

December 12, 2002

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

Alternates Present: Heman Averill, Georgia Middlebrook, Bruce Skoog

Guests: Ken Hall, Jonathon DeMichiel, Tom Farmen, Dorota Habib

The Chairman, Edmund White, opened the meeting at 7:30pm.

Mr. White opened the meeting by informing the members that election of Chairman and Vice-Chairman needed to take place before the January meeting. The following motion was made:

MOTION: to elect Edmund White as Chairman and to elect Reese Owens as Vice-Chairman was made by Ms. Roberts, seconded by Mr. Sedito, by a 5-0 vote.

Mr. White started with Agenda Item (4) to allow time for representatives from Item (3) to arrive.

PUBLIC HEARING

Mr. White seated Ms. Leab, Mr. Owens, Mr. Sedito, Ms. Roberts and himself.

ZBA-0227, Request of Ken & Pat Hall, 14 Cook Street, for a variance from Zoning Regulation 11.6.1. c (front yard setback), to install a pool. Ken Hall, owner of 14 Cook Street and Jonathon DeMichiel, a representative from Gregorio Pools, Spas & Skis, were present. Mr. White read the applicant's letter of request and a letter from neighbor Barbara B. Nye (this letter was brought in by Mr. Hall and added to the file). Mr. DeMichiel began by explaining that a new septic system had recently been installed and that the pool needed to be at least 25' away from the septic system. This would place the pool 35' from the 10' right-of-way on the Cook Street road side. Mr. Hall added that alternate locations were too far from the house and they were concerned with the safety issue of watching the children in the pool. Mr. DeMichiel described the pool as an in ground type which would have fencing and decking. Members asked about locating the pool further to the back of the property, Mr. Hall stated that there was a brook and woods located on that part of the property. Mr. Owens commented that the map presented was lacking in details. Mr. Owens also explained that a variance is granted on the condition of the sight and it is improper to grant a variance on a self-created hardship. The recent installation of the septic system created the front yard set back problem. Mr. Gregorio stated that the septic is located in the only place it could be installed. Mr. White asked about other potential sites where the pool could be located and conform to the Zoning Regulations. Mr. White asked about the area south of the septic. Mr. Hall stated that it would be too costly to extend the ditch for piping that far from the house. Members told Mr. Hall that financial hardship is not a consideration for a variance. Mr. White asked about the location of the pool equipment which also needs to conform to the Zoning Regulations and is considered a structure. Mr. Gregorio and Mr. Hall stated that the equipment would be located to meet set back requirements. Mr. Sedito questioned the location and measuring of the property line. Mr. Gregorio stated that the property line is located 10' from the road and they measured 35' in from the property line. Mr. White felt that the applicant could relocate the pool and be in compliance with Zoning Regulations. Mr. White asked members and the public for further questions and comments.

MOTION: to close the Public Hearing Re: ZBA-0227, Request of Ken & Pat Hall, 14 Cook Street, for a variance from Zoning Regulation 11.6.1. c (front yard setback), to install a pool, was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

MEETING

Ms. Roberts stated that she felt this was a self-created hardship and there was a legitimate location for the pool to be placed that would be conforming. Ms. Roberts also felt the map presented had rough sketches and was not to scale. Mr. Sedito agreed that a better map should have been presented and that there were other options for the location of the pool. Ms. Leab added that there was no real hardship. Mr. Owens had nothing to add. Mr. White felt that there was a way to situate the pool within the regulations.

MOTION: to deny ZBA-0227, Request of Ken & Pat Hall, 14 Cook Street, for a variance from Zoning Regulation 11.6.1. c (front yard setback), to install a pool, by a 5-0 vote.

PUBLIC HEARING - Continued from November 21, 2002

Mr. White seated Katharine Leab, Reese Owens, Polly Roberts, himself and Alternate Heman Averill.

ZBA-0226, Request of Rumsey Hall School, 201 Romford Road, for a variance from Zoning Regulations 12.1.3 (building within 200 feet of the Bantam River), to install a shed. Tom Farmen and Dorota Habib were present to represent this application. Mr. White and Mr. Owens have made a visit to the site of the shed. Mr. Farmen stated the reason for locating the shed where it is was that the dry well is located adjacent to the pumps and to keep it away from the children's traffic areas. Mr. White asked about relocating the pump and controls to the basement of the Fitch House. Ms. Habib stated that the basement of the Fitch House has a furnace, utilities and storage and that during the summer when this decision was made, about the shed, the Fitch House was fenced off for safety reasons during construction. Mr. White also asked about locating the shed further from the river in a spot off the manmade pond that would conform without violating any other regulations? Ms. Habib's concern is with safety, the high traffic near campus and the need to locate it away from the kids. Mr. Owens is concerned about protecting the "Greenway" corridor along the river and the problem with this being an after-the-fact application. Are there other viable locations, the contents of the shed could fit into a shed one third of the size. Mr. White agrees that the shed is now used as a pump house/storage shed. Mr. Farmen stated that they will do whatever the board asks of them to remedy this situation. Mr. White stated that the contractors need to know and follow the regulations. Ms. Middlebrook suggested installing a smaller shed and shielding it with shrubs. There was much discussion about other options such as locating it further from the river but closer to the pond, having a smaller shed that was camouflaged with shrubs, adding a shed/lean to off the back of the Fitch House. Mr. White asked Ms. Habib to research these other options and to stake the area for members to do a site visit next week. This public hearing was continued to the January 16th meeting.

MOTION: to continue the Public Hearing Re: ZBA-0226, Request of Rumsey Hall School, 201 Romford Road, for a variance from Zoning Regulations 12.1.3 (building within 200 feet of the Bantam River), to install a shed, was made by Ms. Roberts, seconded by Mr. Owens, by a 5-0 vote.

MOTION: to accept the minutes of the November 21, 2002 was made by Ms. Roberts, seconded by Mr. Sedito, by a 5-0 vote.

Other Business:

Mr. White informed members that the Zoning Board of Appeals was served a Summons in reference to ZBA-0221, Arnold J. Herrmann, Trustee. Mr. White stated that ZBA has retained Mike Zizka Esq. as council. There was brief discussion on the contents of the complaint.

Ms. Roberts asked members for input on the revised copy of the ZBA application. Mr. Owens asked that the back side of the form be reviewed for legal properness.

MOTION: to adjourn was made by Mr. Owens, seconded by Ms. Roberts, by a 5-0 vote at 8:55pm.

Submitted Subject to approval,

Pamela L. Osborne, Secretary