

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC HEARING**

**July 23, 2012**

The Wethersfield Zoning Board of Appeals held a public hearing on July 23, 2012 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Thomas J. Vaughan, Jr., Chairman  
Daniel Logan, Vice Chairman  
Frank Dellaripa, Clerk, Alternate  
Morris Borea  
Eugene Ziurys, Jr.  
Mark Rudewicz  
Robert Cobb

**ABSENT:**

**Also Present:** Brian O'Connor –Chief Building Official

Chairman Vaughan, Jr. opened the meeting at 7:00PM. He explained the procedures of the Meeting and Hearing and asked if anyone wanted to speak on something other than what was on tonight's Agenda. There was no one from the audience who wished to speak. He explained that there must be four affirmative votes for a variance to be granted.

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Chairman Vaughan, Jr. stated that he was going to take the applications out of order.

**Application No. 6095-12. Larisa & Khurshid Khan**, seeking a variance to build a two family dwelling at Lot 005 Middletown Ave., East side, A, C, AG Zones, (§3.2).

No one was present regarding this Application.

Chairman Vaughan, Jr. explained that if anyone was in the audience wanting to speak on this Application it was going to be the Boards' recommendation that this application be postponed and not heard until the next meeting when more information is available.

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**Application No. 6098-12. Suzanne Fausette**, seeking a variance to permit the keeping of livestock (pet chickens) in the rear yard without having the proper lot size and keeping area at 65 Cumberland Ave., South side, C Residential Zone, (§3.5.4).

Suzanne Fausette, 65 Cumberland Ave, Wethersfield, CT appeared before the Board seeking a variance to permit the keeping of livestock in the rear yard without having the proper lot size. Ms. Fausette stated that this application is not to keep the hens housed

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outside; however it is to let them be permitted to go outside for exercise and fresh air. She stated that she will not be building any type of coops or housing for the hens. She stated that they are housed inside as pets and that they are vetted. She added that they are tame animals that go to the Nature Center; adding that they have chicken diapers on when they are out in public.

Chairman Vaughan, Jr. questioned if the yard is fenced; and asked if she would be willing to keep the hens in one area in the yard. Ms. Fausette stated that the yard is fully fenced; adding that she will do whatever the Board recommends.

Chairman Vaughan, Jr. questioned the time of day she would like to let them out. Ms. Fausette stated that they are not active after 7:00 PM; so it would be before then; not at night.

Vice Chairman Logan questioned how long she was thinking of letting them out for. Ms. Fausette stated that 8:00 AM to 6:00 PM would be ideal.

Chairman Vaughan, Jr. stated that some of approving a variance depends on how the neighbors feel about the application. Commissioner Dellaripa stated that there are 6 letters in favor and signature of 32 in support of this application. Ms. Fausette stated that she knows 3 abutting neighbors signed in favor of the application; adding that she has 5 abutting neighbors.

Vice Chairman Logan questioned how many hens/chickens she has. Ms. Fausette stated that she has a total of 8; however 1 is not allowed outside due to health reasons. Vice Chairman Logan questioned if she was looking to get more. Ms. Fausette stated that she is not; she didn't really want to have this many, but due to circumstances she acquired a couple more than she wanted.

Commissioner Rudewicz questioned if they will only go out when someone is home; and questioned if she had any roosters which are quite loud. Ms. Fausette stated that she does have a rooster; however she has been experimenting with a wrist watch around his neck which stops him from crowing; or at least not crow as loud.

Chairman Vaughan, Jr. stated that they may put stipulation as to the number that can be allowed out at one time and at what time they will be allowed to go out. Ms. Fausette stated that 5 at one time would be the most that she would have go out.

Chairman Vaughan, Jr. questioned if she felt this was detrimental to the neighborhood. Ms. Fausette stated that she does not think so; she cleans up after them. She added that there was a rat complaint; however the Health District came out and did not find anything.

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Chairman Borea questioned what type of fence she has. Ms. Fausette stated that it is a chain link and stockade fence.

Chairman Borea questioned why a variance is needed for this if they are housed inside. Mr. O'Connor stated that because the lot size is so small a variance is needed for livestock to be outside.

Commissioner Cobb questioned if there were a limit to the number of dogs she can have. Mr. O'Connor stated that as far as he knew there is not.

