

# November 20, 2003

**Members Present:** Edmund White, Katharine Leab, Bradford Sedito, Randolph Snook

**Alternates: Present:** Mark Averill, Todd Catlin, Georgia Middlebrook

**Guests:** Robert L. Fisher, Jr., Esq., Ralph Corbo, Andrew Rowan, Justin Primo, Robert Winston, John David Hunter, Dick Sears First Selectman, Valerie Freidman, Terri McCabe

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

The Chairman took a moment to congratulate Ms. Leab and Mr. Sedito on their reelection to the Zoning Board of Appeals. He also congratulated and welcomed new members Mr. Snook and Mr. Averill.

## **PUBLIC HEARING - CONTINUED**

Mr. White seated Katharine Leab, Bradford Sedito, himself and alternates Todd Catlin and Georgia Middlebrook.

**ZBA-0316 Continued, 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.** Robert L. Fisher, Jr., Esq. came forward. Atty. Fisher had been in contact with both Mr. Pratt, the architect and Mr. Beckett the applicant. Atty. Fisher understood that Mr. Pratt was to forward a letter of withdraw, because he is currently working on new plans that will fit within the footprint of the existing house. No such letter had been received by the land use office. On behalf of the Beckett's Atty. Fisher wrote a letter of withdraw.

## **PUBLIC HEARING**

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, himself and alternate Todd Catlin.

**ZBA-0322 Request of Corbo Associates, Inc., 218 Wykeham Road, for a variance from Zoning Regulations 11.1.2 (area of soil type), 11.3.2 (Acreage based on soil types), to qualify a lot as a building lot.** Robert L. Fisher, Jr., Esq. and Ralph Corbo were present to represent this application. Before discussion on this application began Ms. Leab noted that the section of the Zoning Regulation (11.3.2) seeking a variance was incorrect. After the meeting Pam Osborne, secretary conferred with Janet Hill, Zoning Enforcement Officer, it was decided that the correct Zoning Regulation Section was 11.2.1. Atty. Fisher began by stating that the surveyor made an honest mistake, a (3) lot subdivision was approved and each lot was classified as a building lot. Before Mr. Corbo purchased the lot, at 218 Wykeham Road he had a survey and site work done which found that the lot was under (3) acres. Mr. Corbo is seeking a variance for this parcel in order to build a single family home; he has attempted to purchase land from adjoining property owners to make the lot conforming. Mr. Corbo submitted a map with house, septic, and well location to show that there is room for everything, he states that he is 12/100ths of an acre short of the (3) acres. Mr. White noted that the parcel was never large enough, when approved as part of the subdivision it was too small, this is the mistake to be remedied. Mr. Snook asked if Mr. Corbo spoke with the owner of lot #67, Mr. Corbo sent the property owner a certified mailing. Atty. Fisher noted that this is not a self created hardship. But Mr. White countered the lot has always been 2.85 acres. Mr. Corbo interjected that everyone acted in good faith and Ms. Taylor the current owner has been paying property taxes on a building lot. Atty. Fisher asked Janet Hill, the Zoning

Enforcement Officer if the lot could be grandfathered; she stated that she could not issue a zoning permit for a non-conforming lot. Mr. White stated that it would be easy to add land to the parcel; it doesn't look like a hardship. Mr. Corbo said he has not been hurt yet but Ms. Taylor is the one to suffer, she's in a tough spot. Atty. Fisher added what's the harm, all the setbacks are OK. Mr. White asked again about neighbors transferring land. Atty. Fisher feels that they can't afford to give up any land. Mr. Corbo noted that this parcel has been valued as a legal subdivision lot for 20+ years. Mr. Catlin asked if the house would be for Mr. Corbo's personnel use, the answer was no it would not. Mr. Sedito asked about contacting the owner of lot #68, a 4+ acre piece, he also asked which (3) lots were the original subdivision. Mr. Corbo stated they were lot #65, 66 & 69. Atty. Fisher asked to keep the hearing opened so they could pursue lot #68, then they might not need a variance. Mr. White asked for comments from the public and further questions from members.

