

April 17, 2003

Members Present: Edmund White, Katharine Leab, Reese Owens, Bradford Sedito, Polly Roberts

Alternates Present: Heman Averill, Georgia Middlebrook, Bruce Skoog

Guests: David Grubb, Thomas Farnen, Curt Smith, Dorota Habib, Peter Klemm, Ann Burton, Javier Macaya, Brian Neff

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

PUBLIC HEARING

Mr. White excused himself from this public hearing. Mr. Owens seated regular members Katharine Leab, Bradford Sedito, Polly Roberts, himself and alternate Bruce Skoog.

ZBA-0301, Request of Caroline & David Grubb, 4 Parsonage Lane, for a variance from Zoning Regulation 11.5.1 (lot coverage), to construct a walkway. David Grubb was present to represent his application. Mr. Grubb told members that he had spoken with the McMaster family, prior owners, and they told him there was a previous walkway. Mr. Grubb also corrected his original information and stated that the walkway was 60 feet long and 4' wide, he had originally stated that the walkway was 3' wide. Mr. Grubb supplied the lot coverage figures members had asked for. Mr. Owens asked about the shared driveway. Mr. Grubb informed him that the driveway is shared by (3) property owners and metal pins exist in the driveway showing the property boundary. Mr. Sedito asked if it is certain that there was a preexisting walkway. Mr. Grubb said yes. At this point Mr. Grubb stated that he regrets the preconstruction of the walkway before a variance was issued. Mr. Owens asked for further questions or comments from the public.

MOTION: to close Public Hearing Re: ZBA-0301 Request of Caroline & David Grubb, 4 Parsonage Lane, for a variance from Zoning Regulation 11.5.1 (lot coverage), to construct a walkway, was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

MEETING

Mr. Skoog is undecided about granting this variance, the new walkway seems large. Ms. Roberts is irritated by the fact that the walkway is already built, 15% lot coverage is allowed and the addition of this walkway makes the lot coverage just under 21%. She does feel that a walkway is a reasonable request. Ms. Leab feels a narrower walkway would be better, the present one is too wide. Mr. Sedito agreed, he would like to see the walkway smaller, but added that a residence deserves a walkway. Mr. Owens commented that an after the fact application makes it difficult for the commission to see things objectively. Mr. Owens questioned the need for a survey but felt the lot coverage numbers looked official enough.

MOTION: to approve ZBA-0301 Request of Caroline & David Grubb, 4 Parsonage Lane, for a variance from Zoning Regulation 11.5.1 (lot coverage), to construct a walkway, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Katharine Leab, Reese Owens, Polly Roberts, himself and alternate Bruce Skoog.

ZBA-0302 Request of Rumsey Hall School, 201 Romford Road, for a variance from Zoning Regulation 12.1.3 (building within 200 feet of Bantam River), 17.4 (increase the nonconformity of a

nonconforming structure), for reconstruction of a dormitory/faculty apartment. Present to represent this application were Curt Smith surveyor/engineer, Thomas Farnen, headmaster of Rumsey Hall School and Dorota Habib, business manager. Mr. Farnen started by recapping the project for members. He presented enrollment figures dating back to 1979 and projecting to 2004. There are no plans to increase the boarding population. The septic will not allow an increase in beds. Mr. Farnen also brought maps showing the entire Rumsey campus. Mr. White asked about other locations for the students housed in Gros Cottage now. Mr. Farnen explained that students are housed according to grade/class, they do have (2) ninth grade dorms but there is no room in the other dormitory for these students. Between the river and road set backs there is only a sliver of land for a new dorm and that is a topographical hardship. Mr. Owens asked why the building couldn't be smaller. Ms. Habib said that the building is being built off site, a pre-fab and could only be built in increments of 3'; there are also oversize load road restrictions and ADA requirements to take into consideration. Mr. White noted that the chimney needs to be drawn on the plans. Ms. Roberts noted that the entire cottage is totally within the 200' river set back. There was discussion on whether to build a deck or patio. Members felt that a patio would be a more moderate expansion. Reese asked about the color of the finished building. Mr. Farnen assumed that it would be white as all the other buildings on campus are white. The cottage will appear bigger if it is painted white. Mr. White asked for any further questions or comments from the public.

MOTION: to close Public Hearing Re: ZBA-0302 Request of Rumsey Hall School, 201 Romford Road, for a variance from Zoning Regulation 12.1.3 (building within 200 feet of Bantam River), 17.4 (increase the nonconformity of a nonconforming structure), for reconstruction of a dormitory/faculty apartment, was made by Ms. Roberts, seconded by Ms. Leab, by a 5-0 vote.

MEETING

Ms. Roberts has no problem granting this variance, she understands the need for the change to a two story building. The building will appear much larger, but will not really increase much. Mr. Skoog feels hardship is evident and there is no huge volume increase. Ms. Leab feels that Rumsey Hall School has worked hard to solve their problem and have come up with a good solution. Mr. Owens thinks this request is a very reasonable modernization of the building /updating the facility. He would like to think that the building didn't need to be two stories but in the final analysis a reduction of the volume closes to the river in exchange for a little more volume that is closer to the road/ closer to the conforming area is worthwhile. Mr. Owens is satisfied that the building is where it needs to be and is a rightful continuation of the service that Rumsey Hall School has always offered. Mr. White agrees with the other members and understands the need to group the students together the way they do and he feels they have exhausted all other options.

MOTION: to approve ZBA-0302 Request of Rumsey Hall School, 201 Romford Road, for a variance from Zoning Regulation 12.1.3 (building within 200 feet of Bantam River), 17.4 (increase the nonconformity of a nonconforming structure), for reconstruction of a dormitory/faculty apartment, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Katharine Leab, Reese Owens, Bradford Sedito, Polly Roberts and himself.

ZBA-0306 Request of Christina & Peter Klemm, 11 Ives Road, for a variance from Zoning Regulations 11.6.1.c (minimum front yard setback), and 17.4 (increasing nonconformity of a nonconforming structure), for an addition to an existing home. Mr. White read a letter from Sandra Canning into the record. Peter Klemm was present to represent this request and read his letter of request into the record. Mr. Klemm confirmed that this addition will replace the existing kitchen and deck and

that the variance would be for 3.5 feet. Mr. Owens questioned the location of the present deck and Mr. Klemm confirmed that it goes to the edge of the house or within 6" of the edge. The footprint difference between what exists and what is proposed is approximately 3-4 square feet difference. Members questioned why this addition wasn't part of the prior request for a variance. Mr. Klemm explained that after living in the house they have found that the kitchen is inadequate for their needs and they feel they need a "country kitchen". Mr. White went over well and septic location. At this point Mr. White asked for further questions or comments from the public.

MOTION: to close Public Hearing Re: ZBA-0306 Request of Christina & Peter Klemm, 11 Ives Road, for a variance from Zoning Regulations 11.6.1.c (minimum front yard setback), and 17.4 (increasing nonconformity of a nonconforming structure), for an addition to an existing home, was made by Mr. Owens, seconded by Ms. Roberts, by a 5-0 vote.

MEETING

Ms. Leab feels this is an overall minimum situation. Ms. Roberts has no problem with this request the location is best. Mr. Sedito added that 95% of this addition is outside the setback and commented on the good information that was provided to members. Mr. Owens is in favor of granting this variance and also feels the location is best. Mr. White is in agreement with members.

MOTION: to approve ZBA-0306 Request of Christina & Peter Klemm, 11 Ives Road, for a variance from Zoning Regulations 11.6.1.c (minimum front yard setback), and 17.4 (increasing nonconformity of a nonconforming structure), for an addition to an existing home, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Katharine Leab, Reese Owens, Bradford Sedito, himself and alternate Heman Averill.

ZBA-0307 Request of Ann M. Burton, 7 South Street, for a variance from Zoning Regulations 11.6.1.c (minimum set back) and 17.4 (increasing nonconformity of a nonconforming structure), for an addition to an existing home. Mr. White read (2) letters and (1) memo into the record, from Doug Smith, Don & April Crumrine and Rex Swain & Polly Roberts. Ann Burton was present to represent her application. Ms. Burton read her letter of request into the record. Mr. Owens asked about a survey. Ms. Burton referred to the map on file for the property. There are no coverage issues concerning this property. Ms. Burton commented that the addition doesn't enlarge the footprint and the addition will remain lower than the roof line. Because of out buildings and the location of well and septic there are limited alternatives. Ms. Burton added that the tin roof will be cut into and replaced. Mr. White asked for further questions and comments from the public.

MOTION: to close Public Hearing Re: ZBA-0307 Request of Ann M. Burton, 7 South Street, for a variance from Zoning Regulations 11.6.1.c (minimum set back) and 17.4 (increasing nonconformity of a nonconforming structure), for an addition to an existing home, was made by Ms. Leab, seconded by Mr. Averill, by a 5-0 vote.

MEETING

Ms. Leab stated that this is a difficult property and there in lies the hardship. She feels this is a small matter. Mr. Averill agrees and added that this is a minimal increase on a non conforming property. Mr. Sedito has nothing to add except that this is a reasonable request. Mr. Owens feels the house will be none the worse and that the addition will make the house nicer. Mr. White agrees and feels there is no other way to go.

MOTION: to approve ZBA-0307 Request of Ann M. Burton, 7 South Street, for a variance from Zoning Regulations 11.6.1.c (minimum set back) and 17.4 (increasing nonconformity of a nonconforming structure), for an addition to an existing home, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Katharine Leab, Reese Owens, Bradford Sedito, Polly Roberts and himself.

ZBA-0308 Request of Javier & Claudia Macaya, 7 Worcester Road, for a variance from Zoning Regulations 17.4 (enlargement of non conforming structure) and 11.6.1.c (minimum front yard setback), to enlarge an existing barn. Javier Macaya and Brian Neff represented this application. The secretary noted that she hadn't received back any certified mailing cards, only one undeliverable letter addressed to Ashley Goodale & Christopher Muse. The applicant has submitted a list of neighbors and receipts of certified mailing to those neighbors. Mr. Neff read the letter of request into record. Mr. Neff explained that the barn is right on the road and referenced the sketch of the existing barn. There will be no enlargement in footprint. The roof will be raised to accommodate insulation; a cupola will be added to the roof and an interior chimney built. Mr. Neff added that technically this is an increase in volume it would conform if the barn was back further on the property. Mr. Sedito inquired as to what the barn is used for now. The applicant stated that the barn is used for storage and entertainment. The changes being made would accommodate the same uses all year around, as they are also adding a heating system. Mr. White asked for further questions and public comment.

MOTION: to close Public Hearing Re: ZBA-0308 Request of Javier & Claudia Macaya, 7 Worcester Road, for a variance from Zoning Regulations 17.4 (enlargement of non conforming structure) and 11.6.1.c (minimum front yard setback), to enlarge an existing barn, was made by Mr. Owens, seconded by Mr. Sedito, by a 5-0 vote.

MEETING

Mr. Sedito has no problem with this moderate request. Ms. Leab stated that the request is small and minimal. Ms. Roberts also has no problem with this request. Mr. Owens feels this is a small price to maintain the character of the barn. Mr. White has nothing to add.

MOTION: to approve: ZBA-0308 Request of Javier & Claudia Macaya, 7 Worcester Road, for a variance from Zoning Regulations 17.4 (enlargement of non conforming structure) and 11.6.1.c (minimum front yard setback), to enlarge an existing barn, by a 5-0 vote.

MOTION: to accept the minutes of March 20, 2002 meeting with the following amendments: spelling corrections page (4) line (6) replace guest with "guess" and replace president with "precedent", page (6) line (3) replace Zebra's with "ZBA"; also on page (4) under MEETING the first line to read: Ms. Leab felt that because of the practices over time and Janet Hill's.....; also on page 5 under MEETING the third line to read Ms. Roberts reiterated 17.4.a should be added to the call.

Other Business

Members discussed Zoning Regulations 17.4.b.. It was decided to meet with members of the Zoning Commission to discuss the wording and intent of 17.4.b. .

MOTION: to adjourn was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

Submitted subject to approval,

Pamela L. Osborne, Secretary