

ZONING BOARD OF APPEALS APPLICATION
TOWN OF SIMSBURY, 933 HOPMEADOW STREET, SIMSBURY, CT 06070

Application Number: 23-03

Fee \$ 240.00
RECEIVED
APR 10 2023
TOWN OF SIMSBURY
PLANNING DEPARTMENT

Requested Action (please check appropriate box):

Variance

Appeal Decision of Zoning Official


Location of Property: 58 Terrys' Plain Road Simsbury, CT 06070
(number and street name)

Simsbury Assessor's Map Number _____ Block Number _____ Lot Number _____

Deed Volume Number _____ Page Number _____ (property owner must supply copy of the deed)

Applicant - Please Print the Following:

Name: Christopher Quimby
Address: 58 Terry's Plain Road
Simsbury, CT 06070
Email: chrisquimby@yahoo.com Telephone: 860-967-9643

Signature of Applicant:  Date: 4/10/23

Applicant's Interest in Property: Owner

Record Owner of Property: Christopher & Gina Quimby 58 Terry's Plain Rd. Simsbury, CT
(print name & address of owner)
Date: _____
(signature of owner)

Property is in Zone _____ of (applicable section(s) Zoning Regulations _____)

Describe the nature of your application, including the amount of variance requested:

Applying for a single zoning variance approval: seeking 11 foot allowance into the 40 foot setback with the north side abutting property
Variance required due to hardships, topography, and ability to consider home/area architecture and environment
Please see narrative addendum for additional information.

Describe the specific hardship:

The main components to the hardship preventing reasonable use are: 1 - Topography/elevation: due to the property sloping downward from the mountain, there is a lack of flat land available, 2 - Lot shape: the exceptional angle of the north side created by a subdivision in the early 2000s is sloping in and is unnatural as the potential greatest driver of the variance, 3 - Septic placement: FVHD has recommended the septic remain as is (based on location adequacy / working order)

This application must be accompanied by required fee, site plan and any other information required by the Zoning Regulations, Building Code, or Rules of the Board. EACH APPLICATION SHALL INCLUDE A LIST OF NAMES AND ADDRESSES OF ALL ABUTTING PROPERTY OWNERS AND ALL PROPERTY OWNERS WITHIN 100 FEET OF THE SUBJECT SITE. Six complete sets of folded plans and eleven copies of the completed and signed application, and any correspondence, must be submitted with the application. Pictures of the property and letters from the neighbors are very helpful. Applicant and/or Authorized Agent must attend meeting.

NOTE: PICKUP YOUR PUBLIC HEARING SIGN WHEN APPLICATION IS SUBMITTED.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Chris and Gina Quimby
58 Terry's Plain Rd
Simsbury, CT 06070



Zoning narrative addendum

Dear Zoning Board Members,

This narrative is intended to provide additional insights, context, and color on the appeals application my wife and I are submitting.

As members of or contributors to various organizations cemented in the heart of Simsbury culture we have enjoyed our first 15 years here and are excited for another 15 years (and more) in raising our 2 children here, which ultimately drove the variance request. The list of organizations referenced above include the Tarriffville PTO, Hop Meadow Country club, Simsbury Land Trust, Simsbury ABC program, Simsbury Little League, Simsbury Soccer, and several others.

Our commitment to maintaining and enhancing our property has always been of high quality in nature and considerate of the area's architecture when we bought it foreclosed nearly a dozen years ago. It is now continuing with further investment into our home and storage needs that are the focus of the variance. The contractor we intend to use is a Simsbury resident focused on using local professionals as well.

The abutting properties and neighborhood inclusive of Hall Farm and Ryan Family Flower Farm share an endorsement of our variance request and appreciation of our commitment to the neighborhood.

The variance itself is meets all 8 properties of the hardship however the primary elements driving this are:

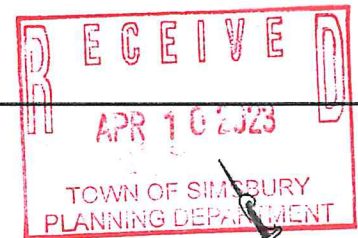
1. Exceptional lot shape and topography
2. The variance was not created by the current owner requesting the variance
3. The variance does not adversely impact the neighborhood
4. It is for the least number of variances (1)

Thank you for your time, consideration, and discussion in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "CQ", written over a horizontal line.

Chris and Gina Quimby

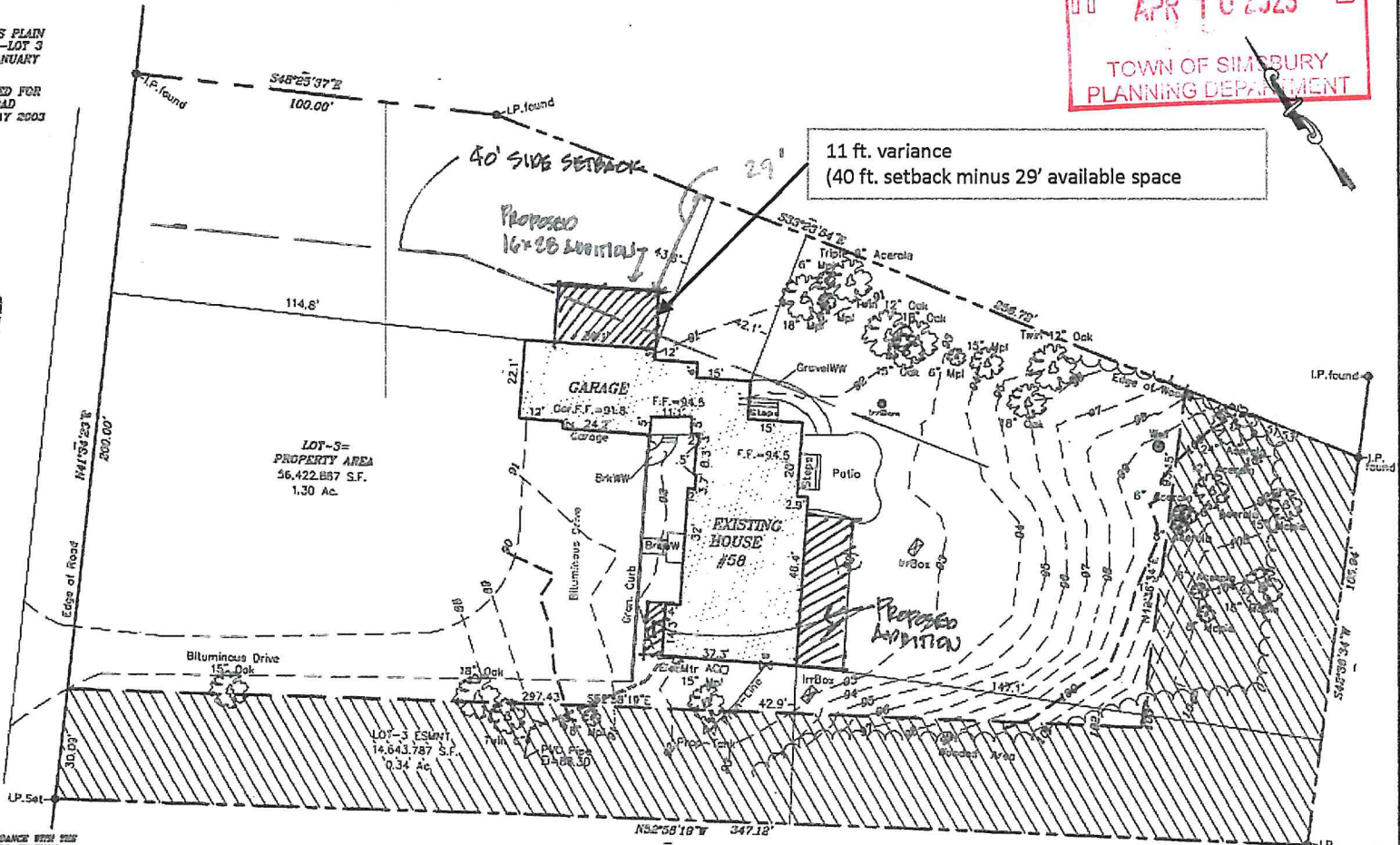


MAP REFERENCE:

MAP ENTITLED, "AS-BUILT PLAN FOR TERRY'S PLAIN PROPERTIES, LLC 59 TERRY'S PLAIN ROAD-LOT 3 SIMSBURY, CONNECTICUT SCALE: 1"=40' JANUARY 1, 2007 MERIAM SURVEYING."

MAP ENTITLED, "SUBDIVISION PLAN PREPARED FOR THOMAS E. VINCENT 60 TERRY'S PLAIN ROAD SIMSBURY, CONNECTICUT SCALE: 1"=40' MAY 2003 MERIAM SURVEYING."

TERRY'S PLAIN ROAD



11 ft. variance
(40 ft. setback minus 29' available space)

CERTIFICATION:

- 1) THIS MAP AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, ORDINANCES AND THE RECOMMENDED STANDARDS FOR SURVEYS AND MAPS BY THE STATE OF CONNECTICUT EFFECTIVE SEPTEMBER 20, 1998 PREPARED AND ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. PERTAINING TO AND AS SET FORTH THEREIN.
- 2) THE TYPE OF SURVEY PERFORMED AND THE MAPPED FEATURES DEPICTED HEREON ARE IN ACCORDANCE WITH THE REQUIREMENTS OF A BOUNDARY LOCATION SURVEY.
- 3) PROPERTY LINES, AS THEY ARE DEPICTED HEREON, REPRESENT PROFESSIONAL OPINIONS BASED UPON A "REASONABLE DUBIUM". THIS MAP FURNISHES THE RESULTS OF MEASUREMENTS WHICH WERE MADE UPON THE GROUND IN ACCORDANCE WITH THE ACCURACY STANDARDS OF A CLASS 4-2 SURVEY.
- 4) THIS MAP AND SURVEY WERE PREPARED FOR CHRISTOPHER & GINA QUIMBY TO BE USED IN MATTERS THAT RELATE TO EXISTING CONDITIONS. USE OF THIS MAP FOR OTHER PURPOSES OR BY OTHER PARTIES IS NOT APPROVED OR WARRANTED.
- 5) NO DECLARATION IS EXPRESSED OR IMPLIED BY THIS MAP OR COPIES THEREOF UNLESS IT BEARS THE IMPRESSION TYPE SEAL AND ORIGINAL LIVE SEAL AND ORIGINAL LIVE SIGNATURE OF THE SURVEYOR WHOSE NAME AND REGISTRATION NUMBER APPEAR HEREON. ANY CHANGES MADE TO THIS PLAN WITHOUT THE KNOWLEDGE OF THE SURVEYOR INVALIDATES THESE DECLARATIONS.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

Peter R. Flynn 6-2-16
 PETER R. FLYNN C.T.L.S. #7018 DATE
 KENNETH R. CYR C.T.L.S. #7018

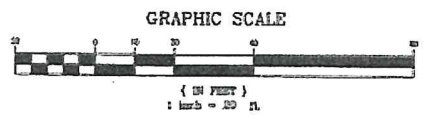
NOT VALID UNLESS ORIGINAL SIGNATURE, LIVE STAMP, & RAISED SEAL ARE APPLIED.



FLYNN & CYR LAND SURVEYING, LLC
 1204 FARMINGTON AVE. SUITE 200-1000
 BURLINGTON, CONNECTICUT 06707

REV. 3.09.23
w/ PROPOSED ADDITION

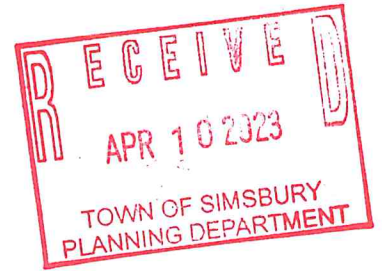
ZONING LOCATION SURVEY
 SHOWING EXISTING CONDITIONS
 PREPARED FOR
 CHRISTOPHER & GINA QUIMBY
 #58 TERRY'S PLAIN ROAD
 SIMSBURY, CONNECTICUT
 SCALE 1"=20' MAY 31, 2016





Doc ID: 001028450003 Type: LAN

BK 839 PG 179-181



Return to:
Mr. and Mrs. Christopher Quimby
58 Terry's Plain Road
Simsbury, CT 06070

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that **THE BANK OF WESTERN MASSACHUSETTS N/K/A PEOPLE'S UNITED BANK** of 850 Main Street 5-451, Bridgeport, CT 06604

for consideration paid and in full consideration of **FIVE HUNDRED SIXTY EIGHT THOUSAND SEVEN HUNDRED AND 00/100 (\$568,700.00.00) DOLLARS**

grants to **CHRISTOPHER QUIMBY and GINA QUIMBY, joint tenants with rights of survivorship,** of 63 Hickory Hill Road, Simsbury, Connecticut 06070

With Quitclaim Covenants

The real estate located 58 Terry's Plain Road, Simsbury, Hartford County, Connecticut, bounded and described as set forth in Exhibit "A" attached hereto and made a part hereof.

Being the same premises as conveyed to the Grantor herein by Certificate of Foreclosure filed in the Simsbury Town Clerk's Office in Book 827, Page 704-705.

\$ CONVEYANCE TAX RECEIVED
CT \$ 4265.25 SI \$ 1421.75
Janet C. Brady
ASST. TOWN CLERK OF SIMSBURY CT

Executed as a sealed instrument this 17th day of July, 2012

PEOPLE'S UNITED BANK

Alicia Mielniczek
witness Alicia Mielniczek

Rosemary H. Kennedy
by: Rosemary H. Kennedy
Vice President

STATE OF CONNECTICUT

ss BRIDGEPORT

COUNTY OF FAIRFIELD

On this 17th day of July, 2012, before me, the undersigned notary public, personally appeared Rosemary H. Kennedy for PEOPLE'S UNITED BANK proved to me through satisfactory evidence of identification, which was bank issued Photo ID to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Alicia Mielniczek

Notary Public

My Commission expires: My Commission Expires
May 31, 2014



EXHIBIT A

Premises being property known as LOT 3 on that certain map or plan entitled "Subdivision Plan prepared for Thomas E. Vincent 60 Terry's Plain Road Simsbury Connecticut Scale: 1" – 40' May 2003 Prepared by Neriani Surveying Avon, Connecticut" as on file in the Simsbury Town Clerk's Office, situated at 60 Terry's Plain Road, Simsbury, Connecticut, and more particularly described as follows:

Beginning at a point in the southerly street line of Terry's Plain Road at an iron pin set or to be set; thence running

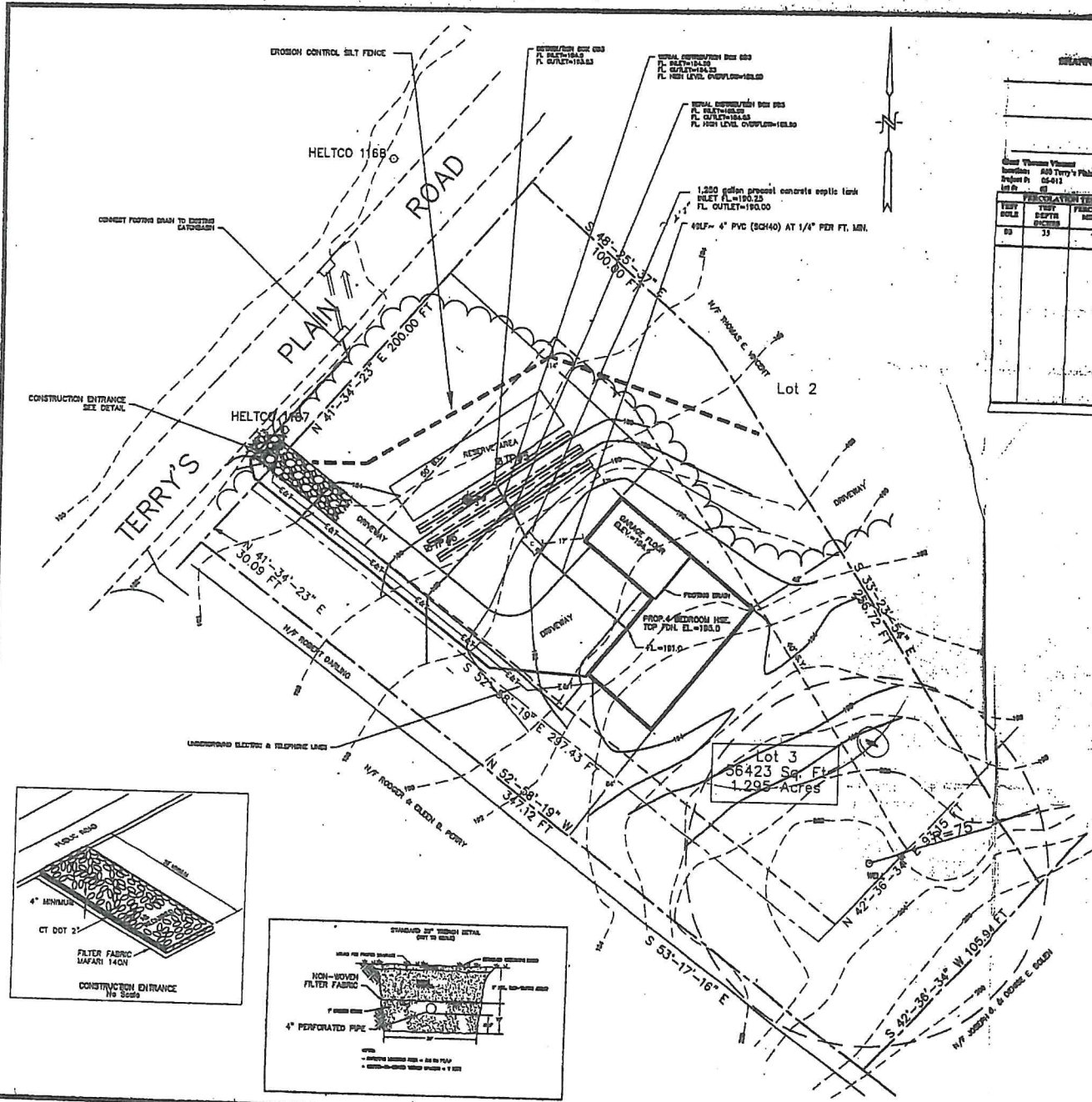
- N 41 34' 23"E a distance of 200.00 feet to a point; thence running
- S 48 25' 37" E a distance of 100.00 feet to a point; thence running
- S 33 23' 54" E a distance of 256.72 feet to a point; thence running
- S 42 36' 34" E a distance of 105.94 feet to a point; thence running
- N 52 58' 19" a distance of 347.12 feet to the point and place of beginning.

Said premises contain 56,423 square feet, or 1.295 acres.

Subject to thirty foot conservation easement along the southwesterly border and fifty foot conservation easement along the southeasterly border, notes, building line and other matters as shown on Map No. 3780 as on file in the Office of the Town Clerk of Simsbury.

Being a portion of No. 60 Terry's Plain Road with a designation of No. 58 Terry's Plain Road upon subdivision as shown on the above referenced subdivision map.





SHANNON ENGINEERING ASSOCIATES, INC.
 CONSULTING ENGINEERS
 4 MILLS LANE
 CANTON, CONNECTICUT 06019-1025
 TEL: 860-679-1662
 FAX: 860-679-1143
 E-MAIL: SHANNON@SHANNON-ENR.COM
 SOIL REPORT
 DATE: 04/10/2007

TEST		PERCOLATION TEST		SOIL DATA	
TEST NO.	TEST DEPTH (FEET)	PERCOLATION RATE (INCHES)	DEEP PIT (INCHES)	DEPTH (INCHES)	SOIL TYPE
03	33	<1.0		0-16 16-33	Lo. Brown sand Tan med.-co. sand
				0-10 10-33	Brn. sandy loam Lo. tan med.-fine sand
				25-37	Tan med.-co. sand Dry, roots to 30"
				0-11 11-23 23-36	Brn. sandy loam Lo. Brown sand Tan med.-co. sand Dry, roots to 30"

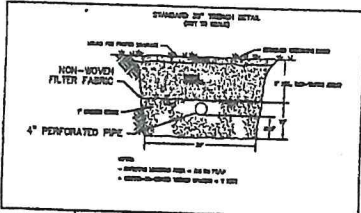
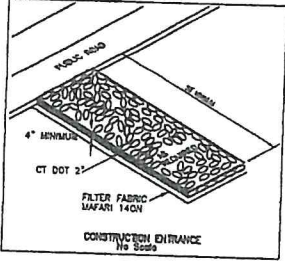
- GENERAL NOTES:**
- Percolation test hole and deep pit location are approximate.
 - Do not step any lapoff off the site unless ordered by the engineer or indicated on the plan.
 - The design is schematic; adjustments to location, structure and dimensions of septic tank and leaching system may be necessary to conform to field conditions. Changes in the design shall be approved by the Town, the engineer or both.
 - Materials used for the job and construction practices shall be in accordance with the requirements of the Town and/or the Connecticut State Department of Health.
 - The septic tank shall be of the size indicated and shall be placed on a level surface as determined by Roberts Septic Systems Inc., Torrington, Connecticut or approved equal.
 - Provide 1/4" minimum cover over septic tank in gravel areas and 2" minimum cover over gravel in paved areas. Depth to paved areas shall be designed for 10-20 loading.
 - All pipe used shall conform to State of Connecticut, Department of Health standards and shall have 1/8" minimum cover over top of pipe.
 - The bedding used in all trenches under leached areas or areas to be leached shall consist of 6 inches gravel, sand or comparable material meeting the specifications of the State of Connecticut and/or Town.
 - Provide an equal area for future expansion of the septic system as indicated on the plan.
 - Provide a grade, ditch or bank up endorsement to short sections along water runoff away from the septic system.
 - If indicated on plan, install an interlocking underdrain system and 24 feet away from the septic system to lower the groundwater table.
 - The designer or Owner or both shall be responsible for all rights of way and rights to cross.
 - The subsurface investigations were made after than State Standard. Subsurface problems are the responsibility of the Owner. The exact location of any underground utilities are unknown and are the responsibility of the Owner should any be encountered during the installation of the septic system.
 - The septic system is for sanitary sewage disposal only. All storm water, surface water, ground drainage and adjacent water bodies are to be excluded from the system.
 - The owner/contractor shall be responsible for obtaining all necessary permits prior to construction.
 - Topography, property lines, dimensions and subdivisions information taken from a survey 07D.Am 7, 2003 by Markel Surveying Assoc., CT.

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Received
 AUG 3 2007
 Farmington Valley
 Health District

DESIGN DATA

1. NUMBER OF BEDROOMS	= 4
2. Septic tank size required and provided	= 1,200 GALLONS
3. Garbage disposal NOT INCLUDED.	
4. Percolation rate	= < 10.0 MIN/IN.
5. Percolation rate used for design	= < 10.0 MIN/IN.
6. Effective leaching area area required	= 600 SQ. FT.
7. Linear feet of 12" diameter trench proposed	= 220 LF.
8. Linear feet of 12" leaching trench proposed	= 220 LF.
9. 12" dia. 12" LF x 12" dia. 12" LF 12" dia. 12" LF	
10. RESTRICTIVE LAYER	= 36"



DECISIONS

PROPOSED SANITARY SYSTEM FOR GARRY SWAIN

LOT #3 TERRY'S PLAIN ROAD, SIMSBURY, CONNECTICUT

SHANNON ENGINEERING ASSOC., INC. CIVIL ENGINEERS 4 MILLS LANE CANTON, CONNECTICUT 06019

DATE: 18AUG 2007	SCALE: 1"=20'	DRAWN BY: T.J.L.	CHECKED BY: T.J.L.	SHEET NO.: 1 OF 1	PROJECT NO.: 07-050
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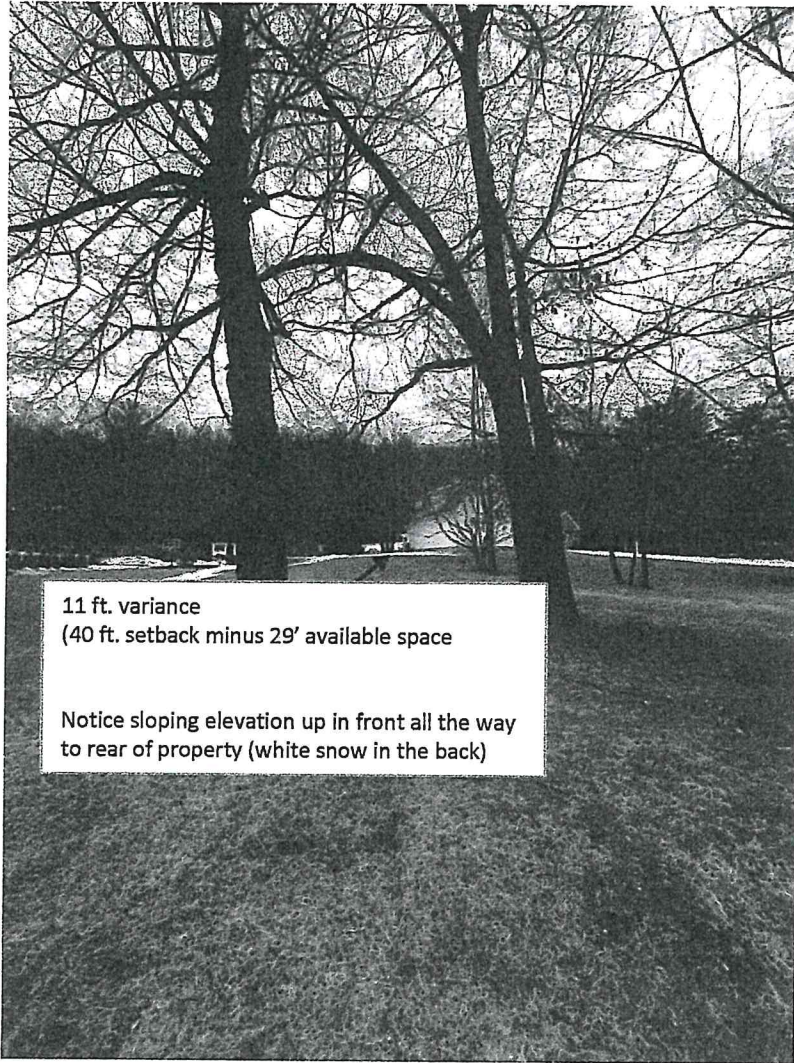


58 Terry's Plain Road Simsbury, CT Abutting Property Owners:

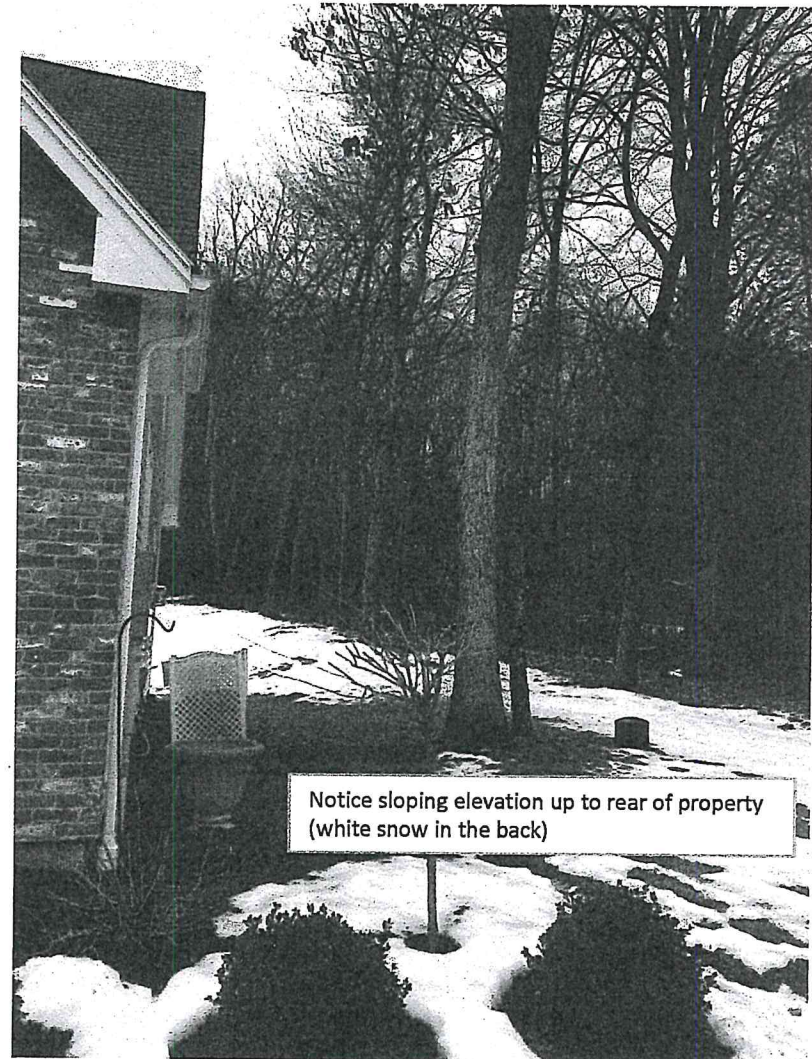
- David and Nikki Ferreira – 60 Terry's Plain Road Simsbury, CT (north)
- Rodger and Eileen Perry – 56 Terry's Plain Road Simsbury, CT (south)
- Michael and Lynn Callahan – 15 Hallview Drive Simsbury, CT (east)



View of 58 Terry's Plain Road
from the road



Right side of house from
right side of driveway



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