

June 16, 2005

Present: Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts

Alternates: Mark Averill, Todd Catlin, Georgia Middlebrook

Guests: Tammy Zinick, Calvin Zinick, Daryl Wright, Mary Agnes Collins, Ronald Chute, Roger Stikeleather, Public & Press

Vice Chairperson Polly Roberts called the meeting to order at 7:30pm and read the legal notice for the meeting.

Mr. Snook did some research on sound waves and generator. He distributed a hand out to members.

Public Hearing Continued

Ms. Roberts seated regular members Bradford Sedito, Randolph Snook, herself and alternates Todd Catlin and Georgia Middlebrook.

ZBA-0505 Request of Calvin & Mary Zinick, 4 Wheaton Road, a petition for a special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Tammy & Calvin Zinick were present to represent this application. Ms. Zinick began by addressing Kate Oetjen's concerns of last month. Ms. Zinick stated that her parents shouldn't be penalized for what the future may bring, she feels the 8'-10' rhododendron will hide the generator and that the density of the natural vegetation will be a sound buffer. Ms. Zinick went on to state that the noise generated would be less than TV audio, adding that there is no natural buffer if the generator was to be located by the house. Ms. Roberts stated that she felt Ms. Oetjen's concerns were with her own property. The Zinick's generator is a 12kw it will run for emergency use only and will power the whole house. Mr. Sedito verified the rear property owners were Quarry Ridge. Ms. Roberts asked for other questions and comments from the public.

MOTION: to close ZBA-0505 request of Calvin & Mary Zinick, 4 Wheaton Road, a petition for a special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, was made by Mr. Sedito, seconded by Mr. Catlin, by a 5-0 vote.

MEETING

Mr. Sedito felt that the proposed location will have less of a noise impact on the neighbors. Mr. Catlin agrees he feels the proposed location is logical. Ms. Middlebrook agrees the shrub is a good buffer. Mr. Snook is in agreement. Ms. Roberts agrees and felt placing the generator next to the house would have an enormous reflective noise impact.

MOTION: to approve ZBA-0505 request of Calvin & Mary Zinick, 4 Wheaton Road, a petition for a special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, per map on file entitled Calvin & Mary Zinick, 4 Wheaton Rd, MarbleDale, CT, by a 5-0 vote.

The Zoning Board granted a Special Exception to Calvin & Mary Zinick to locate a standby generator outside the 25' zone required by Section 12.14.1 of the Regulations at a property located at 4 Wheaton Road. The requested location for the generator is 81' from the residence being served. ZBA determined

that granting this Special Exception is consistent with the provisions of Section 12.14.5 and is supported by the following fact: The existing terrain is such that sound will be buffered by natural vegetation thus having less noise impact on neighboring properties than situating the generator within 25' of the structure principally served.

PUBLIC HEARING - CONTINUED

Ms. Roberts seated regular members Bradford Sedito, Randolph Snook, herself and alternates Mark Averill and Todd Catlin.

ZBA-0506 request of Caroline Vanderlip, 28 Shearer Road, a petition for a special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Daryl Wright was present to represent this application. A letter was received from neighbors Hugh & Tina O'Donnell stating that they were OK with the location of the generator. Mr. Wright located the generator on the map; it is located 240' from the property line and is a 20k unit measuring approx. 4'x3', installed in a self contained insulated housing. Mr. Wright stated that if you were standing at the pool you couldn't tell if the pool equipment or generator were running. Ms. Roberts asked for questions or comments from the public.

MOTION: to close ZBA-0506 request of Caroline Vanderlip, 28 Shearer Road, a petition for a special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, was made by Mr. Sedito, seconded by Mr. Snook, by a 5-0 vote.

MEETING

Mr. Snook doesn't have a problem locating the generator next to the pool equipment; he would have more of a problem locating it within 25' of the house. Mr. Averill is comfortable with the location because the neighbors are fine with it. Mr. Catlin feels that this application is with keeping in the spirit of the revised regulations. Mr. Sedito agrees with Mr. Averill, his concerns were with the neighbor. Ms. Roberts is in agreement the location for the generator is well away from the neighbor.

MOTION: to approve ZBA-0506 request of Caroline Vanderlip, 28 Shearer Road, a petition for a special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, per Site Analysis Plan prepared by T. Michael Alex, dated January, 1994, Revised 5/3/94 & 9/14/94, by a 5-0 vote.

The Zoning Board of Appeals granted a Special Exception to Caroline Vanderlip to locate a standby generator outside of the 25' zone required by Section 12.14.1 of the regulations at a property located at 28 Shearer Road. ZBA determined that granting this Special Exception is consistent with the provisions of Section 12.14.5 and is supported by the following fact: The requested location of the generator will be further from neighbors than locating the generator within 25' of the structure served thus having less noise impact on the neighbor.

PUBLIC HEARING -CONTINUED

Ms. Roberts seated regular members Bradford Sedito, Randolph Snook, herself and alternates Georgia Middlebrook and Todd Catlin.

ZBA-0507 request of Mary Agnes Collins, 111 Bee Brook Road, a petition for a special exception for expansion of nonconforming dwelling. Ms. Collins was present to represent this application. Ms.

Collins submitted the requested lot coverage calculations. The calculations show that the existing house is 628sq.ft. the addition to be 602.60sq.ft. The addition will be one story. Existing lot coverage is 2170.5sq.ft. proposed lot coverage is 2773.10sq.ft. Allowable lot coverage is 2900+. The addition will have a crawl space not a full basement. Ms. Roberts asked for further questions or comments from the public.

MOTION: to close ZBA-0507 request of Mary Agnes Collins, 111 Bee Brook Road, a petition for a special exception for expansion of nonconforming dwelling, was made by Mr. Catlin, seconded by Mr. Sedito, by a 5-0 vote.

MEETING

Mr. Sedito felt this application falls within the intent of the special exception, allowable lot coverage is not exceeded and it supports the continued use of a single family dwelling. Mr. Catlin agrees and appreciates the effort made to comply with the side yard setback. Ms. Middlebrook also agrees and feels the addition will enhance the appearance of the house. Mr. Snook is in agreement. Ms. Roberts also agrees and feels the addition is architecturally in keeping with the present house.

MOTION: to approve ZBA-0507 request of Mary Agnes Collins, 111 Bee Brook Road, a petition for a special exception for expansion of nonconforming dwelling, per Zoning Location Survey prepared by David J. Little, December 7, 2004 and plans drawn by Hallas Design LLC, dated Feb. 19/2005, by a 5-0 vote.

The Zoning Board of Appeals granted a Special Exception to Mary Agnes Collins at 111 Bee Brook Road for an addition to her house. This exception permits an addition to a nonconforming single family dwelling that would otherwise not be permitted per Section 11.6 of the Regulations regarding front yard setbacks. It was determined that lot coverage was not an issue in this case. The Zoning Board of Appeals determined that granting this Special Exception supports the continued use of a single family dwelling and that the addition will be clad in clapboards to match the existing house.

PUBLIC HEARING

Ms. Roberts seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, herself and alternate Georgia Middlebrook.

ZBA-0508 request of Stephen Cohen, 62 Calhoun Street, a petition for a special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Daryl Wright was present to represent this application. Mr. Wright noted the proposed location of the generator on the site analysis plan. The proposed site would be 800+ feet from property lines and 300' from the main house. The proposed generator is a 175kw unit which will run the main house that has an 800amp service. Mr. Wright added that it cannot be located by the main house due to the wetlands. Mr. Sedito asked about a decimal level and was concerned that the noise will reflect off of the barn toward the neighbors. Mr. Sedito went on to add that for a special exception you have to prove the proposed location will have less of an impact on the neighbors. Mr. Snook is disturbed by the size of the huge unit and the noise it will generate. A discussion ensued about Section 12.14 of the Zoning Regulations. It boiled down to ZBA wanting regulations requiring decimal ratings but the Zoning Commission didn't want to go that route. This is not a simple subject, sound travels in radial waves and depending on the structures it encounters noise levels differ. Members needed more information about the generator.

MOTION: to continue ZBA-0508 request of Stephen Cohen, 62 Calhoun Street, a petition for a

special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, was made by Ms. Roberts, seconded by Ms. Leab, by a 5-0 vote.

PUBLIC HEARING

Ms. Roberts seated regular members Katherine Leab, Bradford Sedito, Randolph Sedito, Randolph Snook and alternate Todd Catlin.

ZBA-0509 request of Ronald K. & Nancy S. Chute, 8 Kirby Road, to petition for a special exception for modifications of nonconforming dwellings. Ron Chute was present to represent his application. The original house was built in 1774, with an addition in 1925 and 1970's. The 1970's addition is a one story garage with a flat roof and railing around the top which Mr. Chute feels is inappropriate for the period and location of the house. The garage leaks and is rotting. He is proposing to rebuild a new two story garage and extend the house; this addition is visible from Route 47 and parts of Kirby Road. Mr. Chute walked members through the existing foot print of his house and what is proposed. The lot is .624 acres. The existing coverage will remain the same because Mr. Chute is rebuilding the garage on exiting driveway. There were no lot coverage calculations. Mr. Sedito stated that coverage has to be no more than 20% to fall under the Special Exception. Mr. Stikeleather a neighbor stated that Mr. Chute's plans are a vast improvement over what exists and will add value to the Green. Mr. Chute mentioned that he received historical and zoning approval two years ago for a much larger project. Members need to see lot coverage calculations. Mr. Chute asked if he members could close the hearing and vote on the condition that he is not over on lot coverage. Ms. Roberts said that was not possible because if lot coverage is over a new application would have to be filed. Members did agree to wave the fees if a new application was needed. Mr. Chute will submit lot coverage calculations.

MOTION: to continue ZBA-0509 request of Ronald K. & Nancy S. Chute, 8 Kirby Road, to petition for a special exception for modifications of nonconforming dwellings, was made by Ms. Roberts, seconded by Mr. Catlin, by a 5-0 vote.

Consideration of Minutes of May 12, 2005: Ms. Roberts made the following correction to the minutes of May 15, 2004: page 7, line 14 should read; Ms. Roberts interjected that there is no "legal building envelope" on the lot.

MOTION: to accept the minutes of the May 12, 2005 meeting as amended was made by Mr. Catlin, seconded by Ms. Roberts, by a 5-0 vote.

Other Business

Discussion of requirement for A-2 survey. Members did have a brief discussion about the A-2 survey requirement. They will give it some thought and discuss it again at next months meeting.

Mr. Sedito commended Ms. Roberts for doing a great job in the Chairman's seat.

Mr. Sedito also mentioned the death of former alternate member Hi Averill, he will be greatly missed.

The June 16, 2005 meeting of the Zoning Board of Appeals adjourned at 9:25pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary