

October 17, 2002

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

Alternates Present: Heman Averill, Georgia Middlebrook, Bruce Skoog

Guests: James G. Kelly, Esq., David Kleinberg, Richard Rosiello, Rich Smith, Paul Graney, Andrew Johnson, Joseph Pullaro, Leah Pullaro, Stephen Lasar, Joel Johnson

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

PUBLIC HEARING - Continued from September 19, 2002

Mr. White seated Bradford Sedito, himself and alternates Heman Averill, Georgia Middlebrook, Bruce Skoog.

ZBA-0221, Request of Arnold J. Herrmann, Trustee, 316 Nettleton Hollow Road, for a variance from Zoning Regulations 11.6.1 (minimum yard setback), to construct a porch. James G. Kelly, Esq., acting as authorized agent for Arnold J. Herrmann, Trustee presented a photo exhibit of the construction site at 316 Nettleton Hollow Road, which showed the house at various different views (copies of the 8 pictures were added to the file). Atty. Kelly also introduced the following people David Kleinberg, Architect, Rich Rossiello of Kent Greenhouse landscapers, Rich Smith, project manager, and Paul Graney of Green Hill Restorations & Preservation Consulting. Atty Kelly gave a description of the photos presented. Mr. White asked Atty. Kelly if there had been any changes to the proposal from the September 19th meeting. Atty. Kelly replied that he was submitting additional information but no new plans. Mr. White asked for clarification on the question of encroachment on a town right-of-way. Atty. Kelly stated that the property line is the stonewall, Rich Smith and Mr. Kelly measured from the center of the highway which put the stonewall is at 21'. Mr. Smith also stated that the last section of fencing, furthest north, needs to be moved back because it is on the town right-of-way. Atty. Kelly read a letter written by Mr. Herrmann, Trustee of the Dune Trust which states that the intended use of the house is as a residence for Scott Rudin and that while remodeling his home he wants to provide natural privacy while preserving the history of the house. Mr. White commented on the difficulty members have when they receive lots of added information the night of the Public Hearing. Atty. Kelly stated that the information did not develop by plan but was a growing snowball of information that was intended to answer questions about of the project. Rich Smith project manager stressed the point of preservation of the street elevation of the finished construction and the desire of keeping the old style house. David Kleinberg presented a three dimensional model of the project house. Mr. Kleinberg started by stating that the historical house appealed to the owner he liked the "look" of a nice old house. The proposed porch would give some rational to the 1960's addition which is the master bedroom, will complete/balance the structure. They opted for the screened in porch as opposed to a solid structure to complete the roof line but not overwhelm the structure. An added advantage is the nice view out onto the property which is not now accessed. Mr. Kleinberg described the terrain in the rear of the property as well as the sunroom/sitting room addition. The 50' set back from the front property line runs along the rear of the 1960's wing. Atty. Kelly reminded members that the proposed porch will be used seasonally with no heating or plumbing. In attempting to prove that the variance is within the harmony and spirit of the overall regulations, Atty. Kelly referred to section, in the regulations on preserving historic structures and introduced Paul Graney, a member of the Historic Commission. Mr. Graney read his (four page) letter dated October 17, 2002. Mr. White clarified that Mr. Graney was not representing the Historic Commission and was in fact a hired consultant. Rich Rosiello, of Kent Greenhouse read his letter dated October 17, 2002. Mr. Rosiello addressed the issue of moving the proposed porch back and its impact on existing trees, view and the natural pathway. Mr. White questioned the reality of a "view to the pond". Mr. Rosiello stated that if the variance is granted trees will be removed/relocated and limbed up to

acquire a better view. In closing Mr. Kelly summarized and read from his three page letter reflecting the following opinions: discrepancy as to the street numbers of the property, combination of an adjoining lot, references to "hardship", references to the publication "Connecticut Land Use Regulation 2nd Edition" written by Terry J. Tondro. (additions to the file 8 photos and 4 letters) Atty. Kelly feels that the slope, location and history of the house uniquely applied to this land is making it difficult for the house to evolve, it is entirely within its own set back. They are not changing the use, but continuing a single family use. Atty. Kelly added that the entire south side of an existing barn is being removed and not replaced; this barn is also within the set back area so the addition of the screened porch is not expanding the footprint of the property in the set back, but simply moving it, in his opinion. Mr. White asked for comments from the public. Mr. White summarized the reasons for the location of the proposed addition were aesthetics, to finish a project, desire of property owner to have a private space, the view to the ponds and that the applicant has no desire to reduce or move the proposed porch.

MOTION: to close the Public Hearing Re: ZBA-0221, Request of Arnold J. Herrmann, Trustee, 316 Nettleton Hollow Road, for a variance from Zoning Regulations 11.6.1 (minimum yard setback), to construct a porch, was made by Mr. Sedito, seconded by Mr. Averill, by a 5-0 vote.

MEETING

Mr. White felt that in an effort to move the agenda along, to digest the added information and to give ZBA members a chance to visit the site a vote would be delayed till the November meeting. Members may contact Rich Smith, project supervisor to visit the site (Pam Osborne, secretary has his phone number).

PUBLIC HEARING

Mr. White seated Bradford Sedito, Polly Roberts, himself and alternates Heman Averill, Bruce Skoog.

ZBA-0222, Request of Nine Main Street Associates LLC, 9 Main Street, for a variance from Zoning Regulation 16.5.1 (set back from property line for a sign), to install a sign. Mr. Andrew Johnson was present representing Nine Main Street Associates. Mr. White read the applicants letter of request. Members took time to review sign regulations and establish the opportunities for displaying signs within the regulations. Mr. Johnson stated that the logical location for a sign is where you enter the property on Main Street. Mr. Johnson is proposing to hang a sign from the middle tree of three trees that are between the building and Main Street, which would put the edge of the sign 3' from the property line. People park along the road in front of the property and the sign needs to be high to be visible. They already have a sign on the back of the building. Pineman Sign is in charge of the signs and their size; they are familiar with town regulations. Mr. White stated that the ZBA has been tough with the sign issue in the Route 202 area and it seems that there are opportunities to display signs on the buildings. Mr. White also doesn't like the threat of the removal of the three trees if the variance is not granted. Have other options been explored, is this a last resort? Mr. White encouraged members to do a site visit.

MOTION: to continue the Public Hearing Re: ZBA-0222, Request of Nine Main Street Associates LLC, 9 Main Street, for a variance from Zoning Regulation 16.5.1 (set back from property line for a sign), to install a sign, was made by Ms. Roberts, seconded by Mr. Averill, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Reese Owens, Bradford Sedito, Polly Roberts, himself and alternate Bruce Skoog.

ZBA-0223, Request of Joseph and Leah Pullaro, 23 Calhoun Street, for a variance from Zoning Regulations 11.6.1.c (front and rear yard setbacks), 12.1.1 (no building other than a boathouse

shall be located within 50 feet of any body of water), 17.4.a (increasing the nonconformity of a non conforming building), to construct a two story addition. Mr. Joseph Pullaro and his architect Stephen Lasar were present. Leah Pullaro arrived mid way through the hearing. Mr. White read the applicants letter of request. Mr. Lasar explained that the addition would be built on the existing deck and house; they will be adding sono tubes. It will be a two-story addition on the back side of the house. No addition on the street side. The addition is 900 square feet, at present the Pullaros home is approximately 1600 square feet. Mr. Lasar had photos of the existing deck. Mr. Lasar stated that they had considered other locations off the north side to keep the addition away from the brook; this would be 1' from the property line. Ms. Pullaro stated that this would cut down the maneuverability for wheelchairs and Ms. Roberts added that it would put a lot more house right on the roadside. Ms. Pullaro explained that the main objective was to accommodate a handicapped child with a bedroom on the first floor and have the child feel comfortable and part of the family. They are planning ahead for handicap accessibility. Mr. White asked about two prior applications to ZBA for this property. Mr. Pullaro stated that the pool will not be built. Mr. White remembered that the other request was for a deck built to contain the children, Mrs. Pullaro stated that they now have a fenced in area for play. The property is just less than one acre. Mr. White asked for comments from the public. Mr. White stated that this is a tough spot right in the center of the Depot and members should do a site visit. Mr. Owens added that he is sure that everyone recognizes the good work the Pullaros are doing but that the hardship issue needs to be addressed and he feels the commission needs reasonable legal basis to issue a variance. Mr. Owens would like to get legal opinion.

MOTION: to close the Public Hearing Re: ZBA-0223, Request of Joseph and Leah Pullaro, 23 Calhoun Street, for a variance from Zoning Regulations 11.6.1.c (front and rear yard setbacks), 12.1.1 (no building other than a boathouse shall be located within 50 feet of any body of water), 17.4.a (increasing the nonconformity of a non conforming building), to construct a two story addition, was made and withdrawn by Mr. Sedito.

MOTION: to continue the Public Hearing Re: ZBA-0223, Request of Joseph and Leah Pullaro, 23 Calhoun Street, for a variance from Zoning Regulations 11.6.1.c (front and rear yard setbacks), 12.1.1 (no building other than a boathouse shall be located within 50 feet of any body of water), 17.4.a (increasing the nonconformity of a non conforming building), to construct a two story addition, was made by Ms. Roberts, seconded by Mr. Owens, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Reese Owens, Bradford Sedito, Polly Roberts, himself and alternate Georgia Middlebrook.

ZBA-0224, Request of Charles Eaton and Jesse Carroll, 284 West Shore Road, for a variance from Zoning Regulations 12.1.1 (setback from lake), 17.4.a (increase the non conformity of a non conforming building), to rebuild and enlarge a porch. Mr. Joel Johnson was present to represent the property owners. Mr. White read the letter of request. Mr. Johnson explained that the existing porch and deck are rotting, the existing porch is 9' wide and the existing deck, stairs and landing are 7' wide. The porch is presently 40'long and the deck is 20'long. They want to remove the existing deck, stairs and landing. The proposed porch would be 12'6" from the house with stairs off the front, the face of the porch will be 3' closer to the lake, the owners are looking for more usable porch space. Mr. Sedito asked if they had Inland Wetland approval, Mr. Johnson said approval was pending. The roof may have a slight pitch change. The proposed porch and steps will project 1' closer to the lake. Mr. Johnson stated that they are not increasing the lot coverage just reconfiguring it. Members discussed with Mr. Johnson the possibility of moving the steps to the side, accessing the lake from the side door at the patio, or recessing the steps into the porch. Mr. Johnson stated that they are trying to improve the view of the house from the lake.

Mr. Johnson also stated that there is an old patio to the side of the house that can be removed. Ms. Roberts is concerned about increasing encroachment to the lake. Mr. White is concerned about increasing the volume towards the lake. Mr. Johnson felt that he was at ZBA because of the addition on the corner of the old deck to fill in the proposed porch. Both Mr. Owens and Mr. White felt this was a misconception. There was clarification and discussion on this idea.

MOTION: to close the Public Hearing Re: ZBA-0224, Request of Charles Eaton and Jesse Carroll, 284 West Shore Road, for a variance from Zoning Regulations 12.1.1 (setback from lake), 17.4.a (increase the non conformity of a non conforming building), to rebuild and enlarge a porch, was made by Ms. Roberts, seconded by Mr. Owens, by a 5-0 vote.

MEETING

Ms. Roberts stated that there is no hardship and although a good case was presented as to why this was a better package as far as coverage is concerned it is not as far as volume goes. Mr. Sedito has mixed opinions, the stairs bother him. Mr. Owens feels the commission is obliged to look for uniqueness and hardship and as nice as the addition would be, there isn't a hardship and it isn't unique so it doesn't justify a variance. Ms. Middlebrook feels there truly is no hardship. Mr. White doesn't see the necessity for the expansion in the building mass.

MOTION: to deny : ZBA-0224, Request of Charles Eaton and Jesse Carroll, 284 West Shore Road, for a variance from Zoning Regulations 12.1.1 (setback from lake), 17.4.a (increase the non conformity of a non conforming building), to rebuild and enlarge a porch, by a 5-0 vote.

There was discussion on the definition of hardship.

MOTION: to accept the minutes of the September 19, 2002 meeting as submitted by Mr. Averill, seconded by Mr. Sedito, by a 5-0 vote.

Other Business:

Mr. White and Mr. Owens will do a write up on the meeting of October 10th with Atty. Zizka. They will also circulate their notes from the meeting they had on lot coverage with zoning members

Ms. Roberts continues to work on updating the ZBA application. She is working on a comfortable definition for hardship. Ms. Leab has collected six applications from various towns.

Mr. White reminded members to get their comments on the proposed amendments to Section 14 of the Zoning Regulations to Janet Hill.

MOTION: to adjourn was made by Mr. White, seconded by Ms. Roberts, by a 5-0 vote at 10:25pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary