklin	It's OK. As long as we get the receipts that they were mailed out.
Steven Kennedy	Here's the application.
Commissioner Edmund Conklin	Oh, we have that.
Steven Kennedy	We're looking to, the variance is in the front of the house, uh, we need to ( <i>inaudible</i> ) a bedroom for my father-in-law who's 97 years old, he's living by himself right now but he'll soon be moving in with us and uh, we're are trying to build a porch, that actually also going to be an ADA-compliant ramp so that he can get out of the house and we get him into a car and take him to wherever he needs to go. Um, most of this area is actually covered over by the overhanging roof. It's not inconsistent with the neighborhood.
Commissioner Edmund Conklin	OK. The porch itself, is that inclusive of the ramp or the ramp is going to be extra from there
Steven Kennedy	The porch, the porch is in the front of the house, kinda' a place for him to sit, and then the ramp is going to take him, it's actually almost like a bridge, to take him over to the driveway.
Commissioner Edmund Conklin	OK
Steven Kennedy	So that he can get to the driveway.
Commissioner Edmund Conklin	So the ramp is not going to be added to this
Steven Kennedy	The ramp is going to go this way

Commissioner Edmund Conklin	Correct
Steven Kennedy	Yeah, and the porch is going to be in the front.
Commissioner Edmund Conklin	OK. I'm just making sure that the ramp is not going to be sticking out further, closer to the road.
Steven Kennedy	No.
Commissioner Edmund Conklin	OK. All right. Uh,
Steven Kennedy	There's no other place to really put the addition, there's not enough room on the side, and the back is our kitchen, a bathroom, it really wouldn't work well, around this is the pool, that was the only place
Commissioner Edmund Conklin	All right. So you're not, there is no variance on the side, it's strictly in this, it's strictly in the front. All right. It's a covered porch
Steven Kennedy	Uh, yes. We're gonna' extend the roofline
Commissioner Edmund Conklin	So, a roof out there for a cover. OK. Questions? Commissioner Linda Adanti? Any questions? Questions?
Steven Kennedy	I'm not really sure, what do I do after this?
Commissioner Edmund Conklin	We'll tell you, we get (quiet, inaudible). Anybody in favor of this application? Is anybody opposed to this application? All right. Any further questions from the Board? OK. I declare this hearing closed. OK. We'll make a decision tonight, possibly on this, so just sit down and wait and you'll find out.
Steven Kennedy	OK. Thank you.
	<b>9) #0516-04, 58 Judson Street, Christopher Kubowski of 58 Judson Street, Shelton (Property Owner Danuta Ciach, Trustee)</b>
Commissioner Philip Jones	Number 9, #0516-04, 58 Judson Street, Christopher Kubowski of 58 Judson Street, Shelton (Property Owner Danuta Ciach, Trustee) for a variance to Section 24, Line 8 to reduce the left side set back from 30 feet to 12 feet and for a variance to Section 24, Line 9 to reduce the rear set back from 30 feet to 15 feet to all for construction of a garage (740 square feet – 20 feet by 37 feet by 20 feet H) in an R-1 zone.
Commissioner Edmund Conklin	All right. Name and address.
Christopher Kubowski	Christopher Kubowski, 58 Judson Street, Shelton.
Commissioner Edmund Conklin	OK. Receipts please. Do you have pictures?
Christopher Kubowski	I do. (Quiet, inaudible)

Commissioner Edmund Conklin	Please send that down there.
Christopher Kubowski	I also have letters from my neighbors, all 4, signed...stating, one, two, that they've been informed and uh, they have no objection to the construction.
Commissioner Philip Jones	"To the ZBA, I have no objection to proposed 2-car garage and setbacks to 58 Judson Street, Shelton." I have 4 identical letters in my hand and they signed by Nicholas, Mark Spray, David and Cheryl French, and Robert and Mary Donnelly.
Commissioner Edmund Conklin	OK. Tell us what you're trying to do and why you can't meet the regulations, please.
Christopher Kubowski	OK, uh, currently we don't have a two-car garage and it's kinda' tough on us. And uh,
Commissioner Edmund Conklin	The house has no garage at all?
Christopher Kubowski	It has a garage, but previous owners converted part of that garage into a kind of foyer or 3-season room so, kinda' maybe 1 and a quarter car garage at this point, that you cannot fit 2 cars in it. And actually makes it harder and harder for us, especially in the wintertime, not to have a car in the garage. Currently we have a shed at the property which obviously would go if we can get permission to build on that spot. This, uh, the reason we are asking for a variance is because it would put the garage in the, in the location where we walk, so as you can see, the lot has very nice mature trees and we'll avoid cutting any of them down to conform to the setbacks, especially 30 feet. Our lot is non-conforming lot, so it's, it's smaller than 1 acre and putting this 2-car garage anywhere other than that corner will kinda' look awkward actually. It would set the garage right in the middle of the back yard. Consistent with our neighbors' garages, 2-car garage detached or one-car detached sit on a (coughing) property line on one side of the building or another. I haven't seen any of them built in the back, in the middle of the backyard.
Commissioner Edmund Conklin	You don't see any of the garages of the other abutting neighbors that you have?
Christopher Kubowski	Uh, those neighbors but on Judson Street there's about 3, on Judson Circle 2, on Great Oaks, is throughout the neighborhood it's consistent. The shed, actually what you see on the picture was built in the 1958 and it's only 8 feet from the property line. You know, obviously doesn't look like a 1958 shed because we put a new siding and roof on it but that's how historically the garages and sheds were built back then. So, the proposed garage in that corner of the property will be, I think, minimum intrusive to our neighbors because that corner of the property is heavily wooded and almost, 'ya know, garage will be almost invisible from our neighbors.
Commissioner Edmund Conklin	OK. This is a, what services this property? City water, city sewers?
Christopher Kubowski	Yes.
Commissioner Edmund Conklin	OK. City water.
Christopher Kubowski	And I'd like to point out that the garage, also the garage will structure will serve as a shed for our ya' know, garden equipment.

Commissioner Edmund Conklin	You will have no <i>(voices over each other)</i>
Christopher Kubowski	Pardon me?
Commissioner Edmund Conklin	You will have no water out in this garage?
Christopher Kubowski	No. Water in the garage?
Commissioner Edmund Conklin	Yeah.
Christopher Kubowski	No.
Commissioner Edmund Conklin	OK. So, no water utilities out in the garage?
Christopher Kubowski	No no.
Commissioner Edmund Conklin	OK. Garage door height?
Christopher Kubowski	I would say 8, 8 feet would be sufficient.
Commissioner Edmund Conklin	OK. That would be a max, max size that we allow.
Commissioner Philip Jones	How are you going to get to the garage? It looks like the shed will be in the way.
Christopher Kubowski	Well the shed is going to go.
Commissioner Philip Jones	Oh, you're taking the shed down?
Christopher Kubowski	Yes. Yes. Yes. So, it's actually the garage is going to be sitting right behind as you can see, right into the shed is a full-grown tree which if we move the garage off to the side, we'll have to cut the tree and we hate to do that. 'Ya know.
Commissioner Edmund Conklin	Any other questions?
Commissioner Bryan Vassar	So, this is, this is it way back here in the corner?
Christopher Kubowski	Right behind the shed, if you, I'm sorry, take a look
Commissioner Bryan Vassar	This is, this is the proposed, right?
Christopher Kubowski	Yes. Yes. This is the shed. Actually, the shed is (too quiet) and this will be in the corner.
Commissioner Bryan Vassar	So, why can't it be here?

Christopher Kubowski	30 feet?
Commissioner Bryan Vassar	Well, maybe not 30, but just seems awfully close. Why can't it be further away?
Christopher Kubowski	Well, if you can look at the picture if see this driveway straight out, straight out, it will move the thing any further out, it will (quiet) driveway into the (backyard? quiet), ya' know, it's kind of, I think it will look, of course, this corner of the property is heavily wooded and it's, I think it's most suitable for a garage because nothing grows over there anyhow. Cannot grow the grass, It makes perfect sense to put the garage right there. And then the, none of the neighbors, will even notice
Commissioner Bryan Vassar	It will still be visible (quiet). I'm just, I'm searching for the hardship that you have on the property that requires it be in this (quiet), you see that's what, that's what I need to have in order to
Christopher Kubowski	I understand. I think ya' know, maybe one of the, one of the reasons that you can see in the picture is it's trees here, that if we move the garage any further out, maybe we will have to cut it down. ( <i>Inaudible, something about trees</i> )
Commissioner Bryan Vassar	Can trees be a hardship?
Commissioner Edmund Conklin	Well, it's also a smaller lot that, it's not an acre lot.
Commissioner Phillip Cavallaro	Well, I think it makes perfect sense in my mind, ya' know, that ( <i>inaudible</i> ) the actually will not garage will be covered on two sides with existing trees on the property line and actually would not ( <i>impose on it?</i> )
Commissioner Bryan Vassar	This distance, this distance will be what?
Christopher Kubowski	The back is, I believe 16.
Commissioner Phillip Cavallaro	I think it was 15?
Christopher Kubowski	15.
Commissioner Edmund Conklin	15, yeah
Commissioner Bryan Vassar	So this is 15.
Christopher Kubowski	15 and then the side is 12.
Commissioner Edmund Conklin	The existing structure you say now is 8?
Christopher Kubowski	8. 8.
Commissioner Edmund Conklin	OK. Commissioner Linda Adanti, any questions? OK All right. Any other questions? OK. Anybody in favor of this application? Anybody opposed to this application? OK. Any other questions of the Board? If there are none, I declare this hearing closed, please.



Recording Clerk Tina Kelly	I'm going to change the tape.
Commissioner Edmund Conklin	OK. Thank you.
	<b>10) #0516-05, Cree Trail Lot E, Summit Ridge Development LLC of 8 Huntington Street, Shelton, CT</b>
Commissioner Philip Jones	Number 10, #0516-05, Cree Trail Lot E, Summit Ridge Development LLC of 8 Huntington Street, Shelton for a variance to Section 24, Section B, Line 7 to reduce the street set back of the corner lot E longer side from 30 feet to 20 feet on Orowoc Trail in an R-3 zone.
Attorney Steven Vellis	I'm Attorney Steven Vellis and I represent Summit Ridge. To my left is Gary DeFillipo. He's one of the principals of Summit Ridge. I have the letter of the? and photographs, front/back/right.
Commissioner Edmund Conklin	There's only one abutting neighbor?
Attorney Steven Vellis	Yes. He owns the, uh, Summit Ridge owns the lots. Then across the street, the only neighbor is
Commissioner Edmund Conklin	Joan Dwyer.
Attorney Steven Vellis	Joan Dwyer. I should state for the record that Gary spoke with Joan and she has no objection to this 'um, variance being granted.
Commissioner Edmund Conklin	OK.
Attorney Steven Vellis	Basically, what we have is a, as you all know, there's a, these are old lots. They're pre-existing, non-conforming lots. There's six of them and my client is reducing the six lots into two lots. And by doing that, he's going to straighten out the lots, Because the lot lines, as you can see from your map here, are on an angle so the houses, the houses, would be on an angle. Now they're going to be straight, facing the houses that are directly across the street, or like this, same house. They're going to build the same house. So, 'um, it's gonna' get, I think that it's going to take a pre-existing non-conforming lot and make it less non-conforming. Uh, we're asking for a variance in only one respect, uh, that there's 2 streets, Cree Trail and Orowoc Trail, and um, we need relief because of the 2 streets - you have the 30-foot setback on Cree Trail but he's asking that the setback from the side road be reduced from 30 feet to 20 feet.
Commissioner Edmund Conklin	And the road is not perpendicular to each other, it's
Attorney Steven Vellis	Yeah. It's a funny angle.
Commissioner Edmund Conklin	It's an obtuse angle.
Attorney Steven Vellis	Obtuse, OK. I forget my Geometry but that sounds right. That, that, that is correct.
Commissioner Edmund Conklin	Yeah. OK.

Attorney Steven Vellis	So the ‘um, the houses are going to be the same size as they are across the street and be in conformity with the rest of the houses that are already there. And, um, as I said, instead of getting 6 lots he’s merging them into 2.
Commissioner Edmund Conklin	OK. And it’s going to take up that whole property?
Attorney Steven Vellis	Correct. All the property will be reduced to 2 lots.
Commissioner Edmund Conklin	2 lots, OK. Is it going to be serviced by city water, city sewer?
Attorney Steven Vellis	Both.
Commissioner Edmund Conklin	OK. Off street parking?
Attorney Steven Vellis	Yes. There gar – there are ‘um, he’s building a house that has 2-car garage under.
<i>(Muffled voices)</i> then Attorney Steven Vellis	This picture right here.
Commissioner Edmund Conklin	OK.
Attorney Steven Vellis	So yes. The answer to your question is that there’s parking in the home and of course, there’s driveway that would go to both of them. So there would al, additional parking on, in the driveway.
Commissioner Edmund Conklin	OK. To Cree Trail. Questions?
Commissioner Linda Adanti	I’d just like to see the map.
Attorney Steven Vellis	This is what I’m trying to show you about the six lots, how they’re slanted and he’s merging all these lots into 2 lots so this is not – <i>(Muffled)</i> . That doesn’t need a variance, oh yes that’s the one that needs a variance from here, because of this road here. This one does not need a variance. It meets all the zoning regs. The relief is needed because of this street and this street <i>(voices talking over each other, muffled)</i>
Commissioner Edmund Conklin	That’s right.
<i>(Paper rustling; multiple voices)</i>	
Commissioner Edmund Conklin	Insufficient lot. There’s houses across the street. Here’s the pictures of the 2 houses across the street.
<i>(Whispering; unclear)</i>	

Commissioner Phillip Cavallaro	It's an acute angle.
Commissioner Edmund Conklin	Cuter, cuter! Ha ha.
Attorney Steven Vellis	<i>(Muffled)</i> wanted the engineer to convert degrees into a percentages, you had to do trigonometry and he said there were too many people looking at him and he couldn't do it. Ha. Ha.
Commissioner James Oraziatti	What kind of street, is this a straight street?
Attorney Steven Vellis	Pardon me?
Commissioner James Oraziatti	Has this street been straightened out?
Attorney Steven Vellis	Yeah, Gary's team uh, did make some improvements to the road.
Unknown	There was trees in the middle of the road.
Attorney Steven Vellis	Yeah. Right. There was a bad angle there, now it's better. Yeah.
Commissioner Edmund Conklin	And everything else is conforming, the square of the lot, everything else – you have to give your name and address.
Gary DeFillipo	Gary DeFillipo, 43 Perch Street, Shelton.
Commissioner Edmund Conklin	OK.
Gary DeFillipo	There's a pole and UI moved the poles across the street, this one here is still here. It will be moved soon as Frontier gets there to <i>(unclear; tie the line off?)</i> which I think they did. The phone pole <i>(unclear)</i> the fire trucks hit it every time they came around.
Commissioner Edmund Conklin	It's 18 feet wide at least, the street?
Gary DeFillipo	Yeah. Yeah. OK.
Commissioner Edmund Conklin	OK. Any other questions? OK. Thank you very much. Anybody else in favor of this application? Anybody else opposed? OK. Thank you very much. I declare the hearing closed.
	<b>11) #0516-06, 475 Booth Hill Road, Randall Rogowski of 247 Waverly Road, Shelton, CT</b>
Commissioner Phillip Cavallaro	Number 11, 0516-06, 475 Booth Hill Road, Randall Rogowski of 247 Waverly Road, Shelton for a variance to Section 24.4.10 fences to allow for the increase in fence height from 6 feet to 8 feet to be in compliance with USDA Contract for agricultural deer exclusion in an R-1 zone.
Randall Rogowski	Randall Rogowski, 247 Waverly Road, Shelton.

<i>(Papers rustling)</i>	
Commissioner Edmund Conklin	Do you have receipts of mailing please?
Randall Rogowski	Yes.
Commissioner Edmund Conklin	They're here somewhere. These are all your abutting neighbors?
Randall Rogowski	Yes. I actually, I stopped by and all of them, none of them had a problem. On Twin Brook
Commissioner Edmund Conklin	What's that?
Randall Rogowski	On Twin Brook Road.
Commissioner Edmund Conklin	OK. All right. Pictures of the property? Pass these down. This is, this is a picture of the fence here?
Randall Rogowski	Yes.
Commissioner Edmund Conklin	All right. Pass this down that way. All right. Jamie, do you want to start reading?
Commissioner Philip Jones	<p>OK. There's a letter here from the University of CT Cooperative Extension. "To whom it may concern: I am writing in support of your use of a deer fence as an alternative method of managing deer damage to the crops on your farm. The current deer population in much of Fairfield County is estimated by winter aerial counts at between 40 and 60 deer per square mile, while CT DEEP and the Fairfield County Regional Deer Management Working Group estimate that a reasonable population for this area should be between 10 to 20 deer per square mile. Some towns record over 60 deer/car collisions in a single year. On unfenced crop land, I have seen entire fields of sweet corn in Fairfield, and the surrounding Counties, have every silk eaten off the plants so they fail to pollinate or reach waist high because of the constant browsing by white-tailed deer. A number of years ago a grower in Newtown lost all the pumpkins in a 25-acre field despite killing 9 deer during the growing season. Another grower in New Haven County was forced to give up farming a 45-acre piece of property because of deer antlers were so abundant on the land, and caused so many punctured tractor tires, that he could no longer afford to replace the tires which cost up to 15 dollars a piece. Years later, when his nephew inherited the farm and lost other rented fields to development, he was forced to fence the land at his own expense, which finally solved the deer problem. In summary, deer can make it impractical to farm when they are at the extreme populations that are present in Fairfield County. This is particularly problematic when neighboring houses in close proximity to the farm boundaries prevent the use of typical hunting practices to help lower the population and protect the crops. I applaud your commitment of resources to fence the property as an alternative deer control strategy rather than hunting on the property, which could be dangerous for local residents. Sincerely, Jude Boucher, UConn Cooperative Extension System."</p> <p>This is addressed to Rick Schultz, Shelton P&amp;Z administrator. "Dear Mr. Schultz, it has come to my attention that an issue has arose in the City of Shelton with respect to the installation of a</p>

	<p>deer fence on property belonging to Mr. Randall Rogowski of Laurel Glen Farm. I understand that an abutting neighbor has expressed concerns over the location of such a fence and is requesting that the fence be setback from the actual boundary. A “deer fence” while referred to as a fence is actually a wildlife barrier used to prevent deer from accessing cropland. The agility and feeding characteristics of white tailed deer are such that these barriers need to exceed the height at which a deer can jump and be constructed in a manner that deters the deer from going through or under the fence yet will not injure the deer. White tailed deer can destroy crops causing severe financial losses to Connecticut farmers. Farmers may obtain crop protection permits to control the deer herd but hunting in close proximity to residential development is often not an option. Wildlife barriers are a safe, effective and passive means of eliminating crop losses due to deer damage. While municipal zoning regulations often regulate and permit installation of fencing, this is usually related to structural privacy fences utilized in residential and commercial development and not wildlife barriers for protection of agricultural crops. The installation of a wildlife barrier is a significant investment for the farmer. Since the purpose of the barrier is to prevent crop losses and maintain or increase crop production it would seem counterintuitive to then require that the fence be set back from the property line resulting in loss of productive cropland. The unintended consequences of setting back agricultural fencing and wildlife barriers are: 1) the location of the fence assumes the location of the deeded boundary line causing future litigation and survey costs and 2) the strip of land that is no longer in production for agriculture becomes a maintenance problem for the farmer and a safe haven for invasive plant species. Lastly Connecticut General Statutes Section 47-43 reads as follows: Proprietors to maintain. The proprietors of lands shall make and maintain sufficient fences to secure their particular fields. I do not believe that the intent of the Shelton Zoning Regulations is to reduce the availability of productive agricultural cropland or to regulate crop production and practices. Connecticut farmers are already challenged by weather, pests, pathogens, access to land and high real estate prices. The least we can do for them is to allow them to utilize agricultural practices to protect their cropland and maximize production of all of their available land. I trust this matter can be resolved in an expeditious and positive manner so that Mr. Rogowski can resume the business of farming. I am happy to answer any questions or address any of your concerns. I can be reached at (860) 768-1105 or e-mail: joann@cfba.org Respectfully submitted, Joan Nichols, Director of Member Relations and the Connecticut Farm Bureau.”</p> <p>And the USDA, United States Department of Agriculture, to Mr. Rogowski, “At your request I am sending you information regarding the reasons the Natural Resources Conservation Services supports the installation of exclusionary fencing to address resource concerns. A situation often encountered on agricultural lands is conflict between wildlife and farmers. Deer, in particular, present a threat to crops (forage, vegetable, fruit, nursery, ornamental) by browsing the plants, as well as creating potential risks for soil compaction and soil erosion of the tilled fields. In order to minimize the potential conflict between humans and wildlife, decrease the possible loss of income from damaged crops, and protect plant and soil health and vigor the NRCS suggests the installation of 8-foot minimum exclusionary fencing. The fencing provides a non-harmful approach of keeping deer out of agricultural fields and protecting crops. Should you have any further questions, please feel free to contact me. Sincerely, Seth Lerman, Resource Conservationist.”</p>
Commissioner Edmund Conklin	OK. All right. And can you explain to us where the fence is located?
Randall Rogowski	It’s on the property line.

Commissioner Edmund Conklin	OK. Around the whole property itself?
Randall Rogowski	Uh, no, I have a, this would be the entire property line. It's not around the entire thing, but I outlined where the fence is now.
Commissioner Edmund Conklin	OK. So you have wetlands?
Randall Rogowski	Yes.
Commissioner Edmund Conklin	Uh, how close to the edge of the property line is this fence?
Randall Rogowski	Uh, it varies between 6 to, this this, is actually (muffled) fence on this, 'ya know, put it right on the stone wall cause I figured that would be the logical place to put it. Um, without losing any usable land. Um, there are a few places, we kept it around this this residence here, we kept it back about 6 feet, at the most, um, and it does, at this corner it does get down to um, what <i>(muffled; unclear)</i>
Commissioner Edmund Conklin	OK. At any place is this fence at the, at the time where it is not 8 feet high, not meet regulations?
Randall Rogowski	Yes. Everywhere. It needs to be, in order for me to stay in compliance with the NRCS
Commissioner Edmund Conklin	I know the height of the fence
Randall Rogowski	OK
Commissioner Edmund Conklin	OK. Is this fence set back in its proper location in accordance with all the city regulations as it stands, except for the height?
Randall Rogowski	Well, if it's over 6 feet, would it be considered a structure?
Commissioner Edmund Conklin	No, I'm not asking that. I'm asking is the placement of the fence where it is located, in accordance with all the other regulations?
Randall Rogowski	As far as I know. Yes.
Commissioner Edmund Conklin	All right. So the issue right in front of us is that it is exceeding the 6 feet height?
Randall Rogowski	Correct.
Commissioner Edmund Conklin	OK.
Randall Rogowski	In which case, correct me if I am wrong, it would need to be set back 30 feet?

Commissioner Edmund Conklin	Well I'm not sure of that cause then it would be considered a structure.
Randall Rogowski	Structure.
Commissioner Edmund Conklin	Right. Now this is a wire mesh fence from what I see.
Randall Rogowski	Correct.
Commissioner Edmund Conklin	So there's no board or linkage or anything of that nature that's gonna' create a structure problem per say?
Randall Rogowski	Correct.
Commissioner Edmund Conklin	But that's. difficult ( <i>whispering; unclear</i> ). All right. And this is strictly to control deer population that you have in the area?
Randall Rogowski	Yes. I think, one thing that was not mentioned in any of those letters that were written is that not only are they nuisance if they eat your property, but if they defecate anywhere near it, now your not only lost the plant that they might have defecated on but the circumference around that plant, which is now affecting hundreds
Commissioner Edmund Conklin	What type of crops do you grow on this property?
Randall Rogowski	Uh, right now there's a 2 and a half acres asparagus field, there is, and then the rest get rotated with mixed vegetables.
Commissioner Edmund Conklin	OK.
Randall Rogowski	Beans, tomatoes, brassica.
Commissioner Edmund Conklin	OK. All the property that you have outlined here, is, is planted? ( <i>Multiple voices</i> )
Randall Rogowski	Correct
Commissioner Edmund Conklin	OK. All right. OK. It's up for discussion. Anybody in favor of this application? OK. One at a time, please. Name and address for the record, please.
Stacia Monahan	Stacia Monahan, S-T-A-C-I-A. 83 Saw Mill City Road. I'm the owner of Stone Gardens Farm. And we have been mentoring Randy since he started farming, helping him grow crops on his land along with UConn Cooperative extension. I want to enter for the record; it's um, an example of deer defecation on our asparagus fields that we're growing. There is no way according to the regulations that we can harvest asparagus that has deer poop on it. I mean it's just a food safety common sense. Last year we had, we planted the asparagus for the first time so we didn't even try and harvest last year. This year we tried to harvest asparagus, excluding areas that looked like that, but we had to leave a very large barrier around because we could see the evidence of that. We can't see the evidence of urine or fur or the nibbles, but we can see the nibbles that they took out of the tops of all of the asparagus spears. Um, we figured we would

	<p>probably harvest close to a couple hundred pounds of asparagus this year. I measured 35 pounds out of the field the first year. If we let it go longer, who knows what would have happened next year when it should have been in full production and harvesting for at least a month. Um, when the deer come by and they eat the tops off of the spears, it's unmarketable, you can't sell it, um, that's just, you can't do that. Last year, we had about an acre and a half of brassica planted there, and Ray's, the neighbor across the street walked through and was questioning Ed, Randy's father, why did we leave so much cabbage and broccoli in the field to supposedly rot. Well, when you see that around the bottom of the cabbage and broccoli plants, would you want me to pick that and sell that to you? That's, it's food safety, I can't harvest that. They ate the tops off of probably close to an acre of string beans, we're or half an acre of string beans. We're estimating between 30 to 50 bushels of beans we potentially could have harvested, that we could not, which at a retail price of near a hundred dollars for a bushel of beans, we lost quite a bit of money on that field last year. The wildlife exclusion barrier, the deer fence, is it just makes sense. You need that if you're gonna' farm anywhere. USDA set up a program to pay farmers who, to help them pay for the cost of the fence for a reason. Because they want farmers to produce safe, sanitary food. You cannot produce sanitary food, if you have wildlife walking through your fields at will.</p>
Commissioner Edmund Conklin	Did USDA pay for part of this?
Randall Rogowski	Yes, it was a USDA grant.
Commissioner Edmund Conklin	A grant, OK. OK. Thank you. Anybody else?
Gail Nankervis	<p>Hi, good evening. Gail Nankervis, 4 Farmhouse Lane. We are right across from this fabulous farm. Um, we have lived at 4 Farmhouse Lane for 12 years and gotten to know this family, and know that this is Randy's dream. And, I cannot see a better use of this property than to farm. Not only does it contribute to our family in terms of the use of the crops, but also to this community where you probably know that farm to table is a big thing. And his crops, along with other farms, and I know I'm, I've known Stacia for a number of years and I know that they're mentoring um, Randy and Victoria, in this endeavor. It is a great use of the property. And in order for them to survive, I would imag., I believe that this fence is an absolute necessity. We have a picture window that overlooks the entire property on Farmhouse. And um, we have neighbors who have little kids, who I've discussed with, I know this is here say, but they're thoroughly enjoying watching the different um, equipment being used. So I'm here in support and hoping you give this, this um, gentleman this variance um, full consideration. It is a very good thing, they had field trips, pre-schools have gone here for field trips. This is a fantastic effort, there's a lot of building going around here. This is unique from that and I fully support this endeavor.</p>
Commissioner Edmund Conklin	Thank you.
Gail Nankervis	Thank you very much for your time.
Commissioner Edmund Conklin	What was the previous use of this property?
Randall Rogowski	Hay land. We used to hay it.



Commissioner Edmund Conklin	An agricultural property.
Randall Rogowski	Yes. We've, we've been taking care of it for as long as I can remember, as long as, before I was born.
Commissioner Edmund Conklin	OK.
Kevin Donnelly	Hi. My name's Kevin Donnelly. I live at 39 Laurel Glen Drive. I back up to the farm on Waverly. Uh, so the barrier does go across my backyard. I certainly do not have an issue with it. Aesthetically, there's nothing wrong with it. Matter of fact, I'm clearing uh, a couple of bushes out of the way so I have more of a view of the farm. Um, I've been there 26 years. Prior to Randy running it, it was his uncle. I believe he had cows; he was doing hay. Um, a farm are great neighbors. Vegetables don't stay up late at night. They don't make a lot of noise. They mind their own business. I'd also like to say, since he started farming 3, 4 years ago, there was a ton of deer in my backyard. His property - after they finished eating, then they'd be in my backyard. Since this barrier's gone up, I haven't seen a deer. So, I wholly recommend that you guys pass this. Thank you.
Commissioner Edmund Conklin	Thank you. Come up to the table please.
Peter Nankervis	Good evening. Peter Nankervis. I'm also Gail's husband. We live at 4 Farmhouse Lane. Our property is directly across the street from the farm. We have truly enjoyed all the activities of the farm. I enjoy, as my wife said, looking out the picture window at the activities going on. Um, I find nothing wrong with the fence that's currently on that property. Um, you can hardly tell it's there with the exception of the upright posts. We're fine with it.
Commissioner Edmund Conklin	The fence isn't obtrusive, you can see through the fence, I mean it is, not blocking?
Peter Nankervis	Not blocking anything.
Commissioner Edmund Conklin	OK
Peter Nankervis	We're totally in favor of it. Just ask that you look favorably on this application. Let Randy enjoy his life with it.
Commissioner Edmund Conklin	OK. Thank you. Anybody else?
Joan Feeley	Good evening. My name is Joan Feeley. I live at 67 Adams Drive. A neighbor of um, in the back of the Rogowski's main farm. Um, the farm is on Waverly, I'm on Adams. Adams is on both sides of Waverly Road and I'm on the side that backs up to the farm. Uh, the Rogowskis as a whole have been wonderful neighbors through the years. We've been there for about 22 years and when we learned 3 or 4 years ago that the old farm land was going to be farmed again, um we thought it was really very exciting and then when we learned that they were establishing a CSA we got even more excited. Um, as more and more of Shelton becomes developed and we lose that sense of what it used to be, this is a reminder of it. Um, ya' know it's a small family farm. It's absolutely pristine. Uh, the farm is pristine, the fields are pristine. When we pick the um, our share up on Saturday, the vegetables are pristine. Everything is wonderful. Um, so, and I know we didn't get to eat corn last year because the deer got to eat all

	the corn. We're really hoping that this year that the, uh, with the deer barrier that we do um, get to share, to have more of the produce that they raise. So, I too, hope that you will uh, grant the variance so that uh, Randy and Victoria continue to, can continue to do the farming that they want to do.
Commissioner Edmund Conklin	OK. Thank you.
Joan Feeley	It's a real asset to Shelton.
Commissioner Edmund Conklin	Anybody else in favor?
Randall Rogowski	This was a letter that was in favor.
Commissioner Edmund Conklin	Oh.
Commissioner Philip Jones	Uh, "To whom it may concern: I am Thomas Kiely a resident of Adams Drive and a neighbor of the Rogowski family for thirty years. The Rogowski farm on Waverly Rd runs behind my property, I see on a daily basis Randy Rogowski working his fields from early morning till night every day of the week. I applaud Randy and his enthusiasm for farming the land. Randy has some neighborhood children at the farm and has them wanting to be in farming, they are students now at the Trumbull Agriscience High School a testament to his dedication to farming. Randy has recently installed a wildlife barrier behind my property which is hardly noticeable after being up a few weeks. I understand the need for this barrier; it is a humane tool to keep wildlife from destroying the crops that feed many area residents. I support the Rogowski family in their efforts to protect the crops with a wildlife barrier. Signed, Thomas H. Kiely, 58 Adams Drive."
Commissioner Edmund Conklin	OK. Anybody else in favor? Anybody opposed?
Attorney Jeremy Hayden	Good evening, sir. My name is Jeremy Hayden. I'm an attorney with offices at 731 Main Street, Monroe, CT. I represent Jen and Russ Martin. They reside at 459 Booth Hill, um, immediately abutting the um, the proposed fence. Um, there certainly, there's been some discussion um, Mr. Chairman, with regard to the generalities of the positive elements of this farm. Um, but it's important to note that the proposed, that the existing fence where it exists is directly and immediately abutting the side yard and the rear of my client's property exclusively. The rear yard, Mr. Chairman, is, there is no setback. It's right on the property line uh, the side yard, is, it, it varies. While my clients haven't had the opportunity to do a survey, it varies anywhere between 27 feet and 30, 30
Unknown Voice	39
Attorney Jeremy Hayden	39, depending on, on where the, where the location is. Um, again this fence has been installed, um. I do have some photographs. There are wetlands, Mr. Chairman, um, I have a print out I'd like to submit, uh sir, with regard to the ( <i>unclear</i> ) printout from the Shelton website showing that the rear corner where the rear fence is, uh, is uh, is in fact, um, wetlands. Um
Commissioner Edmund Conklin	That's not an issue for us. That's an issue for wetlands.

Attorney Jeremy Hayden	Understood, Mr. Chairman. Uh, it's just uh, it's also my, it, it, it, in addition, um, it's my understanding that the Planning and Zoning Commission, in my brief conversations with that office, they uh, they denied a, an application for a, uh Certificate of Zoning Compliance. Uh, so the Zoning office is not in support of this application. Um, it is immediately
Commissioner Edmund Conklin	In talking to the Chairman or the uh, the person this morning, they said the only issue they had was height.
Attorney Jeremy Hayden	And, and setback, yes. The, the
Commissioner Edmund Conklin	They didn't tell me anything about setback. Cause that's why I asked them, I wanted to know where this was in relationship – he told me it was a height issue as far as they're concerned.
Attorney Jeremy Hayden	Yes, if it's, if it's over, if it's over 6 feet, which uh, I, it doesn't seem to be disputed that that is fact the case, it needs to meet the 30 foot setback. It is over 8 feet and it goes, it's not consistent, it's, it's up and down, uh, which is another aesthetic problem.
Commissioner Edmund Conklin	So you're considering this a structure?
Attorney Jeremy Hayden	Uh, yes. Um, it's it's, it's a fence, as your, as your regs, um, to which your regs. refer. Um, 24
Commissioner Edmund Conklin	Well, the regs. consider anything over - it would become a structure. So you're, you're defining it as a structure?
Attorney Jeremy Hayden	Um, well I'm, I'm defining it as, as a fence as I read the regs. Uh, there's a specific section, as you know Mr. Chairman, uh, requiring um, the 30-foot setback for, for specifically a fence. It doesn't distinguish between a structure or, or otherwise. It says a fence must satisfy, if it's over 6 feet, it must satisfy the 30-foot setback.
Commissioner Edmund Conklin	I gotta' go back and look at the regulation. I know the regulation says if it's over 6 feet, it becomes a structure.
Attorney Jeremy Hayden	I have, I have it for you here, Mr. Chairman, if uh, if you'll
<i>(Multiple voices)</i>	
Commissioner Edmund Conklin	We need to reread it. I'm trying to find out what you're defining it so I can verify how you're defining it.
Attorney Jeremy Hayden	Yes, absolutely. I apologize, Mr. Chairman, I have it right here. I just had it. I have some photos, too, if uh, if the Commission, is uh, so inclined. The specific section is 24-4-10, uh. And I don't want to take up the commission's time. I will certainly, it does not distinguish between uh, a structure or a fence, Mr. Chairman. Uh, and it's my understanding that that was why the application for the ( <i>unclear</i> ) zoning compliance was denied. My, we're not saying that, it's not my client's position that there cannot be any farming. They're just saying that to, putting up this fence, right in their back yard, on both sides, without coming to the commission, for, for, with an application, um, it's, it's, it's inappropriate. It's not aesthetically pleasing. It doesn't comply um, again, with you regs. Um, and I know that as you mentioned, the wetlands is not a direct concern of this commission, but um, it's not up on review. It is in fact right, right

	in it, ( <i>in eleven?/unclear</i> ).
Commissioner Edmund Conklin	So your client is saying they'd rather, rather have a fence on the property line 6 feet high, that's solid? Which meets regulations?
Attorney Jeremy Hayden	If, if that, if my clients understand that that is, that is permitted, uh
Commissioner Edmund Conklin	I'm asking if that's what they would prefer?
Attorney Jeremy Hayden	Yes. Absolutely. Which, which as opposed to, to this as it exists, absolutely. Um,
Commissioner Phillip Cavallaro	So, ( <i>unclear</i> ) six-foot stockade fence, which is allowed?
Attorney Jeremy Hayden	Sure, sure, sure. ( <i>multiple voices</i> )
Commissioner Edmund Conklin	Name and address for the record, please.
Jennifer Martin	My name is Jennifer Martin. I lived at 459 Booth Hill Road. My house, a small cape, my side yard and my back yard abut the Rogowski property. Um, I came home one day and there were just, there were like 12 foot, 10 foot, 12 foot poles right on the property line. So, I figured he was putting up a fence, it was the first I knew of it. So, I called Planning and Zoning just to see what the regs. were and I was told by Mr. Dingle that if the fence is over 6 feet in height, he needs a permit, there needs to be a variance, and there needs to be a 30 foot setback. That's what Mr. Dingle stated to me. And I was like, OK, it looks a lot higher than 6 feet. My concern was my lot is very narrow; my house is very small. So, 'ya know, a 9 foot/8foot/9 foot fence right in my backyard and then along my side yard, and, and we have pictures to show it, it, it looked like, 'ya know, to me it looked like a cage around my house because the fence is very tall. Um, the following day Randy stopped over and apologized for not giving me advanced notice but he was busy, and um, stated that he was putting a fence up. For the deer which I understand. Um, and I just asked him, I, 'ya know I understand you need this. It's on the back, you're putting it up on the back property line but I would appreciate if you could push the side yard back 30 feet or so because otherwise, it's on top of my house basically. Um, he had never farmed that small strip of land between my house and some pine trees, um. Randy agreed that he saw my point and um, would talk to the fence contractors and see if it could be moved. Um, he offered to maybe trim some branches on the pine trees there to set, set the side back and asked if he kept the back on the property line, 'ya know, would I be satisfied with moving the side fence. Which I said yes and he said he would call me in a couple of days to let me know whether or not it could be moved. Um, I never heard from him. The next day the fence was up on the property line on the side. I called Randy and he stated to me that that's where the fence was going. It was staying there. It wasn't moving. And that if I took any matter to Planning and Zoning, that he would put up a 6 foot stockade fence all around my property line to block my view.
Attorney Jeremy Hayden	They would do both. They, they would do both. They would, they would, they would, they would keep the existing 8-foot high fence and

Jennifer Martin	But out of spite or whatever reason, but and now it's a beautiful property. I mean, you drive past, it's just 'ya know, it's just very pretty. So, but he was gonna' do that just, just because I was, if I opposed him, that, that's what he was going to do. And um, he also told me that the USDA 'ya know, kind, overrides, Planning and Zoning. That he can put it where he wants. And I told him at that point that I had called the USDA, and that the woman there, the supervisor, Diane Blaze, stated that, um, just because you receive a grant, it does not trump Planning and Zoning. A condition of the grant is that you follow all Planning and Zoning regulations. So, he should have applied for that permit first, he should have asked for a variance or setback, and it should have went to this board before he put it up. Once I told Randy that, he says let me see if I can move the fence. And he pulled it out of the ground on the side and he pushed it back 30 feet. And he left the back. So, I was satisfied at that point. Um, a few weeks later, I see a delivery of stockade fence being delivered to his property and we heard from the Rogowskis themselves that they plan on once this this barrier, 8 foot/9 foot fence is approved, their plan is to install a 6 foot stockade fence on the property line right along the back fence and on the property line on my side to block my view because I, 'ya know, took issue with him putting the fence up.
Attorney Jeremy Hayden	If, if I may, just to, just to follow your um, your point, Jen, so what it would look like, here is the side yard fence here, Mr. Chairman, this with regard to the stockade fence there would be one also right here. Um,
Jennifer Martin	So, this is my side yard. It's it, it seems farther back from my house than it is but it's pretty close – there's 26 feet between my house and the property line which is about here. So, we talked about moving um, the fence back. He said he would get back to me and the next day the fence was up, right on the property line. And then like once we had that set – and he tilled it which has never been tilled before. Um, but then once,
<i>(Unknown muffled voice)</i>	Close proximity to
Jennifer Martin	And then once, once I brought up that, that it was not the case with the USDA, that the woman told me he needs to follow planning and zoning guidelines for approval, then he pushed it back. Which I could have lived with, but now I see that stockade fence sitting there and his father told my husband that it's goin' up. Just for that purpose of blocking the view and marring my enjoyment of the property.
Commissioner Edmund Conklin	Is the fence up as of now?
Jennifer Martin	It's not up yet but the stockade is waiting in his yard.
Commissioner Edmund Conklin	Sorry. Is it, is it up now? That's what I want to know.
Attorney Jeremy Hayden	The stockade fence is not up. The other fence is existing and it was done without any permits whatsoever.
Commissioner Philip Jones	How tall is the stockade fence?
Attorney Jeremy Hayden	I apologize for the delay, Mr. Chairman.
Jennifer Martin	6 feet. So he's gonna', he, what he's going to do is comply with the regulation in putting up a 6 foot stockade fence. But he doesn't need it. There's no, there's no use for it other than to irritate me.

Attorney Jeremy Hayden	Just with, with regard to the issue at, at hand that we're before the commission on, there needed to be an application respectfully for this, for this fence. Uh, it cannot just be put up as of right. Um, and it needs to comply as it's clearly over 8 feet. There, there need, there needed to be an application with, with a, with a legal, legally viable hardship which I don't see here, respectfully, Mr. Chairman, uh and with regard to the existing fence, is not in compliance with the, with your, your local regs. and state statutes.
Commissioner Edmund Conklin	But your client and the property owner do have a verbal agreement that if there is no stockade fence, this is acceptable.
Jennifer Martin	Correct. Stockade fence or any other structure to put up to block my view. I mean, for the record, I think it's wonderful that he farms; I'm planting myself in my side acre. I also grew up in Shelton and I'm sad that a lot of the farmland has gone. It's a beautiful piece of property that I drove by every day cause I grew up
Commissioner Edmund Conklin	You understand that we got the rights to the stipulations that we can give, approve this fence as it is and no stockade fence can go up on the property.
Jennifer Martin	Correct. Or any other structure, because 'ya know, I thought we had made a deal and then suddenly he bought the stockade. But I am willing to come to an agreement that he can leave these fences where they are and I do not oppose them provided that he does not put up a spite fence out of malice to block my view or any other type of structure.
Attorney Jeremy Hayden	It's it's my understanding that that was specifically proposed within the last week and the response was no way, we're going to get our variance approved, and then we're going to put the stockade up.
Commissioner Edmund Conklin	That's hard, that's hard ( <i>multiple voices, unclear</i> ).
Jennifer Martin	We called him because I didn't want to bring an attorney into it and, and they told me ( <i>multiple voices</i> )
Attorney Jeremy Hayden	It was proposed. "Tough, we're doing both" was the response.
Commissioner Edmund Conklin	OK. All right. Any further discussion?
Attorney Jeremy Hayden	Not for me. Thank you, Mr. Chairman. Thank you.
Commissioner Edmund Conklin	OK. Good. Anybody else opposed? What's that? OK. All right.
Randall Rogowski	One comment. The fact that it varies in height. It, I mean, goes with the grade. So they kept an 8-foot fence with the grade. So maybe, depending on where you're standing, it might not be all, 'ya know, it might be 7 feet but the wire itself is an 8 foot fence. Um, the, the side. I moved the fence over. When she, Ms. Martin called me the first time, I was not able to just make a decision on my own and move the fence. I needed to call multiple people to have this fence moved. One being the USDA because they funded it. I need to stick to their plan otherwise I don't get the reimbursement for the fence and now I cannot obviously pay for this fence. Um, so I have to be in compliance with their contracts. I didn't want to just make a decision to move a fence, the SD, or the USDA comes out to inspect it and says well this isn't the original plan, you have to

(Voices over each other)	
Randall Rogowski	Exactly. So at this point in time the fence company is putting this fence up. Um, it happens the next day they started on the other side of the gate, which happens to be on, next to, Ms. Martin's property, that's where they were going. I didn't even talk to them. I wasn't even on that piece of property that day. They just were going with the original plan. I spoke with Ms. Martin. She was upset. Uh, I got in touch with the USDA. They said I could move it, so I called the fence company owner back and said, "I need to move this fence. I don't wanna' create bad neighbors here." Um, in my pictures you can see where I moved the fence and I actually had projected, I would be planting in uh, let's see
Commissioner Edmund Conklin	This shows us where the ( <i>unclear</i> ) we have to take that
(Multiple voices; <i>unclear</i> )	
Randall Rogowski	Do I have more pictures somewhere?
Commissioner Edmund Conklin	Yes, somewhere. May I have the rest of the pictures?
(Multiple quiet voices)	
Randall Rogowski	This is where I, this is where I moved the fence. You can see the stake here on the property line. Uh, the fence was here. I apologize. I moved it over. This is um, about 30 feet, give or take. I have a project – and I, and I told Mrs. Martin at this point, I said, if I move this fence over, I don't have a 100 acres to plant on. I'm trying to use every single last piece of property that I have. This is vital to what we're doing. And I said if I move this fence over, which is now costing me money to move the fence over and I had to buy a gate to access this, I said, I still need to protect it. There's just, the deer are going to be here because they're not going to be in there, and they're going to be worrying what I'm planting on this piece of property. And she said well as long as it's, it's, she said, well I'll talk to zoning, I think was her, something like that. Well 6-foot fences as far as I'm concerned, are, my knowledge of, is legal. So I said well, I'll move this over but you're probably going to end up with a stockade fence to protect what I have growing. I'm trying to be up front with her, I wanted her to realize that.
Recording Clerk Tina Kelly	Excuse me, Mr. Chairman, I have to change the tape. OK.
Randall Rogowski	Um, I do have stockade fence there. I'm planning on planting rhubarb here in the fall and, we're, we're, actually possibly some other crops. Um, I had no intent to, on putting the stockade fence across their back. This is a picture of her; this is the staked property line. This is ( <i>whispers inaudible</i> ), this is the picture, I don't know where it is. There's another picture that shows uh, the back fence. I don't know where it is. It's somewhere. Um, I had no intent on putting a stockade fence between this, her property line in the back, and the fence. There's no point. There's, I'm not growing there. It's just enough for me to get back there and maintain the fence. But this piece I have a projected, um, loss, um, it, it rhubarb is a projected loss of \$6,000 a year that I would be losing, um,
Commissioner Edmund Conklin	OK. But that's an agreement that you had with her to move that over accordingly.

Randall Rogowski	Right. So, I did move this over for her.
Commissioner Edmund Conklin	Now is there any way that you can put a similar-type fence of low, 6 feet high?
Randall Rogowski	I, I'm sorry. I don't understand the question.
Commissioner Edmund Conklin	A open, net-type fence, that's more unobtrusive?
Randall Rogowski	If, I, yes, um, yeah I could do that. I would do that. As long as it keeps the deer out and I'm able to have a sellable crop out of there. Otherwise, there's no point in me farming. I need to have a sellable crop and the deer, between eating it and defecating all over it, just, they're gonna' ruin it. I'm trying to make a living and it's, I don't have 100 acres. I'm trying to use everything that I have.
Commissioner Edmund Conklin	All right.
Randall Rogowski	Um, like I said, I did move this fence over for her, which, that's shows it right there. And I'm not going to put a stockade fence up along the back.
Commissioner Edmund Conklin	OK
Jennifer Martin	May I say something additional, or are we done?
Commissioner Edmund Conklin	Question for you: Would that be acceptable that he had a more open fence along that
Jennifer Martin	Um, no, I don't, I don't want a fence on that side.
Commissioner Edmund Conklin	But if he, he puts a 6 foot fence up, we have no say over it, you have no say over it.
Jennifer Martin	Well, then I
Commissioner Edmund Conklin	OK, by law.
Jennifer Martin	Yeah.
Commissioner Edmund Conklin	OK. So we're trying to make it so at least it isn't as unobtrusive by you. We do have the right to stipulate that.
Jennifer Martin	OK. Um,
Unknown voice	<i>(Multiple voices)</i> Could I speak too?
Jennifer Martin	Yeah.



Commissioner Edmund Conklin	If you did, you have to come up, give your name, address, for the record, please.
Russell Martin	Yup, my name is Russell Martin. I live at 7 Ledgewood Road.
<i>(Multiple voices; noises)</i>	
Russell Martin	Now, listen. This is all I want. This is all we want. We just want a nice piece of property, OK. This property is in her name; the other property is in my name. I live there sometimes. I live in the other house. That, that's just how it is, OK? We just don't want, we just don't want, we don't want any fights with the neighbors. We got no problems, 'ya know? And all the other guys, 'ya know who spoke, they don't, none of them, none of them live, none of them live on Booth Hill Road. They're all in the Waverly neighborhood. We got no knowledge of that. We don't care about that business. We just don't want to be bothered. We don't want no ugly fence on the next property. The thing was never farmed before. There were statements made that it was never going to be farmed and now that it is, cause, 'ya know, it's just, it's just become uh, nonsense, 'ya know. This, we don't need lawyers; we could all be friends. 'Ya know, we don't have to aggravate each other. 'Ya know what I mean? I'm trying to, I'm trying to avoid 'ya know, nonsense. I tried to make multiple calls to be a mediator during this thing, 'ya know. And 'ya know, I think just the way that it is, I, I just can't see why that just can't be fine, can't be fine. I don't know why there has to be 'ya know, it – it was never farmed before, but now it's going to be farmed cause they, they want a fence up it seems like to me. 'Ya know what I mean? 'Ya know?
Commissioner Phillip Cavallaro	Well, he's running a farm.
Jennifer Martin	No. No.
Russell Martin	It was never farmed.
Jennifer Martin	Russ, let me just take over from here, OK?
Russell Martin	Go ahead. Go ahead.
Jennifer Martin	Cause this is getting off track. This was never farmed. He, this little strip was never farmed. And, and just for the record, cause I know, I know we're taking a lot of time here, he didn't move it for me. He told me he would talk to me about getting it moved, and then didn't call me and put it up. And only when I pointed out that the USDA required him to comply with zoning, did he move it. And he did not, never told me that he was putting up stockade fence for the purpose of keeping deer out. He told me he was putting it up if I was to take any action and a, and oppose him at Planning and Zoning. Um,
Attorney Jeremy Hayden	This was very, very recently dealt within the last, what
Jennifer Martin	Oh, right.
Attorney Jeremy Hayden	Couple weeks?
Jennifer Martin	<i>(Multiple voices)</i> I was also told that they were going to put it up along the back. So, 'ya know. I'm willing to compromise here, um,
Commissioner Bryan Vassar	Regardless of when he tilled it,

Jennifer Martin	Yeah.
Commissioner Bryan Vassar	He has the right to farm it.
Russell Martin	We understand that.
Commissioner Bryan Vassar	And he has a right to have a 6-foot fence on the property line. And he has a right to have a 6-foot stockade fence on the property line.
Jennifer Martin	And I have a right
Commissioner Bryan Vassar	So, I <i>(multiple voices interrupting)</i> . May I?
Jennifer Martin	Yup.
Commissioner Bryan Vassar	So the point is, is that we can stipulate that the fence be open as opposed to a stockade fence, but it's, we're looking for compromise here. You know, that seems to be the best compromise available, given the fact that you can farm the land, and you can put up a stockade fence.
Jennifer Martin	Right, right.
Russell Martin	Excuse me. Isn't, isn't, in fact enough that we compromised when <i>(unclear)</i> the permits or none of the laws were abided? The state grant states that in order for you to get this grant, you have to follow some town rules first and that wasn't done.
Commissioner Bryan Vassar	Well,
Russell Martin	We're willing to accept what's been broken and what's been wrong. We're willing to accept that.
Commissioner Bryan Vassar	But he corrected that issue.
Jennifer Martin	Russ...
Commissioner Bryan Vassar	He's here now and if you go back in time and you started before he put up the fence, he'd still be here now. So we are where we are, just trying to find a compromise.
Jennifer Martin	Yeah. And, and, and I do want to compromise.
Commissioner Bryan Vassar	Sure.
Jennifer Martin	Um, but 'ya know, I am compromising by 'ya know, stating that I would not oppose a 30-foot setback in back. I understand he needs to use that land.
Russell Martin	That's where the compromise was.
Jennifer Martin	It's, it's just that that side squares off my house where I now have, and the, and the fence is not 8 feet, I measured it today. It's varies between 8 feet, 5 inches and 8 feet, 10 inches, depending on where you measure it. My house is a little house. It and it kinda' corners it. It feels like you're in a prison almost, with it, with it that close. And that's why I asked him very nicely if he would consider putting, putting it back 30 feet and he seemed like he would do it and then he just put it up on the property line anyway. Uh,
Russell Martin	<i>(Indiscernible – perhaps: I don't think deer eat rhubarb, do they?)</i>
Jennifer Martin	No.
Randall Rogowski	No, but they eat mixed vegetables which I also have, uh,

Jennifer Martin	But I, 'ya know, I'm willing to wor, I'm willing to work out something here so we're all happy, yes.
Commissioner Edmund Conklin	All right. Let's
Randall Rogowski	We're running out of time, I'm assuming?
Commissioner Edmund Conklin	Well not time but it, we're worried about, you, we're not going to keep hashing back and forth. We're going to come up with some sort of
Jennifer Martin	OK.
Commissioner Edmund Conklin	Settlement here, that the two of you can go with.
Commissioner James Orazietti	Mr. Chairman,
Commissioner Edmund Conklin	OK.
Commissioner James Orazietti	Uh, I just have a question I want to ask. The compromise that's been tossed back and forth, it includes, it includes a "no fence", or a fence, or a fence that's seeable through, a tree fence. There's all different kinds of fences', and 'ya know, I don't want
Jennifer Martin	Right.
Commissioner James Orazietti	... 'ya comin' back here and go, uh, you said you could put up a fence
Jennifer Martin	Right.
Commissioner James Orazietti	...but we were talking about a chicken wire fence
Jennifer Martin	Right. Right. Now, I mean
Commissioner James Orazietti	...that you can see through so, before we make any type of decision here, we need, we need to know what
Jennifer Martin	Sure.
Commissioner James Orazietti	...type of fence was included in this,
Jennifer Martin	All right.
Commissioner James Orazietti	...in your compromise so that we can consider you compromise.

Jennifer Martin	The deer
Commissioner James Oraziotti	I don't mean to say that your compromise is going to be accepted.
Jennifer Martin	Right. I, I understand that. The deer fence is not a horrible fence. You can see through it. I could, I could can live with it on my property line in the back. And I am happy he pushed it back 30 feet on the side yard. My concern is, is that he threatened me for lack of a better word, that if I tried to oppose him in any way, that he would get back at me by surrounding my property with a 6-foot stockade fence and I don't want that to happen. So, if we can make some kind of easement where he can't put that up, or come to some type of legal agreement, I'm OK with a deer fence as to where it is now.
Commissioner Phillip Cavallaro	Where it is now? On the property line?
Jennifer Martin	On the property line in the back and 30 feet off, off to the side which is where it's standing now.
Commissioner Phillip Cavallaro	So, no fence on the side line.
<i>(Multiple voices; unclear)</i>	
Russell Martin	There still is one.
Jennifer Martin	Well, yeah, this, this fence is up. This fence is up.
Commissioner Phillip Cavallaro	30 feet away.
Jennifer Martin	30 feet off my property line.
Commissioner Phillip Cavallaro	So, your compromise is no fence on the property line.
Jennifer Martin	I would prefer that because cause I believe that he only tilled a small section of land to prove a point that he needed to farm it. It has never been farmed in over 50 years. As a matter of fact, there are no fields that have been planted on the remaining 14 acres right now.
Commissioner Edmund Conklin	Yeah, but, he was gonna' put the fence there originally so obviously he was going to start farming it.
Jennifer Martin	I think
Randall Rogowski	I just started farming. This is a growing endeavor for me. Um,
Jennifer Martin	OK.
Commissioner Phillip Cavallaro	Are you gonna' be on the side, on the side there where you're talking about? Is it gonna', is your compromise no fence, a see-through fence, <i>(multiple voices)</i>

Jennifer Martin	If, if, if there has to be a fence, I would prefer that it be a, a lower see-through fence.
Russell Martin	If there has to be
Jennifer Martin	If there has to be a fence, then a 6-foot or less, see-through fence.
Russell Martin	Similar ( <i>multiple voices; unclear</i> )
Commissioner Edmund Conklin	Similar, Similar to the same material that's being used right now.
Jennifer Martin	Yes. That would satisfy me.
Commissioner Edmund Conklin	Is that acceptable to you?
Randall Rogowski	Uh, an offer I was thinking of is I could pull this deer fence out, have the company come back, and move the deer fence on the property line. It would be, it's the same exact fence, it's see-through, only is has to stay at 8 feet to stay in compliance with the USDA.
Commissioner Edmund Conklin	They, that's not, they won't take that. They won't take that.
Randall Rogowski	Then I will, um, I just, uh, what was I gonna' say?
Russell Martin	Well let's do one at the 6 feet - Ran, would that make you happy?
Randall Rogowski	I could do a 6-foot, see-through fence on this side, of...I, I still need to protect this property. I don't see why I should have to forfeit thousands of dollars a year.
	<i>(Multiple voices over each other)</i>
Russell Martin	We don't want that for you, Ran. We don't want to cost you money. We don't want it to cost us money. If you could move this right here to here at 6 foot, we, we'd be super happy.
Randall Rogowski	The problem is I, I can't move and then cut it down because
Commissioner Edmund Conklin	Right, hang on. I agree. You, you ( <i>multiple voices</i> ) away the perimeter of your property at 8 feet, protecting the rest of your property.
Randall Rogowski	It has to be to stay in compliance with the USDA. So, I, I would have to put up a separate see-through, 6-foot ( <i>multiple voices</i> )
Commissioner Phillip Cavallaro	6-foot see-through fence on the property line.
Randall Rogowski	Right.
Russell Martin	If it matches that fence, ( <i>multiple voices</i> )
Commissioner Phillip Cavallaro	Leaving the, leaving the 8-foot fence ( <i>multiple voices</i> )
Randall Rogowski	That's the only thing. It's kinda' tough for me is now I have to get in here with equipment and now I'm, I'm in between 2 fences which I'll have to work around. ( <i>Multiple voices</i> ) So there's, there's no

Randall Rogowski	Well, I wouldn't be able to because there'd be a fence up.
Russell Martin	Well, come on, I don't, what you mean? Oh.
Randall Rogowski	Cause this fence would be here.
<i>Multiple voices, unclear)</i>	
Russell Martin	OK. So now listen. So, <i>(multiple voices)</i>
Randall Rogowski	This fence here. I could eliminate this gate. The gate would then pay for this fence. And then this, this 8-foot fence could be back here, if that would be OK. This same fence. I would just move this over, eliminate all this, uh, the gate, I could give the gate back to the company and that would hopefully pay them so I don't have to pay again to move this fence back here. If that works for her, I could do that but it would have to stay at 8 feet. If not, then I will just have to bite the bullet and put up a 6-foot fence here.
Commissioner Edmund Conklin	Now, they, they're, you're, you do not want the 8-foot fence along that wall?
Jennifer Martin	No.
Commissioner Edmund Conklin	OK.
Jennifer Martin	Because it towers over my house. Understand it's a teeny, tiny cape.
Russell Martin	We'll if we can get access to here, we have to <i>(unclear)</i> here, I have no problem with <i>(multiple voices, unclear- "that other where you can come in, 'ya know what I'm sayin'?)</i>
Jennifer Martin	Russ... Russ...
Randall Rogowski	Then I'd have to, well I'd have to put another gate there so then I'd be buying another gate because um. But I will do a see-through, 6-foot fence on this property
Commissioner Edmund Conklin	So the same material?
Randall Rogowski	The same material.
Commissioner Edmund Conklin	OK.
Jennifer Martin	But my concern is will something guarantee that because you told me this before and then you kinda' went back on your word.
Commissioner Edmund Conklin	Well, this, this is a variance.
Jennifer Martin	OK.
Commissioner Edmund Conklin	OK. This is a legal document.

Jennifer Martin	All right. OK.
Commissioner Edmund Conklin	OK.
Jennifer Martin	All right.
Commissioner Edmund Conklin	Let's move on.
Commissioner James Orazietti	So the compromise that you just talked about, you're going to leave that 8-foot fence where it is, right?
Jennifer Martin	In back.
Commissioner James Orazietti	30 feet away.
Jennifer Martin	Correct.
Commissioner James Orazietti	30 feet away.
Jennifer Martin	On one, on one side it's 30 feet away.
Commissioner James Orazietti	Not the back, not the back, the side area.
<i>(Multiple voices, unclear)</i>	
Commissioner Phillip Cavallaro	Only one talks at a time.
Jennifer Martin	Yes, but it must be see-through and not stockade.
Commissioner James Orazietti	That's what we want to know.
Jennifer Martin	OK, OK, OK. Thank you.
Commissioner Phillip Cavallaro	So, just to reiterate: The side yard, the 8-foot fence will stay 30 feet from the side property line.
Commissioner Edmund Conklin	Correct.
Randall Rogowski	I will keep everything exactly the way it is. But then I will put a 6-foot

Commissioner Phillip Cavallaro	See through
Randall Rogowski	S... Just like the same material.
Commissioner Phillip Cavallaro	Same material as the 8-foot
Randall Rogowski	Right on this property line.
Commissioner Phillip Cavallaro	On the line.
Randall Rogowski	So that I could protect that piece of property.
Commissioner Phillip Cavallaro	OK. You're good with that.
Jennifer Martin	I'm OK with that. Yup.
Russell Martin	Excuse, excuse me. As long as nothing (orange?) or something crazy
Randall Rogowski	No, it's gotta' be the same material.
<i>(Multiple voices)</i>	
Commissioner Bryan Vassar	Same exact thing.
Jennifer Martin	OK.
Commissioner Edmund Conklin	Same material. All right.
Russell Martin	That's all we wanted.
Commissioner Phillip Cavallaro	Well, no. Originally you wanted no fence.
<i>(Multiple voices)</i>	
Jennifer Martin	I never wanted "no" fence.
Commissioner Edmund Conklin	All right. So, we're all good with that right now. OK. One more time. Anyone else oppose this application?
Jennifer Martin	I'm good with that.
Commissioner Edmund Conklin	OK. Any other questions from the board?
Commissioner Linda Adanti	I just want to clarify. We're going to now have 2 fences on the side.



Commissioner Edmund Conklin	Right.
Commissioner Phillip Cavallaro	Correct.
Commissioner Linda Adanti	One's going to be 6 feet and one's going to be 8 feet.
Commissioner Edmund Conklin	Correct.
Commissioner Linda Adanti	One's going to be on the property line, the 6-foot one, and the 8-foot one's going to be 30 feet from the property line.
Commissioner Edmund Conklin	Correct.
Commissioner Linda Adanti	OK.
Commissioner Edmund Conklin	OK?
Russell Martin	The only problem or question I have is just, who has that survey? 'Ya know where the property line is?
Randall Rogowski	Yeah. We, well, when, when we set up this estate we had it surveyed and that's actually the point of these stakes that were to set on the estate.
Russell Martin	<i>(Muffled)</i> .. a copy of that survey please?
Randall Rogowski	Somewhere, yeah.
<i>(Multiple voices)</i>	
Commissioner Edmund Conklin	OK. All right. Any more questions? No more questions? I declare this hearing closed. Thank you.
Jennifer Martin	Thank you.
Commissioner Edmund Conklin	Ah, yes, we have to keep all the photos.
Jennifer Martin	Do you want to give him my photos, too, or?
Commissioner Edmund Conklin	We need that one photo that you showed us.
Russell Martin	Thank you.

**WORKING SESSION:**

**1. #0216-02 243 Huntington Street – Proposed Lot 1, Thomas Bombero and Elaine Bombero, Trustee c/o of Attorney D. Thomas** of 315 Main Street, Derby, CT, for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 s.f. to 25,005.8 s.f. and a variance to Section 24, Schedule B, Line 3 to reduce the lot square from 150 feet to 100 feet, and a variance to Section 24, Schedule B, Line 11a to reduce the maximum lot coverage from 1,000 square feet to 625 square feet to allow for a remaining house and garage on lot after the proposed split.

**Attorney Dominick Thomas stated that the application has been withdrawn by the applicant.**

**2. #0216-03 243 Huntington Street – Proposed Lot 2, Thomas Bombero and Elaine Bombero, Trustee c/o of Attorney D. Thomas** of 315 Main Street, Derby, CT, for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 s.f. to 25,242.3 s.f. and a variance to Section 24, Schedule B, Line 3 to reduce the lot square from 150 feet to 100 feet to allow for the creation of a building lot.

**Attorney Dominick Thomas stated that the application has been withdrawn by the applicant.**

3/4/5.

**#0416-04 185 Nichols Avenue – Lot 1 of 3 Subdivision, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton (Property Owner Barbara A. Badela of 14 North Avenue, Derby, CT 06418)** for a variance to Section 24.2 Line 1 to reduce the minimum lot area from 40,000 square feet to 38,000 square feet; for a variance to Section 24.2, Line 3 to reduce the minimum dimension of square from 150 feet to 115 feet; and for a variance to Section 24.2, Line 4 to reduce the minimum lot frontage from 135 to 115 feet in an R-1 zone.

**AND**

**#0416-05 185 Nichols Avenue - Lot 2 of 3 Subdivision, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton (Property Owner Barbara A. Badela of 14 North Avenue, Derby, CT 06418)** for a variance to Section 24.2 Line 1 to reduce the minimum lot area from 40,000 square feet to 38,000 square feet; for a variance to Section 24.2, Line 3 to reduce the minimum dimension of square from 150 feet to 115 feet; and for a variance to Section 24.2, Line 4 to reduce the minimum lot frontage from 135 to 115 feet in an R-1 zone.

**AND**

**#0416-06 185 Nichols Avenue - Lot 3 of 3 Subdivision, Royal Wells of Welkin, Inc., 34 Blueberry Lane, Shelton (Property Owner Barbara A. Badela of 14 North Avenue, Derby, CT 06418)** for a variance to Section 24.2 Line 1 to reduce the minimum lot area from 40,000 square feet to 38,000 square feet; for a variance to Section 24.2, Line 3 to reduce the minimum dimension of square from 150 feet to 115 feet; and for a variance to Section 24.2, Line 4 to reduce the minimum lot frontage from 135 to 115 feet in an R-1 zone.

**Motion made by Commissioner Jones and seconded by Commissioner Cavallaro to approve the variances #0416-04, #0416-05, and #0416-06. Motion passed by unanimous vote.**

**6. #0516-01 124 Lane Street, Keith Swan of 124 Lane Street, Shelton** for a variance to Section 24.12.4 to reduce left side setback from 10 feet to 5 feet for a shed (10 feet by 12 feet) in an R-1 zone.

**Motion made by Commissioner Cavallaro and seconded by Commissioner Oraziatti (Commissioner Vassar recused himself) to approve the variance with one stipulation. Motion passed by unanimous vote.**

**7. #0516-02 Toas Street, Lot #490, Larry Ellis of E&E Quality Homes, LLC of 23 Macintosh Drive, Oxford, CT** for a variance to Section 24.4.11 to reduce the longer lot line street set back from 15 feet to 10 feet to allow for construction of a new house on a corner lot in an R-4 zone. Application states on the right is Westminster Ave; on the left is Lot 489 Toas Street; on the rear is Cynthia Sears (23 Westminster Avenue); on the front is Toas Street.

**Motion made by Commissioner Adanti and seconded by Commissioner Cavallaro to approve the variances. Motion passed by unanimous vote.**

**8. #0516-03 86 West Street, Stephen Kennedy of 86 West St., Shelton** for a variance to Schedule B, #7, Section 25 to reduce the minimum set back from the street from 25 feet to 15 feet 6 inches to allow for an addition to a single family home (12 feet wide by 23 feet deep) with a front porch (37 feet 9 ½ inches by 6 feet) in an R-5 zone. Application states on the right is George Meyer (80 West St); on the rear is Peter Pysarchyk (13 George St) and Barbara Pysarchyk (15 George St); on the left is Josephine Pelaggi (96 West Street) and the front is West Street.

**Motion made by Commissioner Cavallaro and seconded by Commissioner Adanti to approve the variances with one stipulation. Motion passed by unanimous vote.**

**9. #0516-04 58 Judson Street, Christopher Kubowski of 58 Judson Street, Shelton** (Property Owner Danuta Ciach, Trustee) for a variance to Section 24, Line 8 to reduce the left side set back from 30 feet to 12 feet and for a variance to Section 24, Line 9 to reduce the rear set back from 30 feet to 15 feet to all for construction of a garage (740 square feet – 20 feet by 37 feet by 20 feet H) in an R-1 zone. Application states that on the right is Nicholas and Amy Corkery (48 Judson St); on the rear is Mark Spray (25 Judson Circle) and David and Sheryl French (19 Judson Circle); on the left is Robert and Mary Donnelly (29 Judson Circle) and in the front is Judson Street.

**Motion made by Commissioner Jones and seconded by Commissioner Adanti to approve the variances. Motion passed by a vote of 4 (in favor) to 1 (not in favor).**

**10. #0516-05 Cree Trail Lot E, Summit Ridge Development LLC of 8 Huntington Street, Shelton** for a variance to Section 24, Section B, Line 7 to reduce the street set back of the corner lot E longer side from 30 feet to 20 feet on Orowoc Trail in an R-3 zone. Application states on the right is Orowoc Trail; on the rear is Joan Dwyer (12 Orowoc Trail); on the left is Joan Dwyer (12 Orowoc Trail) and in the front is Cree Trail.

**Motion made by Commissioner Jones and seconded by Commissioner Adanti to approve the variances. Motion passed by unanimous vote.**

**11. #0516-06 475 Booth Hill Road, Randall Rogowski of 247 Waverly Road, Shelton** for a variance to Section 24.4.10 fences to allow for the increase in fence height from 6 feet to 8 feet to be in compliance with USDA Contract for agricultural deer exclusion in an R-1 zone. Application states on the right is Joe and Sherry Taft (497 Booth Hill Road and Angela M. Njo (36 Twin Brook Dr.); on the rear is Aquarion Water Company, Johnny Yi and Suk Mi (24 Twinbrook Rd), Robert and Brenda Hansen (28 Twinbrook Road), and John and Lisa Gach (32 Twinbrook Road); on the left is Jennifer Martin (459 Booth Hill Road); and in the front is Booth Hill Road.

**Motion made by Commissioner Cavallaro and seconded by Commissioner Adanti to approve the variance with a stipulations. Motion passed by unanimous vote.**

Acceptance of the Minutes of May 17, 2016, with one stipulation to correct the spelling of Commissioner Edmund Conklin's first name.

**Motion to approve the minutes as submitted by the clerk was made by Commissioner Vasser and seconded by Commissioner Cavallaro. Motion passed by unanimous vote.**

**Meeting adjourned at approximately 9:40 PM.**

SHELTON BOARD OF ZONING APPEALS

Respectfully submitted by **Tina M. Kelly**

for Philip Jones, Secretary