Chairman Borea questioned the purpose of the hens. Ms. Fausette stated that she feels it is therapeutic for her son who is autistic.

Commissioner Cobb questioned if she was looking to breed them. Ms. Fausette stated that she was not.

There were no further questions or comments from the Board.

The following audience members wished to speak in favor of this application:

1. Richard Gianetti, 20 Oxford Street, Wethersfield, CT – He stated that he does home repairs for her and her house is always very clean, adding that he does not see a problem with letting them outside.
2. Robert Zenaida, 88 Cumberland Ave, Wethersfield, CT – He stated that he has lived there for 15 years. He stated that the noise factor is not an issue for him. He stated that he hears people's dogs barking more than he hears the hens.
3. David McCue, 75 Oxford Street, Wethersfield, CT – He stated that he is probably the closest neighbor; adding that he is on the chain link fence side. He stated that the hens are no louder than him playing his drums. He does not have an issue with the noise.
4. Mr. Perez, 79 Oxford Street, Wethersfield, CT – He stated that he has a diagonal view of the yard and does not have an issue with this application.

The following audience members wished to speak in opposition to this application:

1. Mr. Raymond Ashley, 57 Cumberland Ave, Wethersfield, CT – He stated that he has many objections to his application. He stated that the rooster is very loud and he starts at 4:30AM and it is constant. He stated that there have been complaints made

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to the Police Department and Animal Control has been out. He stated that according to the Town's Regulations the fencing should be so that the neighbors cannot see; this fencing does not meet that requirement. He stated that no one is home during the day; so who is going to watch the chickens/hens if they are outside to make sure they are not loud. He stated that according to the Town's livestock regulations; she is in violation of every single one of them and feels this application should not be approved. He stated that he has a signed petition from neighbors opposed to this application.

Chairman Borea questioned if he would have any objections if it were not for the rooster. Mr. Ashley stated that he would still object to this application; and that he does not feel this application should be approved.

Commissioner Rudewicz commented that stipulations can be put on the Applicant that would assure that someone is home if the hens were outside.

Chairman Vaughan, Jr. informed Mr. Ashley that the only issue they can vote on is if the hens/chickens can go outside; there are no violation that she has them in her home.

Commissioner Cobb questioned when he heard the rooster at 4:30AM was the rooster inside or outside. Mr. Ashley stated that he was not sure.

1. Ms. Ellen Mokritski, 65 Oxford Street, Wethersfield, CT - She stated that she lives diagonal to Ms. Fausette. She stated that she is not happy with the number of chickens. She stated that last year there was an offensive order; adding that she has not really smelled it this year. She stated that the roosters do crow; and she feels that what she is doing with the wrist watch seems cruel. She stated that if she wants it to be therapeutic for her son; she can see that but have 1 chicken. She stated that she does worry about the value of her property.

Commissioner Cobb questioned if she can hear the rooster if it is inside. Ms. Mokritski stated the roosters are on the porch a lot and she can hear them when they are there; but as far as hearing them when they are inside she honestly cannot say.

2. Ms. Sara Phillips, 63 Cumberland Avenue, Wethersfield, CT – She stated that she is worried about the property values, the noise concerns her; although she has not heard it as much lately. She stated that she is concerned that it may get out of hand and there will be more chickens.

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3. Ms. Kara Pacelia, 59 Cumberland Avenue, Wethersfield, CT – She stated that she lives 1 house away. She stated that there are livestock rules for a reason; adding that their yards are very close together and this is not the place for livestock. She feels that they should not be subjected to the noise.

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**Application No. 6099-12. Marianne Cavaliere**, seeking a variance to construct two additions, which will encroach over the building line at 92 Dudley Rd., South side, B Residential Zone, (§3.7 ).

Marianne Cavaliere, 92 Dudley Road, Wethersfield, CT appeared before the Board seeking a variance to construct two additions which will encroach over the building line. She stated that they currently have a 2 bedroom, 1 ½ bath, 1 car garage and would like a 3 bedroom, 2 bath, 2 car garage. She stated that the hardship is that the shape of the lot is odd.

Chairman Vaughan, Jr. confirmed that the proposed addition is on the Folly Brook Blvd side. Ms. Cavaliere stated that this was correct; and that there are no neighbors on that side.

Chairman Vaughan, Jr. questioned how much of a variance is needed. Mr. O'Connor stated that 40' is required so a 24' variance is needed.

Chairman Vaughan, Jr. stated that it looks like nothing can be done without a variance. Ms. Cavaliere stated that this was correct.

Commissioner Cobb questioned what the distance is from the side of the house to the property line at # 86 Dudley Road. Ms. Cavaliere stated that she believes it is 11'.

Chairman Vaughan, Jr. questioned why a 40' is needed; and asked if it is because it abuts Town property. Mr. O'Connor stated that it is because it is a paper road. If it was another neighbor; next to another house it would only require 10'.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of or in opposition to this application.

Commissioner Dellaripa stated that there is a letter in the file opposed to this Application; however it is not signed and there is no address.

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**Application No. 6100-12. Patrick & Susan Hayes**, seeking a variance to install an air conditioning condenser unit in the north side yard at 451 Main St., West side, A Residential Zone, (§3.7).

Patrick Hayes, 451 Main Street, Wethersfield, CT appeared before the Board seeking a variance to install an air conditioning condenser unit in the north side yard. Mr. Hayes stated that these are long and narrow lots; maybe 75' wide. He stated that at the time they built the addition they knew they wanted the central air; the addition was built for his mother-in-law.

Mr. Hayes stated that the A/C installer recommends installing the unit on the north side to minimize piping. He stated that there really is no other place to put it. Mr. Hayes stated that there are very large hemlocks that cover that area. He stated that his neighbor Jim and AnnMarie Ritter signed a letter in favor of this Application.

Chairman Vaughan, Jr. questioned how much of a variance is needed. Mr. O'Connor stated that basically the house and addition are legal non-conforming. He stated that he needs 10' but has 5'2" to the side yard.

Commissioner Borea questioned how big the unit is. Mr. Hayes stated that it is 3' by 3' ¼" and 36" tall; stating it is a standard size unit.

Commissioner Cobb questioned if the heat from the unit would kill the hemlocks. Mr. Hayes stated that he does not expect that to happen.

There were no further questions or comments from the Board.

The following audience member wished to speak in favor of this Application:

1. Mr. Jim Ritter, 459 Main Street, Wethersfield, CT – stated that he wholeheartedly supports this Application. He stated that as far as the hemlocks go; if it throws off a lot of heat then they will deal with it and trim back the hemlocks if need be.

There was no one in the audience who wished to speak in opposition to this application.

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**Application No. 6101-12. David Fleming**, seeking a variance to construct a garage higher than permitted at 440 Church St., North side, A Residential Zone, (§3.6.A).

David Fleming, 440 Church Street, Wethersfield, CT appeared before the Board seeking a variance to construct a garage higher than permitted. Mr. Fleming stated that he has

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been a lifelong resident of Wethersfield. He stated that their current 1 car garage is in disrepair. He stated that the proposed garage has a height of 22' with storage. He stated that only 18' is allowed.

Chairman Vaughan, Jr. questioned if the copula is included in the height. Mr. O'Connor stated that the copula is permitted and is not included in the height of the garage.

Chairman Vaughan, Jr. confirmed that they need the height for storage only and that it will not be an apartment. Mr. Fleming stated that this was correct; it is only for storage.

Mr. Fleming stated that there should be letters from his neighbors in the file stating that they are in favor of this Application. He also stated that his neighbor, at 420 Church Street is in favor and offered to come down tonight but he told him he did not think it was necessary.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of or in opposition to this application.

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**Application No. 6102-12. Lori Santos-Rizza**, seeking a variance to install a pool in the side yard at 89 Westwood Dr., North side, A-1 Residential Zone, (§3.6).

Lori Santos-Rizza, 89 Westwood Drive, Wethersfield, CT appeared before the Board seeking a variance to install a pool in the side yard. Mrs. Santos-Rizza stated that she always thought the rear of the home was the back yard; however, come to find out it is not.

Chairman Vaughan, Jr. confirmed that this is a corner lot. Mrs. Santos-Rizza stated that it is.

Mrs. Santos-Rizza stated that she has a letter in favor of this Application with 33 of her neighbor's signatures. She also entered pictures into the record where the proposed pool is to go.

There were no further questions or comments from the Board.

The following audience member wished to speak in favor of this Application:

1. Karen Collins, 97 Westwood Drive, Wethersfield, CT - she stated that she feels this would be the best place for the pool.

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There was no one in the audience who wished to speak in opposition to this Application.

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**Application No. 6095-12. Larisa & Khurshid Khan**, seeking a variance to build a two family dwelling at Lot 005 Middletown Ave., East side, A, C, AG Zones, (§3.2).

There was no one present for this application. Chairman Vaughan, Jr. postponed this Application until the next ZBA Meeting.

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Chairman Vaughan, Jr. announced that tonight is Commissioner Dellaripa's last Zoning Board of Appeals Meeting. He thanked Commissioner Dellaripa for his many years of dedicated service on the Board.

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Chairman Thomas Vaughan, Jr.

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Commissioner Dellaripa, Clerk

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**PRESENT:** Thomas J. Vaughan, Jr., Chairman  
Daniel Logan, Vice Chairman  
Frank Dellaripa, Clerk, Alternate  
Morris Borea  
Eugene Ziurys, Jr.  
Mark Rudewicz  
Robert Cobb

**ABSENT:**

**Also Present:** Brian O'Connor –Chief Building Official

**DECISIONS FROM PUBLIC HEARING**

**Application No. 6098-12. Suzanne Fausette**, seeking a variance to permit the keeping of livestock (pet chickens) in the rear yard without having the proper lot size and keeping area at 65 Cumberland Ave., South side, C Residential Zone, (§3.5.4).

Upon motion made by Commissioner Borea, seconded by Commissioner Ziurys, Jr. and a poll of the Board it was voted by a vote of 4-1 (with Commissioner Rudewicz opposed) that the above application **BE APPROVED** with the following stipulations:

1. Limited to four (4) hours per day between the hours of 9:00AM to 6:00PM.
2. Limited to a combined total of five (5) chicken/rooster/hen.
3. Someone must be home and available to monitor animals while outside.
4. Screen the chain link fence so it is not visible by the neighbors.
5. For a period of one (1) year.

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**Application No. 6099-12. Marianne Cavaliere**, seeking a variance to construct two additions, which will encroach over the building line at 92 Dudley Rd., South side, B Residential Zone, (§3.7 ).

Upon motion made by Vice Chairman Logan, seconded by Commissioner Rudewicz and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as submitted.

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**Application No. 6100-12. Patrick & Susan Hayes**, seeking a variance to install an air conditioning condenser unit in the north side yard at 451 Main St., West side, A Residential Zone, (§3.7).

Upon motion made by Commissioner Borea, seconded by Vice Chairman Logan and a poll of the Board it was unanimously voted that the above application **BE APPROVED** with the following stipulation:

1. Receive any clearance needed by the Historic District Coordinator or Commission.
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**Application No. 6101-12. David Fleming**, seeking a variance to construct a garage higher than permitted at 440 Church St., North side, A Residential Zone, (§3.6.A).

Upon motion made by Commissioner Rudewicz, seconded by Commissioner Ziurys, Jr. and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as submitted.

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**Application No. 6102-12. Lori Santos-Rizza**, seeking a variance to install a pool in the side yard at 89 Westwood Dr., North side, A-1 Residential Zone, (§3.6).

Upon motion made by Vice Chairman Logan, seconded by Commissioner Borea and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as submitted.

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**Application No. 6095-12. Larisa & Khurshid Khan**, seeking a variance to build a two family dwelling at Lot 005 Middletown Ave., East side, A, C, AG Zones, (§3.2).

This application was postponed until the next ZBA Meeting.

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**APPROVAL OF MINUTES**

Upon motion made by Commissioner Borea, seconded by Commissioner Dellaripa and a poll of the Board it was unanimously voted that the minutes of May 21, 2012 **BE APPROVED**.

Upon motion made by Commissioner Dellaripa, seconded by Commissioner Rudewicz and a poll of the Board it was unanimously voted that the minutes of June 25, 2012 **BE APPROVED**.

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**ADJOURNMENT**

The meeting was adjourned at 8:48 PM.

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CHAIRMAN VAUGHAN, JR.

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Commissioner Dellaripa, Clerk

I hereby certify that the above is a true copy of the minutes of the Zoning Board of Appeals on

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Commissioner Dellaripa, Clerk