

September 18, 2003

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

Alternates Present: Todd Catlin, Georgia Middlebrook

Guests: Robert L. Fisher, Jr., Esq., Richard Kleinberg, Roger Pratt, Dirk Sabin, Paul Frank, Valerie Friedman, Lynn Baldwin, Dinah Daly, Bob Nichols, Frank Dolen, public

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

PUBLIC HAERING - CONTINUED

Mr. White seated Katharine Leab, Bradford Sedito, Polly Roberts, himself and alternate Georgia Middlebrook.

ZBA-0316, Request of Mark D. & Chris Adams Beckett, 23 Loomarwick Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback), 12.1.1 (wetlands setback), 12.1.2 (septic setback from watercourse), 17.4.a (increasing the nonconformity of a non conforming structure), to demolish an existing structure and erect a new four-bedroom house. It was noted that all green cards from adjoining property owners have been received. Mr. White read two letters from Roger Pratt, architect into the record, revised site plans were also submitted. Robert L. Fisher, Jr., Esq. was present to represent the Becketts; he presented a letter of authorization and had submitted a letter dated September 17th. Atty. Fisher began by stating that the Becketts goal was to build the nicest house on this piece of land and didn't consider what the size of the house would look like in the eyes of the neighbors. After the reactions from neighbors at last months hearing the Becketts downsized the project, Atty. Fisher suggested they work within the existing square footage of what is there now on the lot. Atty. Fisher feels the new plan is much more compatable with the lot size. It is no longer a barn style but is now a modest house. Atty. Fisher stated that the overall footage of the existing house and shed is 1771 square feet and the square footage of the new proposed house (eliminating the shed) is 1756 square feet. At this point Mr. White addressed ZBA members, he felt there was such a dramatic change in the plans he wanted to make sure everyone was comfortable with the continuation of the hearing or should ZBA ask the applicant to withdraw and resubmit a new application. Atty. Fisher stated that he felt the Becketts were responding to the neighbors concerns, not creating something new and he would not be opposed to continuing public hearing. There was discussion on the noticing of the continuance, a legal notice did run (but was not required). Richard Kleinberg, a neighbor addressed the ZBA members with his concerns about finding out about the new proposal just this afternoon and feels the new plan doesn't meet any of the objections from last time and only sounds better in comparison to the last plan. Mr. Kleinberg feels that anything that deviates from the repair and use of the existing structures was addressed in the letters from the last meeting. It was the consensus of the members that as long as Atty. Fisher agrees to the continuances they were comfortable continuing. Atty. Fisher was agreeable. Atty. Fisher addressed the issue of not expanding the non conformity by eliminating the attached garage which is now a basement garage. Atty. Fisher noted the house has been moved substantially from the wetland buffer and that the entire existing house is within the wetland setbacks. The existing and proposed houses encroach on the 50' setback to Loomarwick Road. Roger Pratt, architect and Atty. Fisher referenced the site plan to show the setbacks, the original and proposed houses. Mr. Pratt stated that the existing house is 1570 square feet and the existing shed is 201 square feet and added that there is no available land to build on at this site with out encroaching on a setback. Atty. Fisher referenced the hardship issue of having the existing structures legally constructed prior to zoning and wetland regulations, the enactment of the setback regulations made this house illegal he feels there is no self created hardship, legally they are not expanding the non conformity they are decreasing it slightly. He also feels the property is unique in that it is small, narrow

