

Bridgewater Zoning Board of Appeals  
Town of Bridgewater  
Bridgewater, Ct. 06752  
Minutes of Special Meeting, November 19, 2019

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Meeting called to order: 7:00 p.m.

Members and Alternates Present: Eric Gsell, Chairman, Marc Isolda, Jim Crosskey, Susan Patrick, Meg Khare, Susan Branagan,(alternate absent) Greg Artura, (alternate absent) newly elected Ed Muzala,(alternate). Ex-ficio – Curtis Read

Eric read minutes from last months' meeting. Motion to accept the minutes – Meg makes the motion to accept the minutes, Marc seconds the motion. All in favor. Eric next reads the agenda for the meeting, and legal notice.

Eric introduced Attorney Mark Branse, an associate of Mike Zizka who couldn't make this meeting. Mr. Branse, he is representing this board, then proceeded to give the ground rules for this meeting to the board members, with a brief explanation of each one so there is no confusion.

Attorney, Jeff Sienkiewicz, came forward stating he is representing the appellates in this case, BTW L.L.C., and Holly Flor. He goes on and gives a description of the property and what buildings are on such property. The property was purchased in August, 2018. Mr. Sienkiewicz explains that BTW L.L.C. is actually owned by Holly Flor's daughter, who lives on the West Coast, in Washington.

In the cease and desist order, Mr. Sienkiewicz explains why this cease and desist order came about. He explains that Holly and her husband started using the pool house for short term rentals. He brought copies of paper work and pictures of the guest house and explained what has occurred with pool house. He explains that the former owners received approval from former CEO, Thomas O'Loskey, August 5, 1998. Mr. Sienkiewicz goes through in detail from the former owners' paperwork of different phases that this structure has been considered as.

Reading from different zoning regulations, Mr. Sienkiewicz stating that his client is in compliance with the regulations in use of the guest house/pool house.

CEO, Lois Carriera, states that the violation # 3 should read Section 4.01, instead of Section 4.02. She apologizes for the typo. Still Mr. Sienkiewicz states even with the wrong Section stated in violation, he states that under Section 4.05 this structure should still be permitted. He reads the regulation for the members, stating that it's been in effect since 1995. For that reason, Mr. Sienkiewicz, states that the cease and desist order should be vacated and his clients should be allowed to use the property as they see fit.

Eric asks if there is any questions?

Mark Branse, asks Jeff Sienkiewicz for verification of the definition of family? He reads from the zoning regulations how it is defined and asks Jeff Sienkiewicz if that effects his argument in anyway? Mr. Sienkiewicz replies "No". He explains why.

Ex officio, Curtis Read – asks Jeff S. if he would consider BRBO a business? Jeff S. answers his question.

Discussion followed.

Meg Khare asks, " At what point does it become an accessory apartment?" Jeff S. answers her question.

Jim Crosskey, would like to hear from CEO, Lois Carriera her point of view.

Lois C. explains that back in July, her office received a complaint from one of the neighbors concerning the short term daily rental from this dwelling unit. It came to the Planning and Zoning Commission, they took it up at their July meeting. They listened to the neighbors, and they decided to table it until their August meeting they wanted to do some research. At the August meeting, they reported that the building is in fact being used as Air-b-n-b. Also it was advertise on the Air-b-n-b website. This dwelling was originally built as a pool house and later converted into a dwelling unit. She doesn't know when this took place because there were no permits taken out.

Eric asks for clarification from Lois. Lois answered. Lois then proceeded to read from regulation Section 7.01.02.

Jim C.- asks Lois that if applicants came back and reapply, changing the status. Would that be allowed under the current regulations? Lois answers that they still don't have the minimum lot requirement for that zone.

Discussion followed.

**Questions from the public:**

Jim Donaghy – 7 Ridgewood Dr. – he and his wife own lots# 3 & 4. He shows on the map for the members where his house is located and where the applicant's lot# 1 is located in the cul-de-sac. He goes on to explain that the building in question was built as a pool house and not as a guest house. He goes on and gives history of the property.

Meg Khare – asks Mr. Donaghy if they have any entry way or deed restrictions on their property. Mr. Donaghy answers her question.

Sharon Gawe – 4 Ridgewood Dr. – reads a letter that she wrote dated October 1, 2019. She is asking for the cease and desist order to be upheld by this commission.

Grace Gusti – 170 Skyline Ridge Road – expresses her feelings of being uncomfortable with the comings and goings of this property.



Ms. Smithline – 173 Beach Hill Road – real estate broker. She asks of how the listing was presented? Also if she was to show the property with that listing and interested parties asked if they could rent out, what would be the next move to bring to the board? Also did these owners buy this property for a commercial investment? Eric confers with Lois. The answer is no one came forward and asked.

Jeff S. explains that he didn't handle the closing. But gives an explanation of the normal procedure in doing so.

Discussion followed.

Ex officio, Curtis Read addresses his questions to Jeff S. on the issue of assessors' cards. Both men agree to disagree. Curtis goes on to say, that the property is being rented in a residential zone. It's being treated as a guest house when it doesn't have enough acreage for that zone. His feeling that the commission has enough evidence to uphold the cease and desist order. Curtis then addresses a question to attorney Mark Branse – "what is the penalty of ignoring the cease and desist order?"

Jeff S. responds to his question, stating that the cease and desist order was not ignored. Curtis asks Sharon G. for her input on this. Sharon states that the property was still rented out from August 21<sup>st</sup> to the end of September. Curtis' point is that it is still being advertised and needs to come off the market and off the ads and that they should be penalized.

Mark Branse addresses each question accordingly. He asks Jeff S. if the property still being advertised? Jeff S. – "Yes, but that she has not taken any new reservations since the cease and desist order became in effect". Mark B. then goes on to explain to Curtis and to this board of what they are allowed to do by law in this case.

Mark B. then explains of what the Zoning Officer and/or the Planning and Zoning commission what action they might want to take. One could be the Civil Enforcement Action. Mark goes on to explain what that would entail.

Mark B. asks Lois if her order been filed on the land records? Lois answers that it has not been. He recommends that this should be done, because it would alert any purchaser or prospective lender that there was a claim or violation.

Jon Munson -141 Skyline Ridge Road. He explains that he moved to that neighborhood because it was quiet and peaceful. He feels he doesn't have to lock his doors. With this situation happening, he feels differently and thinks that it isn't fair to the neighbors.

Eric asks if anyone has any more questions or comments?

Robert Gusti – 170 Skyline Ridge Road. Asks question – "Is it legal to build a structure over a garage? and it is answered.

Discussion followed.

Any more questions?

Marc Isolda – asks Jeff S. if there was always a kitchen in the guest house from the day it was built? He then asks neighbor Jon D. about his relatives that stayed at the guest house, was there a kitchen there? Jon D. replies – “no there was a hot plate and coffee pot.” Marc asks Jeff S. if that qualifies as a kitchen? Jeff S. replies that “I can only tell you of what the public records show”.

Jeff S. restates that his client has not changed anything they just used what was there.

Jim C. – has a zoning question, he directs to Lois C. Lois replies that Planning and Zoning is trying to work out and see where they would stand.

Discussion followed.

Jeff S. – restates that his client has stopped accepting bookings immediately upon receiving the cease and desist order. There were only three bookings after that for 6-8 days and so they were bound by contract. He also states that it sounds like the cease and desist order is affirmed, which it sounds like it might be he feels that no enforcement action is required because he doesn't think she will violate.

Discussion followed.

Public hearing closed at 8:50.

Eric comments that it's up to the board on how they want to proceed. If they want to vote tonight, he doesn't see the need to prolong it any longer.

Eric then asked ex officio Curtis Read for his input. One of Curtis' concerns is that - dealings with BRBO and that type of business in a residential zone. Also he sees there are a couple of holes in the Planning and Zoning regulations that need to be addressed.

Discussion followed.

Who makes a motion?

Marc Isolda – makes the motion to upholds the Order of the Zoning Enforcement Officer, except to amend violation #3 to indicate Section 4.01 instead of Section 4.02. The Board does not read the Order as precluding use of the building as an accessory residential use in the way that a pool house is customarily used.

Jim Crosskey seconds the motion. All in favor.

Discussion followed.

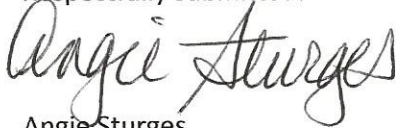
**Roll call on the vote:**

All members of the board are in favor with upholding the cease and desist order.

Motion to adjourn: Eric makes a motion to adjourn. Marc seconds the motion.

Meeting adjourned: 9:11 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Angie Sturges". The signature is written in dark ink and is positioned above the printed name.

Angie Sturges

ZBA, Clerk