

LYME ZONING BOARD OF APPEALS  
PUBLIC HEARING  
August 20, 2009  
7:30 P.M

The Lyme Zoning Board of Appeals held its regular meeting on the third Thursday of month, August 20, 2009 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

MEMBERS PRESENT: David Lahm Chairman, Jack Sulger, Ronald Wojcik Alternate, LeRay McFarland, Fred Harger, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Lahm entertained a motion to approve the minutes of the July 16, 2009 meeting; the motion was moved by McFarland and seconded by Wojcik. The minutes were approved unanimously by all members present.

Harger read the public notice.

2009-04

(Tabled from July 2009) Paul D'Arcy, 100-2 Joshuatown Road, Tax Map 18, Lot 39; an application to construct an eight foot open weave fence within the side yard setback. The completed fence will rest on the property line vs. 20 feet required per Section 7.3.

Lahm read into the record Section 8-6 (3) of the General Statutes the five- (5) requirements that have to be met before a variance can be granted.

Harger read the appeal and denial.

Present at the meeting was Paul D'Arcy and Gary Weed.

Gigliotti stated the certified letter receipts were received, reviewed, and the receipts were all accounted for.

Lahm commented there were no public present or letters to be read into the record. The purpose of the variance is to move an existing deer fence to the property line.

Weed stated the deer are jumping over the fence at a high point located on the property; when the fence is moved it will solve the problem.

McFarland questioned the distance of the fence off of the property line at the current location.

Weed answered the distance is approximately 40 feet.

Harger added part of the fence is located on the property line and varies to about 40 feet.

Weed stated the deer are jumping the fence at a high point on the property.

Lahm questioned what material the fence is constructed of.

Weed stated the fence is an open wire mess fence and the height is 8 feet.

Lahm commented the topography of the land is the cause of the problem.

Harger questioned the adjacent property owners is Beverly Platner.

Weed stated there has been no response from any of the neighbors.

McFarland explained there was no correspondence for/or against the fence relocation.

Lahm stated neighbors had two opportunities to response and/or attend the meetings since this variance was tabled last month.

Wojcik stated the knoll will still be located near the fence.

Weed commented the fence is currently located below the knoll and the relocation would be above the hill.

Gigliotti stated the area was viewed and the relocation to the property line would solve the problem of the deer easily jumping the fence.

Lahm called for questions or comments from the board; with there being none, Lahm called for a motion to grant the variance as presented.

Harger moved to grant the variance, McFarland seconded the motion.

Lahm called for a vote; Harger in favor, Sulger in favor, McFarland in favor, Wojcik in favor, and Lahm in favor. The variance was passed by all members present.

Lahm reminded the applicant that there is a 15 day waiting period after the decision has been published during which time an appeal can be made of this board's decision to the superior court. You may proceed now but you do this at your own risk, if there is a successful appeal.

The meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Patsy Turner Secretary