and the proximity to the wetlands. There was discussion on the volume of the house and members viewed the photos from last month's hearing. Members asked about the number of rooms in the existing house. Atty. Fisher stated that at present the house is defined as having (3) bedrooms and (8) rooms. Mr. Sedito asked for an existing floor plan and calculations for the 1570 square footage. Mr. Pratt stated that he didn't have them the calculations were done by computer. Atty. Fisher went on to state that Mr. Pratt has calculated the site coverage as 12.92% and that only (3) of the original (4) variances are being asked for at this time (they do not need a variance for 17.4.a increasing the nonconformity of a nonconforming structure). The existing septic system is a cesspool and the proposed system would be a pump up system on the south end of the property. Atty. Fisher presented engineered septic plans for a (4) bedroom house. This proposal has not been presented to the health department or the inland/wetland commission. Mr. Pratt stated that the site coverage calculations include the patio, driveways, stairs and walkways outside the house. Mr. Sedito asked for calculations for lot coverage. The parking area has been moved and will not require a large retaining wall only a small retaining wall creating a planting area. Mr. Sedito asked for the hardship of not rebuilding on the same (existing) footprint. Atty. Fisher stated that they were trying to address the concerns neighbors had with polluting the wetlands. Mr. White commented that rebuilding the house in the same spot would have the same impact on the wetlands as it does now. Mr. Pratt stated that you would have to remove all of the existing structure and footing system which would substantially disturb the wetlands. Atty. Fisher stated that they felt it would be better to avoid the wetlands as opposed to Loomarwick Road. Mr. White noted that you're looking at a simple cottage becoming a large structure. Atty. Fisher answered by stating that this is a residence in a residential zone and it's smaller than most people's guest houses. The lot size is 8/10 of an acre. Dirk Sabin, landscape architect walked the members through the existing landscape and proposed plantings. The present structure is 18" from the wetlands. The proposed low fieldstone seeding wall will create a permanent barrier to the wetlands. The general drainage pattern is not toward the wetlands but parallel with the wetlands. The house has been compacted and has a small lawn area (32x30), with lawn/play area over the septic system. There will be minimal grading. Mr. White asked about drainage. Mr. Sabin stated that there is sheet flow through the property and intermittent streams. These will be addressed with curtain drains and field inlets. They added a drywell for roof/driveway runoff. There is a secondary septic system location. The proposed structure has a full basement with (2) car garage, storage, mechanical and potential wine cellar. Mr. Pratt went on to explain the floor plan for the proposed house. Mr. Pratt stated that the height is 28' to the peak or 24' to the median line. Ms. Roberts questioned the septic plan and grading of the area; Mr. Pratt stated that the septic plan was for the original proposal and will be redone. There was continued discussion on drainage. Mr. White asked for comments from the public. Richard Kleinberg, a neighbor to the east, feels zoning allows the applicant to repair the existing structure with the existing use. He has heard plans for a very large structure that has nothing to do with the existing structure. Except in comparison with the even larger proposal last time this proposal sounds completely outside the intent of the zoning regulations. Mr. Kleinberg thinks the neighbors should receive more notice. Paul Frank, a close by neighbor, is familiar with the property and existing house. Mr. Frank doesn't think that any renovations of the existing structure would work. He would welcome a different structure on the property provided it met the requirements of ZBA and wetlands. Mr. White explained the option of using the same area now covered or moving the structure further from the wetlands. Do you revive hardship of being close to the same wetlands you've been close to for 40 years as a reason for varying the regulations? Mr. Frank stated that with keeping the protection of the lake in mind, he feels that the further from the wetlands the better. Valerie Friedman questioned the volume of what exists now and what is proposed. Ms. Roberts explained that there is now a (1) story structure with a shallow pitched roof and the proposal is for a (2) story structure with a pitched roof. Lynn Baldwin stated that the downgrade elevation would look substantially higher than the 28'. When measured from the garage floor to the roof (not counting the cupola) it is 37'. Ms. Roberts referenced the (5) points noted in the minutes of the last meeting.

1. now have (1) site plan - doesn't accurately reflect grading for septic area

2. Mr. Neff's perks were done for existing house - Mr. Pratt's perks are for proposed house
3. use is not in the purview of ZBA
4. grading questions have been addressed
5. 12.92% lot coverage with no calculations, driveway grade is 2-5%

Ms. Roberts brought up the concerns with not having wetland approval for a variance that will go with the land; it's a very sensitive site. Mr. White brought up two questions; the first questioned the square footage of the original structure and secondly moving the square footage of the shed into the calculations for the original house. Atty. Fisher respects the neighbor's opposition but feels this is a modest house, huge improvement and will improve the value of the neighbor's homes. Mr. Kleinberg feels that there are about (15) of these non conforming lots on Lake Waramaug and granting this variance would set a bad example, people would get the idea to disregard the zoning regulations and feels this application is outside of the spirit of zoning in the town. Ms. Baldwin agrees with Mr. Kleinberg feels the increased volume will establish a new trend and you will lose the essence of the rural charm of being smaller. Mr. Frank feels the applicant has shown good faith in reducing the size of their proposal; anything will visually improve the site and doesn't think a change on this lot will encourage a wholesale change around the lake. Mr. White encouraged members to look at everything very carefully and do a site visit, in the past the ZBA has been very careful around the lake.

MOTION: to continue ZBA-0316 Request of Mark D. & Chris Adams Beckett, 23 Loomarwick Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback), 12.1.1 (wetlands setback), 12.1.2 (septic setback from watercourse), 17.4.a (increasing the nonconformity of a non conforming structure), to demolish an existing structure and erect a new four-bedroom house was made by Ms. Leab, seconded by Mr. Sedito, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Polly Roberts, himself and alternate Todd Catlin.

ZBA-0318, Request of Dinah & Michael Daly and Liza Alldredge, 300 West Shore Road, for a variance from Zoning Regulations 11.6.1.c (side yard setback), and 17.4.a (increasing the non-conformity of a nonconforming building, to add two dormers. Dinah Daly and her builder Bob Nichols were present to represent this application. Mr. White read the applicants letter of request into the record. Ms. Daly oriented members with the site map. Mr. Nichols noted the proposed dormers are inside the eave line. The dormers will allow stand up room in the master bedroom and bathroom which are located upstairs, increase space in the hallway and storage space. They are not adding a bedroom just enlarging an existing bedroom, hall and bathroom. There will be no footprint change. Were other options explored? Mr. Nichols stated that they did not want to enlarge the footprint and this is the least offensive solution. Lynn Baldwin, a neighbor stated she had no objection to the application. Mr. White asked for questions or comments from the public.

MOTION: to close ZBA-0318 Request of Dinah & Michael Daly and Liza Alldredge, 300 West Shore Road, for a variance from Zoning Regulations 11.6.1.c (side yard setback), 17.4.a (increasing the non-conformity of a nonconforming building), to add two dormers was made by Ms. Roberts, seconded by Mr. Sedito, by a 5-0 vote.

MEETING

Ms. Leab stated that variances have been granted before for these situations and it is a modest enough request, she would be in favor of it. Mr. Sedito has no problem with this request; it is not changing a

whole lot and is a small request. Mr. Sedito feels the second floor doesn't meet the building code as it is now. Mr. Catlin and Ms. Roberts agree and Mr. White had nothing to add.

MOTION: to approve ZBA-0318 Request of Dinah & Michael Daly and Liza Alldredge, 300 West Shore Road, for a variance from Zoning Regulations 11.6.1.c (side yard setback), 17.4.a (increasing the non-conformity of a nonconforming building), to add two dormers was made by a 5-0 vote.

PUBLIC HEARING

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

ZBA-0319, Request of Frank & Julie Dolen, 217 Sabbaday Lane, for a variance from Zoning Regulations 11.6.1.c (rear and side setbacks), 11.5.1 (coverage), and 17.4.a (increasing the non conformity of a non conforming structure), for an addition to an existing home. Mr. Dolen was present to represent his application and read his letter into the record. Mr. Dolen stated that the gable changes to a shed roof in the back and with the addition it will continue as a gable roof. The porch is rotting and roof needs replacing so now is the time to make changes. Mr. Dolen attempted to buy a horseshoe of land around his property from Steep Rock; they wouldn't sell him the land. The area of extension is 12' x 12'. The overhang is now 4' from the property line. He would be squaring off the house. He has an easement from Steep Rock for his septic system which came with the property. Mr. White asked for further questions and comments from the public.

MOTION: to close ZBA-0319 Request of Frank & Julie Dolen, 217 Sabbaday Lane, for a variance from Zoning Regulations 11.6.1.c (rear and side setbacks), 11.5.1 (coverage), and 17.4.a (increasing the non conformity of a non conforming structure), for an addition to an existing home was made by Mr. Sedito, seconded by Ms. Leab, by a 5-0 vote.

MEETING

Ms. Leab stated that Mr. Dolen has tried to acquire land surroundings him which accounts for something. The request is modest and makes sense. Mr. Sedito is in favor of this variance. Ms. Middlebrook feels this request is reasonable and a good solution for the applicants needs. Ms. Roberts agrees and appreciates Mr. Dolen's effort to purchase land surrounding him. Mr. White questioned the hardship issue and discussion ensued.

MOTION: to approve ZBA-0319 Request of Frank & Julie Dolen, 217 Sabbaday Lane, for a variance from Zoning Regulations 11.6.1.c (rear and side setbacks), 11.5.1 (coverage), and 17.4.a (increasing the non conformity of a non conforming structure), for an addition to an existing home was made by a 5-0 vote.

MOTION: to accept the minutes of the August 21, 2003 regular meeting of the Washington zoning board of Appeals was made by Ms. Roberts, seconded by Ms. Leab, by a 5-0 vote.

OTHER BUSINESS Members discussed ZBA-0220; the land use office received a call from Scott Weaver who was concerned about planting that was to be done around electrical equipment for the Boulder Inn. In reviewing the file planting of shrubs was not part of the variance that was granted by was implied by the contractor. Mr. White stated that it was his observation that shrubs had been planted, they were not mature shrubs and needed to grow. Mr. White will contact the contractor and ask about planting more screening.

Members were given a memo from the Zoning Commission concerning proposed revisions to the zoning

regulations.

Fees for the ZBA applications are still \$75 & \$9.

Pam Osborne, secretary will put out the new application forms.

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