

September 19, 2013

Present: Todd Catlin, Kathy Leab, Peter Bowman, Rod Wyant

Alternates: Todd Peterson, Chip Wildman, Joan Kaplan

Absent: Polly Roberts

Staff: Mike Ajello, Shelley White

Also Present: Mr. Studer, Architect, Mr. Harris, Mr. Rising, Ms. Forese, Ms. Alldredge, Mr. Kleinberg, Ms. Allen, Mr. Deperno, residents, press

Mr. Catlin, Vice-Chair, called the meeting to order at 7:30 pm.

Seated: Catlin, Leab, Bowman, Wyant, Peterson, Alt.

PUBLIC HEARING

Continued:

Seated: Catlin, Leab, Wyant, Bowman, Peterson, Alt.

ZBA – 0950 – Request of Harris, 193 West Shore Road, for Variance, Zoning Regulations 11.6.1 (Front, Side & Rear Setbacks), 11.5.1.a (Lot Coverage), 12.1.1 (Wetlands/Watercourse Setback), to build an 8x12 storage boat house.

Mr. Catlin stated that he listened to the recording of this public hearing from the August 15, 2013 meeting of the ZBA.

Mr. Harris, property owner, and Mr. Studer, Architect, were present to discuss the modifications to the proposed structure. Mr. Studer noted that even though they were calling the proposed structure a boat house it is really a storage shed.

Mr. Harris stated that they considered the ZBA's previous comments and have reduced the structure to 8'x10' and the lawn has been reduced to 830 sq. ft.

The commissioners looked at the proposed shed Cross Section portion of the drawing titled "Proposed Shed" prepared for Harris by Studer Design Associates, Inc. with revision date of August 20, 2013. Mr. Studer noted that the proposed lawn area has been reduced by 75% with plantings and gravel. The commissioners looked at the drawing titled "Proposed Storage Shed Elevations for Harris Residence" with a revision date of 8-16-13 sheet 2 of 2. Mr. Studer stated the shed was designed to be as functional as possible while reducing the profile. He noted that they are proposing to cut into the grade and create a retaining wall.

Mr. Catlin read the letter from the Lake Waramaug Association addressed to the ZBA dated 8-19-13 in which the association expresses their concerns that the ZBA would be setting a precedent if Mr. Harris's application is approved (on file in the Land Use Office).

Ms. Leab stated that in the ZBA "there is never precedent. Every piece of land is different."

Mr. Studer explained the land-based hardship is that the State Highway (West Shore Road) divides Mr. Harris's property and they feel a storage shed would prevent cluttering along the

lakeside. In addition, there is additional drainage that improves water quality of Lake Waramaug. He stated that they are asking for a variance on coverage, however, the coverage is not changing because they are eliminating some of the pervious surfaces on the house side of the parcel. Mr. Studer explained how the proposed design would reduce the rate of runoff and the plantings will act as a filter.

Mr. Harris stated that he is not in favor of putting a movable storage box and that and neighbors have expressed that they are fed up with all the clutter along lakeshore.

Mr. Studer noted that the roof runoff would fall to the gravel under the proposed shed, which is a certain depth and would allow the water to percolate into the soil. He and Mr. Harris confirmed that the existing foundation would be removed.

There was a brief discussion regarding the “quality of life” around the lake. Mr. Harris submitted pictures of the mock up of the proposed shed, as it would be seen from different locations.

There was a brief discussion regarding plantings.

Mr. Catlin asked for public comment.

Mr. Rising, neighbor, stated that he has the same concerns that he expressed at the last ZBA meeting in August and that he is not in favor of the proposed plan.

There was a brief discussion regarding zoning regulations and prefabricated structures.

There were no further comments.

Motion:

to close the Public Hearing for ZBA – 0950 – Request of Harris, 193 West Shore Road, for Variance, Zoning Regulations 11.6.1 (Front, Side & Rear Setbacks), 11.5.1.a (Lot Coverage), 12.1.1 (Wetlands/Watercourse Setback), to build an 8x10 storage shed, by Mr. Wyant, seconded by Ms. Leab, passed by 5-0 vote.

