

August 18, 2005

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

Alternates: Georgia Middlebrook

Guests: Daryl Wright, David Connolly, John Quist, Susan Bishop-Wrabel, Gene Wrabel, Joe Bennett Jr., John Cipetta, Luis Gutierrez, Bill McCarthy Jr., Lewis Manderson, Peter Kauff, Henry Martin

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

PUBLIC HEARING CONTINUED

Mr. White was absent from the June 16, 2005 meeting so Ms. Roberts's as Vice-Chairperson resided over ZBA-0508, continued hearing of Stephen Cohen.

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 of Wright Electrical Company was present to represent this application. Mr. Wright submitted documentation about noise measurements for Cummings generators. He stated that the proposed 175kw generator has a 78.3db rating which according to the documents is moderately loud and less than heavy street traffic. Mr. Wright went on to say that Mr. Cohen wants to be a good neighbor and has decided that if the 175kw centrally located generator is not approved he will conform to the zoning regulations and install three generators (60kw, 35kw & 16kw) at the three separate locations within 25' of the house, barn and guest house. Mr. Wright felt that the preferred location would be the one unit centrally located on the property; three smaller units would generate more noise. The proposed 175kw generator will be located approx. 350' from the Connolly property line and 650' from the deLisser property. It will be mounted on a concrete pad and be diesel powered. David Connolly, the property owner to the north is worried about reverberating sounds from the proposed generator. Mr. Snook calculated that the noise level at the closes property line would be 50db. Mr. Wright stated that he is willing to enclose the proposed generator on four sides with a roof and have the muffler face away from neighboring properties. Mr. Sedito asked about buying a generator with more insulation. Ms. Roberts noted that the alternative, installing three generators would bring the noise closer to the Connolly property. Mr. Snook agreed and felt the noise would be reasonable with the enclosure. Ms. Roberts asked for questions or comments from the public. Mr. Connolly agreed saying the 175kw generator was the lesser of two evils. He asked about the special exception and Ms. Roberts explained the special exception application and history of it. Ms. Roberts asked for further comments and questions.

MOTION: to close 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 Mr. Sedito, seconded by Mr. Snook, by a 5-0 vote.

MEETING

Mr. Snook has made his feelings and thoughts known during the public hearing. Ms. Middlebrook feels the central location of the proposed generator is the better choice. Ms. Leab has nothing to add. Mr.

Sedito was not happy with the way the application was presented, the threat of three generators as opposed to one; he would like to avoid this in the future. Ms. Roberts is in agreement. Mr. Snook added that the regulations need to include db levels at the property line or other specific criteria.

MOTION: to approve 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 by a 4-1 vote.

Katharine Leab, Randolph Snook, Polly Roberts, Georgia Middlebrook voted to approve.

Bradford Sedito voted to deny.

The Zoning Board of Appeals granted Special Exception ZBA-0508 to Stephen Cohen, 62 Calhoun Street to locate a standby generator outside of the 25' zone required by Section 12.4.1 of the regulations. The lot at 62 Calhoun Street is 28 acres with a primary residence, barn and proposed guest cottage. The proposed location is 350' & 650' from the nearest property line. The proposed 175kw generator has a 78.3db noise level. The alternative to locate a generator at each structure would have more impact on neighboring properties.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0510 Request of Edmond Genest & Patricia Curtin, 240 Baldwin Hill Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback) and 17.4.a (increasing the nonconformity of a nonconforming structure), to build a screened porch. John Quist was present to represent this application. Mr. White read the applicant's letter of request. Photographs of the present house and prior concrete patio were submitted. Mr. Quist stated that the porch will come off the gabled end, the roof pitch will be the same and it will be a screened porch only (no windows) measuring 9' x 17'. Mr. Quist noted that in the rear of the house the land has a severe up hill slope and the south side is the entry way to the house. He felt visibility from Baldwin Hill will be minimal. Mr. Sedito stated that there doesn't appear to be any other location for the proposed porch. Mr. White asked for further questions or comments from the public. Susan Bishop-Wrabel addressed the members by stating that she lives directly across the street from the Genest/Curtin property and supports their application. She is familiar with the structure and the land. Ms. Bishop-Wrabel feels that Mr. Genest has respect for the structure and it's "sense" to the landscape. He has been a quiet neighbor and she feels the addition will not be seen by passing traffic or even her second story. Gene Wrabel, a neighbor has no problem with the proposed porch and noted the very steep landscape.

MOTION: to close ZBA-0510 request of Edmond Genest & Patricia Curtin, 240 Baldwin Hill Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback) and 17.4.a (increasing the nonconformity of a nonconforming structure), to build a screened porch was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

MEETING

Mr. Snook sees no reason not to approve this request. Ms. Leab's stated this one is "dead simple". Mr. Sedito felt there are no alternative locations. Ms. Roberts agreed the proposed porch is modest in size and scale. Mr. White agreed noting the hardship is in the terrain.

MOTION: to approve ZBA-0510 request of Edmond Genest & Patricia Curtin, 240 Baldwin Hill Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback) and 17.4.a (increasing the nonconformity of a nonconforming structure), to build a screened porch by a 5-0 vote.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, and himself.

ZBA-0511 Request of Joe Bennett Jr., 207 Bee Brook Road, for a variance from Zoning Regulation 12.1.3 (setback from Bee Brook), additions to existing house. Joe Bennett Jr. was present to represent his application. Mr. White read the explanation of request. Members reviewed the survey and proposed addition. Mr. Bennett noted that the decks are existing, only the two-story addition is being added. The corner of his existing house is 25' from the center of the brook. He is before the Zoning Board of Appeals for setback to the Bee Brook only; the proposed addition is 57.2' from the front property line. The existing house is two stories and will be reconditioned as well. Mr. Bennett stated that he loves the land but has run out of house and doesn't have enough room for his children. Mr. White asked for building plans. Mr. Bennett has building plans at home. Members agreed let Mr. Bennett go home to get the plans and reconvene the public hearing.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0512 Request of Red Barn Revocable Trust, 342 Woodbury Road, a petition for a special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Luis Gutierrez, of LG Landscaping Services LLC and Bill McCarthy of McCarthy Electrical were present to represent this application. Mr. White read the explanation of request. Mr. McCarthy stated that the proposed generator will be situated 160' from the house and set back on the wood line. The property is an 87 acre parcel. The proposed generator is a 50kw housed in a sound proof enclosure and has a 71-73db rating. It will be screened with trees and has woods behind it. Mr. White read a letter dated July 26, 2005 from Janet Tanner Poskas and Peter E. Poskas, Jr., who had no objection to the proposed generator. Mr. Snook asked if the ZBA could grant an application with conditions. Mr. White stated that conditions can be discussed and requested but they can not be conditions of approval. Mr. McCarthy stated that placing the generator on the wood line keeps it out of the middle of the lawn and when it's screened it will disappear. He added that the exhaust is on top of the unit and that's what makes the noise. Mr. Sedito asked if this location has less of an impact on the neighboring property. It will be 400' from the nearest property line. The Ensign residence to the north would be the closest. Mr. White stated that he wanted to see the site and the neighboring houses. Mr. Gutierrez though members had already visited the site. It was decided to continue the hearing so members could visit the sight.

MOTION: to continue ZBA-0512 request of Red Barn Revocable Trust, 342 Woodbury Road, a petition for a special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations was made by Ms. Roberts, seconded by Mr. Sedito by a 5-0 vote.

Hank Martin, Zoning Commission Chairman addressed members saying he felt that the strategy of enclosing the generators was good and encouraged ZBA to make recommendations for changes to the Zoning Regulations. Mr. Snook added that he thought a meeting to discuss the db levels would be a good idea.

PUBLIC HEARING RECONVENED

ZBA-0511 Request of Joe Bennett Jr., 207 Bee Brook Road, for a variance from Zoning Regulation 12.1.3 (setback from Bee Brook), additions to existing house. Mr. Bennett was back with his building plans which showed the addition would be 28'4" at the highest point and will be 1170 sq. ft. Calculations show that lot coverage is well under 15%. The present house has three bedrooms, same as proposed. Perks have been done and location for a back up septic has been addressed. Mr. Bennett ended by stating that building on any other side of the house would be worse for the river. Mr. White asked for comments or questions from the public.

MOTION: to close ZBA-0511 request of Joe Bennett Jr., 207 Bee Brook Road, for a variance from Zoning Regulation 12.1.3 (setback from Bee Brook), additions to existing house was made by Ms. Roberts, seconded by Mr. Sedito by a 5-0 vote.

MEETING

Mr. Snook stated that as is the house is small, proposed construction is furthest away from the brook. Ms. Leab felt there is no other way for addition. Mr. Sedito feels that the existing house is small and not up to code. Ms. Roberts has nothing to add. Mr. White agrees with what has been stated keeping away from the river makes sense.

MOTION: to approve ZBA-0511 request of Joe Bennett Jr., 207 Bee Brook Road, for a variance from Zoning Regulation 12.1.3 (setback from Bee Brook), additions to existing house by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0513 Request of Lewis Manderson, Jr., 134 Nettleton Hollow Road, a petition for a special exception, a request for pool filter to be situated farther from the structure principally served under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations. Mr. Manderson was present to represent his application. Mr. Manderson had applied for a variance in 2004 for his pool filter, he withdrew his application to pursue the contractor to relocate the equipment. Mr. Manderson began by stating that he contacted the pool installer who said he would move the equipment and then changed his mind. So he is back before ZBA applying for a special exception, his alternative was to sue the installer, Jim Dobson. The pool equipment is over 300' from all property lines except the Nettleton Hollow side which is 165'; the dwelling for this property is over a mile away. He went on to say that the pool equipment is quiet and has plantings around it. Henry Martin, the neighbor to the east came forward to look at the survey and equipment location. Mr. Martin has no objection to the applicant's request, he doesn't hear it, but added he doesn't want to see the site enhanced with additional electrical equipment. Mr. White asked for further comments or questions from the public.

MOTION: to close ZBA-0513 request of Lewis Manderson, Jr., 134 Nettleton Hollow Road, a petition for a special exception, a request for pool filter to be situated farther from the structure principally served under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations was made by Mr. Sedito, seconded by Ms. Leab by a 5-0 vote.

MEETING

Mr. Snook has no problem with this request. Ms. Leab feels Mr. Manderson has tried to correct the situation. Mr. Sedito agrees, pool filters are quiet. Ms. Roberts agrees also, there is no impact on neighbors. Mr. White is OK with this request, he is disappointed that Jim Dobson, a local contractor did

not remedy the situation.

MOTION: to approve ZBA-0513 request of Lewis Manderson, Jr., 134 Nettleton Hollow Road, a petition for a special exception, a request for pool filter to be situated farther from the structure principally served under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations by a 5-0 vote.

Consideration of the minutes from June 16, 2005: Ms. Roberts noted the following error in the minutes decimal should be replaced with decibel/db.

MOTION: to accept the minutes of the June 16, 2005 meeting of the Washington Zoning Board of Appeals as amended was made by Ms. Roberts, seconded by Mr. Sedito by a 5-0 vote.

Other Business:

Mr. White announced Mark Averill's resignation from the Zoning Board of Appeals effective July 16, 2005. He thanked Mr. Averill for trying to balance his position on the ZBA with owning a business in town. Mr. White is working on recommendations to submit to the Selectman's office to fill out Mr. Averill's term.

Mr. Snook suggested working on changes for the generator zoning regulations.

Mr. White also noted that he has been talking with Janet Hill about aggregation of lot coverage.

The August 18, 2005 meeting of the Zoning Board of Appeals adjourned at 9:30pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary