

# April 21, 2005

**Present:** Edmund White, Bradford Sedito, Randolph Snook, Polly Roberts

**Alternates:** Todd Catlin, Georgia Middlebrook

**Guests:** Roger Pratt, John McCoy, Dirk Sabin, Robert L. Fisher, Jr., Esq., Richard Kleinberg, Linda Frank, Michael Profita, Thomas Altermatt, Press

Chairman, Edmund White called the meeting to order at 7:30pm and read the legal notice for tonight's meeting.

## **PUBLIC HEARING CONTINUED**

Mr. White seated regular members Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Todd Catlin. It was stated for the record that regular member Bradford Sedito listened to the tape from the March 17, 2005 public hearing.

**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) and \*\*\* amended March 28, 2005 to include 12.1.2 (setback from watercourse) to demolish an existing structure and erect a new house.** Roger Pratt and Robert L. Fisher, Jr., Esq. were present to represent this application. Mr. Pratt delivered certified mail notice cards and receipts for the renote which included the amendments made on March 28, 2005. Mr. Pratt attempted to notice Mark Schwartz but forwarding time had expired on his address and the notice was returned to Mr. Pratt. Mr. Pratt was questioned about notice to the Miller's who have deeded rights to a well house, Atty. Fisher interjected that certified mail notice goes to property owners within 200' of the applicants property, this does not include right of ways. Richard Kleinberg noted that the Miller's have a deed to the well. Mr. White stated that all property owners within 200' of the applicant's property is the extent of notice. Mr. White went on to talk about the wetlands issues on the property, the entire property is within the wetlands setbacks. How will varying this house affect flow, wells and wetlands. ZBA would like to see this go to wetlands first they may better site the house. Atty. Fisher stated that Washington has unusual setbacks from wetlands and without ZBA approval the lot is not buildable, the applicant can't go to wetlands without having approval from ZBA first. Ms. Roberts read into the record a letter dated April 21, 2005 from Christine Adams Beckett. Mr. White read a letter dated April 21, 2005 from Richard C. Kleinberg into the record. John McCoy, Engineer came forward to present the drainage report. Mr. McCoy distributed an updated drainage report and site & septic system plan. The plan had updated setbacks and watercourses; the septic system has been moved down hill and a curtain drain has been added for ground water. Mr. McCoy's plan has been approved with provisions by the town's sanitarian Suzanne VonHolt. Mr. McCoy went on to explain that drainage from Tinker Hill Road collects in the northwest corner of the property making it soggy. Mr. McCoy stated that an analysis of the water flow showed no change to the town's storm system, the .8 acre site is a small piece of the overall water shed area; there was no increase in downhill runoff; the plan doesn't put anymore strain on the storm system. Mr. McCoy noted that the bio-filter area will cut off water which is now running to the neighbor's property. Mr. White asked Mr. McCoy if the house was left where it is now or was sited differently would anything change. Mr. McCoy answered that everything would be the same, there would be no changes. Linda Frank a nearby neighbor commented that the main source of the water on the Adams/Beckett property comes from pipes on Tinker Hill Road which don't continue but stop and the water drains on to their property. Mr. McCoy stated that his calculations were done assuming the culverts above worked; the proposed bio-filter system will help the situation. Mr. Kleinberg asked about ground water brought to the surface and expanding the use to year around, will

these increase the runoff. Mr. McCoy answered that it's insignificant the curtain drain will cut off ground water; it will drain into the storm system. Mr. White asked if the proposed foundation is disrupting underground water. Mr. McCoy answered that there is no sign of changes. Mr. White asked if the house would be better left where it is. Mr. McCoy stated that the curtain drains would be closer to wetlands. Mr. McCoy mentioned that the garage and mechanical room are the only full underground story they are not putting an 8' basement into the ground. Mr. Sedito asked about the water table. Mr. McCoy stated that in April 2003 where the house is to be situated the water table was at 42". Mr. Sedito added that if you hit water during construction the curtain drains will run water all the time. Mr. McCoy stated that water will run into the bio-filter all the time. Mr. Sedito questioned water running down Loomarwick Road. Mr. McCoy stated that water will not come down the road it will go into the culverts and continued by saying that today water flows into the wetlands they will be directing that flow to a swale and drain. Mr. McCoy feels that by granting this variance ZBA is helping the property, it's eliminating the back yard setback violation and reducing wetlands setback. He added that the cess pool is currently 30' from the wetlands, this will be abandoned. Ms. Frank asked if the water courses flowing onto the property could cause wetlands. Mr. McCoy answered that the flow could add to the hydronicks of wetlands over 100years. Mr. Sedito noted that the proposed septic location is better for the wetlands, the soil is pretty good. Mr. McCoy stated that soil will need to be brought in, the grade needs to be raised and curtain drain installed. Mr. White asked if reconstruction took place on the same site as the existing house would the septic be the same. Mr. Kleinberg noted the change from seasonal to year round use. Atty. Fisher objected Washington doesn't have regulations pertaining to seasonal use. Mr. McCoy stated that the system was designed for year round use, everything is designed that way. Mr. Sedito clarified that the present house is a 3 bedroom. Ms. Roberts asked Mr. McCoy to explain the swale and bio-filter. Mr. McCoy began by stating that the footing drain has an average depth of 2' it's made of crushed stone that feeds into the bio-filter. Nothing goes underground. Plantings in the swale treat storm water and filters into a swale on town property. Mr. White asked for further questions of Mr. McCoy. Atty. Fisher asked Mr. McCoy to explain how changing the house location will be better. Mr. McCoy explained that excavating affects the wetlands and where the house is located now it has no yard no buffer to the wetlands, there will be intrusion into the wetlands, the proposed plan confines the living area from the wetlands and a plant buffer is proposed. Mr. Kleinberg spoke about the streams running off of Tinker Hill Road. Mr. White stated that ZBA is dealing with the Adams/Beckett property; they have the complete right to rebuild. ZBA's job is to consider varying the regulations to move the structure. Mr. McCoy stated that the applicants are asking for a greater setback from the wetlands than exist today. He went on to state that there is no other practical area to rebuild on, if they rebuilt on the existing footprint there would be no yard and there would be intrusion into the wetlands and a new septic system is needed by today's codes. Mr. Sedito questioned the front yard setback going from 38' to 25'. Mr. Pratt has spoken with the Zoning Enforcement Officer Mike Ajello, the proposed flagstone steps and retaining wall are not considered part of the structure. The existing house footprint including house, attached deck and steps is 1378 square feet and the proposed house footprint is 1359 square feet. Atty. Fisher doubts the Inland Wetlands Commission would approve rebuilding the structure as is on piers because of wetlands impact. Dirk Sabin gave a run down of his proposed planting plan and commented on the wetlands issues. Given the vegetation he doubts the piped drainage created the wetlands, it is a typical wetlands system, the proposed development is a compact/efficient design, it allows for lawn area around the house and septic area, they have added meadow buffers for the wetlands, a bi-filter area planted with natives and buffers along the road. He feels the compact site development protects the quality of the lake and wetland. Mr. Sabin also feels it is not positive to rebuild on the existing house site. There was discussion on the amount of coverage. The proposed house print is the same as the existing structure. The proposed house has new steps and patio which are not counted for coverage because they are pervious surfaces. The allotted coverage is 5240.5 sq. ft. and this plan has 5240.5 sq. ft. Mr. White added that the volume is double what exists now. Mr. Sabin commented that proposed plantings will bring the structure down and will be dense plantings with under shrubs. Mr. Pratt presented pictures of the property with a balloon

showing the location of the peak of the proposed house. Mr. Pratt added that the proposed house is located 25' from the road and 25' from the wetlands. Mr. Kleinberg addressed the members by stating that having family ties to the lake area is a personal issue and not the test to be met. He feels that the hardship is self created and that there is no real basis for hardship. Ms. Roberts asked Mr. Kleinberg what he proposes the applicant do, they have the right to rebuild, there are wetlands issues but should they abandon the property? Mr. Kleinberg would like to see them keep the volume the same. Atty. Fisher addressed the hardship issue; the existing house was built before Zoning Regulations the hardship being that present regulations prevent relocation of the house. The Inland Wetlands Commission will look for alternatives they may want it closer to the road. Atty. Fisher went on to state that the hardship is not self created there is no downside to granting the variances and moving the house, no reason why seeing a house is worse than the wetlands issues. Mr. White asked for further comment and questions.

**MOTION: to close 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) and \*\*\* amended March 28, 2005 to include 12.1.2 (setback from watercourse) to demolish an existing structure and erect a new house, was made by Mr. Sedito, seconded by Mr. Snook by a 5-0 vote.**

## **PUBLIC HEARING**

Mr. White seated regular members Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Georgia Middlebrook.

**ZBA-0502 Request of Michael Profita, 246 Litchfield Trpk, for a variance from Zoning Regulations 11.6 (front yard setback), for an addition to an existing house.** Michael Profita and Thomas Altermatt were present to represent this application. Mr. White read Mr. Altermatt's letter into the record. Mr. Altermatt began by stating that the house as it exists is nonconforming. There are wetlands in the back and the septic on the north side of the house. The driveway for this house was relocated to Wilbur Road when the Montessori School was built. The grade in back of the house drops and slopes to the pond. The applicant is addition is one story with one bathroom and one bedroom. They want to keep the same distance to the front road. Mr. White asked about moving the addition to the back, the applicant's didn't want a two story addition. The existing house is 1 1/2 stories. The north side of the house is now the entrance to the house and there are mature trees that they want to save. There is a 6' berm that shields the house from Route 202. The applicant's had a survey map and site plan map. The agreed upon distance from the property line to the addition is 34'20". Mr. White asked for questions or comments from the public.

**MOTION: to close ZBA-0502 request of Michael Profita, 246 Litchfield Trpk, for a variance from Zoning Regulations 11.6 (front yard setback), for an addition to an existing house, was made by Mr. Sedito, seconded by Mr. Snook by a 5-0 vote.**

## **MEETING**

Mr. Snook felt that this was a reasonable request. Mr. Sedito stated that this is a typical request, it's modest. Ms. Middlebrook agrees that it's a reasonable request. Ms. Roberts understands locating the addition where it is, it's the obvious place. Mr. White is in agreement with the other members.

**MOTION: to approve ZBA-0502 request of Michael Profita, 246 Litchfield Trpk, for a variance from Zoning Regulations 11.6 (front yard setback), for an addition to an existing house, per Site Plan prepared by Thomas D. Altermatt, dated March 30, 2005 by a 5-0 vote.**

**Consideration of the minutes:** tabled to next month.

## **Other Business**

**ZBA-0406, Wellings, 298 West Shore Road,** ZBA has not heard from this applicant since February 23, 2005. Mike Ajello will be asked to contact them.

**ZBA-0408, Corax Corp., 248 West Shore Road,** ZEO Mike Ajello has spoken with Mr. Manson he left town last fall and assumed the generator would be moved, he was going to take care of it immediately.

Meeting adjourned at 10:25pm

Submitted subject to approval,

Pamela L. Osborne, Secretary