**MOTION: to continue ZBA-0322 Request of Corbo Associates, Inc., 218 Wykeham Road, for a variance from Zoning Regulations 11.1.2 (area of soil type), 11.3.2 (Acreage based on soil types), to qualify a lot as a building lot, was made by Mr. Sedito, seconded by Mr. Catlin, by a 5-0 vote.**

## **PUBLIC HEARING**

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, himself and alternate Mark Averill.

**ZBA-0323 Request of Andrew H. Rowan, 12 East Shore Road, for a variance from Zoning Regulations 17.4.a (increase the nonconformity of a nonconforming structure), 11.6.1.c (setback), for additions & dormer to existing home.** Andrew Rowan was present to represent his application. Ms. Leab read the applicant's letter into record. Mr. Rowan began by correcting the total increase in square footage as being 18 sq. ft. not 10 sq. ft. as stated in his letter. Mr. Rowan wants to frame the flat roof section and join the two foundations. At present the second story is listed as 2/3s of a second story, the proposed dormer will run from the chimney to the soffit and be inset 2'. Mr. Rowan wants to keep the classic lines of the house. Mr. White asked for comments from the public. Mr. Sedito verified that the second floor is used as a bedroom now and will continue the same use; Mr. Rowan added that he would be reducing the home from a (3) bedroom to a (1) bedroom. Mr. Rowan stated that you won't see much from the road because the house sits above grade. Mr. Catlin commented that there was not a lot coverage issue. There was discussion of the proposed special exception applications and it's implications in this application. Mr. Rowan feels that his hardships are found in the need to correct the foundation and accessing usable space. Mr. Sedito feels Mr. Rowan is upgrading an existing bedroom to current building code. Justin Primo commented from the audience that the (2) roofs on the back of the structure were built very poorly and need replacing, the existing foundation extends beyond the house, and without the proposed dormer the upstairs has limited usable space. Mr. Sedito noted that the footprint will not be increased.

**MOTION: to close ZBA-0323 Request of Andrew H. Rowan, 12 East Shore Road, for a variance from Zoning Regulations 17.4.a (increase the nonconformity of a nonconforming structure), 11.6.1.c (setback), for additions & dormer to existing home, was made by Ms. Leab, seconded by Mr. Sedito, by a 5-0 vote.**

Mr. Sedito is in favor of this variance because it addresses the building code issue with the upstairs bedroom, is not increasing the footprint and will be a great improvement to an ugly structure. Ms. Leab feels the board has done this before and agrees with the request. Mr. Snook and Mr. Averill are in favor of this variance. Mr. White agrees and feels this is a practical solution to the structural problems.

**MOTION: to approve ZBA-0323 Request of Andrew H. Rowan, 12 East Shore Road, for a variance from Zoning Regulations 17.4.a (increase the nonconformity of a nonconforming**

**structure), 11.6.1.c (setback), for additions & dormer to existing home, by a 5-0 vote.**

## **PUBLIC HEARING**

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, himself and alternate Georgia Middlebrook.

**ZBA-0324 Request of Robert Winston & John David Hunter, 92 Bee Brook Road, for a variance from Zoning Regulations 11.6.1.a (front yard setback), 11.5.2 (lot coverage), 17.4.a (increase the nonconformity of a nonconforming structure), for additions to existing building.** Atty. Robert L. Fisher, Jr., was present representing this application. Atty. Fisher stated that the lot size was 1.14 acres according to a map on file with the Town Clerk's office. From Route 47 the State of Connecticut has a taking line that runs to within 19'4" of the front of the building; this taking line runs from 75' to 42' into the property from the highway. This is a commercial building. The applicants want to add (2) French door triangles and a covered walkway to the entrance. Robert Winston owner/applicant came forward to explain that people need to see into his store, be visible from the road. Mr. White suggested large flat windows with lighting would help. Mr. Winston feels the proposed triangle windows will be less expensive and people will not see into the flat windows. There was discussion on the purpose of the large setback/taking line the state has along this section of the highway. Mr. Winston stated that the building would become a lovely entrance to Washington; the covered entranceway will be a handicapped access. Atty. Fisher feels that hardship can be found in the state ownership of land up to 19' from the front of the building, there is 9300-sq. ft. of unusable land between the applicant's property and the state highway. Mr. Winston thinks the building is about 40 years old; they will also be decreasing the mass by removing a second story section from the rear of the building and making the entire roof flat and squaring off the back corner of the building. Mr. White asked for public comment. Mr. Winston feels this property is unique because no other building is set so far back from the road. Mr. White did a site visit and feels that lighting would help. First Selectman Dick Sears commented that this is a gateway to Washington, there are fewer uglier buildings, and we need to be sensitive to the commercial issue. John David Hunter stated that they are making a design statement; the building will be wood stained sided. Valerie Friedman spoke as a resident of Washington asking the Zoning Board of Appeals to work within their guidelines. Atty. Fisher interjected that while looking through the Zoning Regulations front setback is 50' he wants to use the highway as opposed to the taking line and doesn't feel this will damage the Zoning setback. Mr. White asked about getting legal opinion on the interpretation on the state's taking line. Mr. Sedito commented that the coverage increase would be 2%. Mr. Winston went on to explain the changes to the loading dock and the squaring off of the rear part of the building. Teri McCabe, a neighbor feels the proposed changes will add to and greatly enhance a property that has been empty for 20+ years. Mr. Winston commented that the property has been well maintained during that 20+ years. Atty. Fisher stated that they will not be building on the state land and will not intrude on the 50' set back from the highway. Mr. Sedito asked about hardship. Atty. Fisher feels the size of the highway right-of-way (taking line) is a hardship. Mr. White asked if the applicants would request a variance for a modified plan, removing the triangle windows. The board will seek legal opinion on the taking line issue. The applicants and Atty. Fisher agreed.

**MOTION: to close ZBA-0324 Request of Robert Winston & John David Hunter, 92 Bee Brook Road, for a variance from Zoning Regulations 11.6.1.a (front yard setback), 11.5.2 (lot coverage), 17.4.a (increase the nonconformity of a nonconforming structure), for additions to existing building, was made by Mr. Sedito, seconded by Mr. Snook, by a 5-0 vote.**

Mr. Snook feels this is an interim solution that will allow the applicant to proceed while the board seeks legal opinion. Mr. Sedito struggles to find hardship, the building will be much nicer, the front entry way will be handicapped accessible, and he feels the modified requests are reasonable. Ms. Leab feels the

covered walkway is a safety issue as well as being handicapped accessible, they are removing volume by taking away the second story at the rear of the building and she has no problem with the applicants squaring off the building. Ms. Middlebrook is agreeable with the solution and modifications made to the application, the building will look nicer and a covered entranceway is practical. Mr. White agrees with the practicality of the entrance and squaring off of the building.

**MOTION: to approve ZBA-0324 Request of Robert Winston & John David Hunter, 92 Bee Brook Road, for a variance from Zoning Regulations 11.6.1.a (front yard setback), 11.5.2 (lot coverage), 17.4.a (increase the nonconformity of a nonconforming structure), for additions to existing building, with modifications to the original plans, deleting the (2) "bump out" French doors/triangles extending out from the building, by a 4-1 vote.**

**Ms. Leab, Mr. Sedito, Mr. Snook and Ms. Middlebrook voted to approve. Mr. White voted to deny.**

**MOTION: to accept the minutes of the October 16, 2003 meeting as submitted, was made by Ms. Leab, seconded by Mr. Catlin, by a 5-0 vote.**

**MOTION: to accept the 2004 meeting dates as submitted was made by Mr. Sedito, seconded by Ms. Leab, by a 5-0 vote.**

### **Other Business**

Election of chairman and vice-chairman were tabled until the December meeting.

Members discussed a memo they received from Barbara Johnson, the Assessor for the Town of Washington. Ms. Johnson's letter voiced concern with the new ZBA application request for property history, this information is often difficult for the applicant to research, and she has had several requests for assistance obtaining this information. This is not a function of the Assessor's office and she doesn't have the time to do it. Mr. White will check with Mike Ziska about the origin/need of this section of the application.

Mr. White shared a letter from James G. Kelly, Esq., recommending Ira W. Bloom Esq. as an individual who could provide excellent council to the land use commissions.

Members were also given the most recent draft of Zoning Regulation Section 17.5.a.

**MOTION: to adjourn was made at 9:40pm by a 5-0 vote.**

Submitted subject to approval,

Pamela L. Osborne, Secretary