

March 17, 2005

Present: Edmund White, Randolph Snook, Polly Roberts

Alternates: Mark Averill, Todd Catlin, Georgia Middlebrook

Guests: Roger Pratt, Richard Kleinberg, Linda Frank, Press

Chairman, Edmund White called the meeting to order at 7:35pm. Mr. White read the legal notice for tonight's meeting.

PUBLIC HEARING

Mr. White seated regular members Randolph Snook, Polly Roberts, himself and alternates Mark Averill and Todd Catlin.

ZBA-0501 Request of Chris Adams & Mark Beckett, 23 Loomarwick Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback) and 12.1.1 (wetlands setback), to demolish an existing structure and erect a new house. Roger Pratt, architect was present to represent this application. Mr. Pratt brought with him faxed copies of the applicant's application signature and letter of authorization; originals are in the mail and will be filed ASAP. Mr. White read into the record Mr. Pratt's letter of February 24, 2005. From the public Richard Kleinberg noted that the Schwartz property which he believes is within 200' of the applicant's property did not receive certified mail notice and that the Miller's who have deeded rights to a well house should have been noticed as well. Mr. Pratt started by stating that major changes have been made to the house plans, since the 2003 application. He went on to say that the present plan is within the footprint of the existing structure and the height of the proposed house has been reduced. Mr. Pratt said there is a drainage issue coming from the road, a pipe is blocked. He went on to reference the site plan stating that the existing house is as close to the wetlands as possible which restricts use of the house, the proposed location allows for the use of surrounding area around the house and helps with drainage. Mr. Pratt stated that the existing house is 38' from the front yard setback and 25' from the wetlands, the volume of the proposed house is larger than the existing house, Mr. Pratt stated that he will not be increasing the non-conformity. Ms. Roberts disagreed with Mr. Pratt on this point. Mr. Pratt referenced the updated site plan received on March 4, 2005 which reduces the stairway, platform, parking, patio and passageway. Mr. Pratt stated that the "old shed" existing on the property will be removed and not replaced and no existing well can be located. Richard Kleinberg asked if the new house will have a foundation and how deep the curtain drains will go below grade. Mr. Pratt answered that a portion of the house has no basement. Mr. Snook read the drainage report done by J.F.M. Engineering, Inc.; the engineer stated that the placement of the house will have no effect on drainage or pollution, a filter slip will collect run off which will drain into a 2' drywell. Mr. Snook and Mr. Kleinberg questioned whether the dry well will work. Mr. Pratt referred people to the engineers report. Linda Frank spoke from the public, she stated that a drain was repaired which ran under Tinker Hill Road, a gutter was filled in which made a natural stream to the lake, it doesn't drain as it did before the work, it now drains onto the Beckett property. Ms. Frank went on to say that the problem has accumulated, the Beckett lot has become wetter, water from the hillside is all going onto the Beckett property. Mr. White steered members back toward the ZBA issues. At present no work has been done on the site. Members continued to go over the site plan. Mr. Snook stated that there will be a lot of activity on the site, subsurface and downspout drainage, there doesn't appear to be a lot of wording in the drainage report about this, if he were a neighbor he would be concerned. Mr. Kleinberg interjected that the Hayden property has water problems and the drainage report seems to contradict this. Mr. Pratt noted that the engineer needs to answer those questions. Members and the public had questions about streams, piping, culverts etc. that

need to be answered by the engineer. Mr. White requested that the engineer appear to answer questions. Mr. Pratt believes the septic system has health approval. Mr. Kleinberg asked why the applicants did not seek a variance from Section 12.1.2 (septic field setback from watercourse) as they had on the previous application. If this is true the application needs to be amended, renoticed and neighbors renotified. Mr. Catlin inquired as to whether the Becketts were going to live in the proposed house. Mr. Pratt stated that they were moving back to the United States. Revised house plans need to be submitted because of the changes on the new site plan. Mr. Pratt will submit updated plans. Members looked over the building plans. Mr. Pratt stated that the deepest point below grade will be 8'-9', the height from the lowest point to the peak is 28', from Loomarwick you will see roof and dormers. Ms. Roberts read into the record a letter from Richard Kleinberg dated March 17, 2005. Mr. Kleinberg also submitted copies of letters from Richard C. Kleinberg and Max & Eleanor Scheman dated August 21, 2003, David R. Wilson, P.E. dated August 21, 2003 and J.B. Young dated 8/21/2003. Mr. Kleinberg reiterated his letter by calling into question the software used to produce the drainage report, he feels there is a need to reference the site specific soil and property types, many homes in this area have no foundations, minimal cuts are made below grade, the engineer needs to address these questions. Mr. Snook asked what the existing structure sits on. Mr. Pratt answered that it is on piers and stone foundation, which is not usable, the piers would need to be replaced with concrete and would need to be dug deeper. Mr. Kleinberg questioned the hardship for this application. Mr. Pratt stated that the required setbacks over step each other. Mr. White added that the issue of hardship yet to be addressed.

MOTION: to continued ZBA-0501 request of Chris Adams & Mark Beckett, 23 Loomarwick Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback) and 12.1.1 (wetlands setback), to demolish an existing structure and erect a new house was made by Mr. Snook, seconded by Mr. Averill by a 5-0 vote.

MOTION: to accept the minutes of the December 16, 2004 and the January 20, 2004 meetings as submitted was made by Ms. Roberts, seconded by Mr. Snook by a 5-0 vote.

MOTION: to elect Edmund White as Chairman was made by Ms. Roberts seconded by Mr. Snook by a 5-0 vote.

MOTION: to elect Polly Roberts as Vice-Chairman was made by Mr. White seconded by Mr. Snook by a 5-0 vote.

Members went over the new Petition For Special Exception pertaining to Section 12.14.5 for generators, air conditioners, pool filters and other noise generating equipment. Pam Osborne, Secretary will check on State Statutes governing noise decimal levels at property lines.

ZBA-0406, Wellings, 298 West Shore Road, the board received a memo dated February 23 stating that the applicant was aiming for submitting an application for the April meeting.

ZBA-0408, Corax Corp., 248 West Shore Road, Mr. White requested that the ZEO check this site to see if the generator had been moved to its new location inside the garage.

Meeting adjourned at 9:15pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary