

ZONING BOARD OF APPEALS

MINUTES
Monday, May 2, 2011

The Town of Bloomfield Zoning Board of Appeals held a meeting on May 2, 2011, scheduled for 7:30 p.m. at the Town Hall, Council Chambers in Bloomfield, Connecticut with the following members present:

Present:

Jacqueline Isaacson, Chairperson
Donna Banks
Kim Chamerda
Robert Cromwell
Pamela Gray
Fannie Pittman
Bill Starkie
Lucille Wactowski

Also Present: Michael Kosilla
Maureen Sullivan,
Recording Clerk

Absent: None

Ms. Isaacson called the meeting to order at 7:32 p.m.

1. **Memo re: Zoning Board of Appeals alternate participation.**

This item was discussed after item 2.

2. **Request by Carlos Cruz/The Metropolitan District for a Variance for front, side and rear yards and lot coverage for a pumping station located between Lots 7 and 1108 Bear Ridge Drive, R-40 zone (continued from March 7, 2011).**

Attorney Chris Stone, Assistant District Counsel for the MDC, 550 Main Street, Hartford, stated the applicant met with the neighbors following the March ZBA meeting and there were changes to the plans as a result of the meetings.

Ms. Libby Baldwin of Tighe & Bond in Westfield, Massachusetts discussed the revised plans. The screening on the site was discussed. The applicant agreed to replace the steps into the pump station with pressure treated wood, as well as replace the walkway with pavers.

Ms. Isaacson asked if the building is the same size to which Ms. Baldwin responded yes. Ms. Baldwin stated the building can be reduced in length by six inches.

Questions from the Commission:

Mr. Cromwell asked about the windows. Attorney Stone responded they will be false windows. Ms. Baldwin stated they will be Plexiglas and the walls will be concrete. It will appear as a window.

Mr. Starkie commented this is the first structure to be seen when coming around the corner. The existing unit is ground level or low grade. Attorney Stone discussed safety issues and access issues for repairs and maintenance. Mr. Starkie believed the MDC could do a better job. Attorney Stone discussed the lot and scale of the site plan. The applicant has tried to work with the neighbors. The MDC has an obligation to maintain the pump station and an obligation for adequate pressure at all times. Safety issues and access were discussed.

Questions from the public:

Attorney Richard Case, who lives in Bloomfield and has an office in Avon, stated the MDC has attempted to bring resolution to some of the neighbor's concerns. The neighbors would like to choose the color of the structure, and did not believe red was the right color. Screening was discussed. Maintaining the same pressure in the pumping system was important.

Mr. Starkie asked about the pumps. Ms. Libby stated the applicant will replace two existing pumps with three pumps, one will be a standby.

Mr. Cromwell asked if there will be a loud noise from the pumps to which Ms. Libby replied no.

Attorney Case stated he represented the Bear Ridge Action Group, made up of neighbors from Bear Ridge Road and Adams Road.

Mr. Jason Gans of 21 Bear Ridge Drive commented the Board will probably not vote against this application. However, none of the neighbors want this. The neighbors are trying to make the best of a bad situation. The neighbors would like the MDC to build this underground.

Ms. Linda Famely of 18 Bear Ridge Drive supported Mr. Gans' comments. Ms. Famely does not want this structure on the street and was unclear why it cannot be put underground.

Mr. Cato, the brother of the owner of 1 Bear Ridge Drive stated this will be an ugly structure and it will be a big obstruction.

Mr. Bob Muzzulin of 25 Bear Ridge Drive did not want this structure on his street either.

Ms. Beverly Gans of 21 Bear Ridge Drive commented she would prefer not having this structure and would like this underground. Ms. Gans asked about the vegetation on the side of the building. Attorney Stone discussed the vegetation. There are underground utilities that cannot be interfered with. The color of the building was discussed.

Ms. Gray asked about the hardship. Attorney Stone replied this is a very limited site, it is a small piece of property and the applicant has certain requirements such as providing a certain water pressure to residents within Bear Ridge Drive. This pump station only serves Bear Ridge Drive and will continue to serve Bear Ridge residents. Attorney Stone discussed underground versus above ground and item 3 of the letter to Mr. Kosilla dated March 31, 2011.

Ms. Gray asked about the safety concerns. Attorney Stone replied the MDC needs access to the building and pumping apparatus as quickly as possible, discussed electrical equipment that is subject to water infiltration.

Mr. Cromwell asked about a barrier in front of the building. Attorney Stone replied the site is so small and discussed runoff issues. The landscaping and underground utilities were discussed.

Mr. Gans commented when the neighbors had their discussions with the MDC they were led to believe that underground was not at all possible. He would like to know if it can be built underground. The underground system has been around for 30 years and it has always functioned.

Ms. Gray read a letter from Ms. Paula Jones and Mr. Kevin Gough of 5 Bear Ridge Drive not in favor of this application.

Ms. Linda Famely reiterated Mr. Gans' comments. Ms. Famely has lived on Bear Ridge Drive for 35 years and has not had any problems. The pump has been underground all that time. Ms. Famely was not in favor of the application.

Ms. Gray read a petition by the residents of Bear Ridge Road dated April 4, 2011 in opposition to construct the structure.

Mr. Karl Witter of 7 Bear Ridge Drive stated there were last minute signatures to the petition and distributed the revised copy to the Board.

Attorney Stone stated the applicant met with the neighbors on April 26, 2011 and one of the comments had to do with the generator. There are engineering and code reasons why the improvements cannot go underground. The applicant has tried to address the neighbor's concerns.

Ms. Wactowski asked if there was any way to expand underground to accommodate the extra equipment. Ms. Libby responded the existing pump station is too small. The pump station would need to be demolished and another structure built below ground, however the generator would have to be above ground.

Mr. Starkie asked why the generator has to be above ground. Mr. Carlos Cruz, of the MDC, discussed safety issues with underground structures. Mr. Starkie commented he has worked with generators for over 40 years and the generators and pumps continue to work in conditions described. Mr. Cruz discussed the safety of personnel. The natural gas comes from the street. Ms. Libby stated the generator is natural gas, which comes from the street.

Ms. Isaacson asked what the MDC will do if the ZBA does not approve this application. Mr. Cruz replied he would have to discuss this with his supervisor. Attorney Stone commented that the station would be left as is.

Mr. Gans commented about the last 34 years living without an alternative power source. They have never been without electricity for more than a few hours at a time. Mr. Gans asked why upgrade and destroy the neighborhood.

Mr. Cruz stated there was an assessment and risk analysis done for the MDC and they are trying to become more efficient.

Ms. Isaacson closed the public hearing.

Mr. Starkie made a motion to approve the request by Carlos Cruz/The Metropolitan District for a Variance for front, side and rear yards and lot coverage for a pumping station located between Lots 7 and 1108 Bear Ridge Drive, R-40 zone. Mr. Cromwell made an addendum to the motion that the applicant will replace the crushed stone with grass, there will be barn doors in the front, added screening on the westerly side, and front steps to be pressure treated wood and the color would be coordinated with neighbors and staff. The hardships are the personal safety in maintaining this system beneath ground level, and drainage problems. Mr. Starkie accepted the amendment to the motion. The motion was denied 1:3:1 (Mr. Cromwell approved the motion, Ms. Gray, Ms. Pittman and Mr. Starkie voted against the motion and Ms. Isaacson abstained from voting).

**1. Memo re: Zoning Board of Appeals
Alternate participation.**

The memorandum from Mr. Hooper regarding alternates participation was discussed.

3. Minutes of April 4, 2011.

Ms. Gray made a motion to approve the minutes of April 4, 2011. Ms. Pittman seconded the motion and it was approved unanimously.

Ms. Pittman made a motion for the meeting to adjourn. Ms. Gray seconded the motion and it was approved unanimously.

The meeting adjourned at 8:25 p.m.

Pamela Gray, Secretary

Maureen Sullivan, Recording Secretary