MEETING

Mr. Peterson stated that he is pleased that the size has been reduced from the original proposed plan, feels that the design is better than a prefabricated structure and is only slightly visible from the road when driving on West Shore Road toward the village.

Mr. Wyant feels that the applicant took the time to address the concerns of the commission as well as the neighbors and made the proposed structure less imposing. He stated that he supports the application.

Ms. Leab stated that the revised proposed plan is very well done but she is having trouble with the land-based hardship.

Mr. Bowman understands Ms. Leab’s concern about hardship but he thinks one could argue whether there is a hardship with any secondary structure but he feels that the proposed plan is as discreet as possible and is the best location on the site. He stated that he does not feel that it would have any negative impact on the lake and that the applicant has proposed plantings,

retaining wall and gravel that will buffer the lake from any runoff from the road. He noted that it is also, in his opinion, preferable to have a place to store equipment rather than scattered along the shoreline and he supports this application.

Mr. Catlin stated that he does not have an issue with this proposed plan and is very sensitive to the fact that the ZBA has been tough on the lake but he feels that this is a reasonable use of property. He noted that the shed is attractive and the applicant has made an effort to increase the drainage and permeability of runoff to insure the water quality of the lake. He feels that it doesn't block the view of the lake and is a thoughtful, modest design. Mr. Catlin stated that the parcel is tricky as it is dissected by a State road. He asked the applicant to consider not using fertilizers on the lawn and stated that he was in favor of this application.

There were no further comments.

Motion:

to approve ZBA – 0950 – Request of Harris, 193 West Shore Road, for Variance, Zoning Regulations 11.6.1 (Front, Side & Rear Setbacks), 11.5.1.a (Lot Coverage), 12.1.1(Wetlands/Watercourse Setback), to build an 8x10 storage shed as per drawings titled “Proposed Shed”& “Planting Plan” (sheet LA-2) prepared for Harris by Studer Design Associates, Inc. with revision date of August 20, 2013 and all other pertinent documents in the file, by Mr. Wyant, seconded by Ms. Leab, passed by 5-0 vote.

PUBLIC HEARING

Continued

Seated: Roberts, Leab, Wyant, Bowman, Wildman, Alt.

ZBA –0951 – Request of Beck, 3 Perkins Road, for Variance, Zoning Regulations 11.6.1(Yard Setbacks), 12.1.1.b (Wetlands/Watercourse Setback), 11.5.1.a (Lot Coverage), 17.4(Non-conforming Structures) to renovate existing boat house.

Motion:

to continue the Public Hearing for ZBA-0951 – Request of Beck, 3 Perkins Road, for Variance, Zoning Regulations 11.6.1 (Setbacks), 12.1.1.b (Wetlands Watercourse Setback), 15.5.1.a (Lot Coverage), 17.4 (Non-Conforming Structure) to renovate existing boat house, by Mr. Wyant, seconded by Ms. Leab, passed by 5-0 vote.

PUBLIC HEARING

Seated: Catlin, Leab, Wyant, Bowman, Wildman, Alt.

ZBA –0952– Request of Forese (Sam Gold, LLC), 298 West Shore Road, for Variance, Zoning Regulations 11.6.1 (Setbacks), 12.14.3 (Noise Generating Equip.), to install a generator more than 25 ft. from building principally served.

Ms. Forese was present to represent the property owners of 298 West Shore Road for this application. Ms. Forese stated that the proposed location for the generator is further than 25 feet from the main dwelling and feels that it would be safer in the proposed location than the previous

location that was up against the house because of carbon monoxide emissions.

The commissioners looked at the drawing titled "Landscape Plan Lot Coverage & Permeable Terrace Walkways" prepared for Shapiro by Tittmann Design and Consulting with revision date of 5-16-13, drawing # SITE.01.

Ms. Alldredge, neighbor, read a statement (on file in the Land Use) supporting the newly proposed location and requesting that the generator does not vent in the direction of her property.

The commissioners looked at the specification sheet for the generator.

Motion:

to close the Public Hearing for ZBA –0952– Request of Forese (Sam Gold, LLC), 298 West Shore Road, for Variance, Zoning Regulations 11.6.1 (Setbacks), 12.14.3 (Noise Generating Equip.), to install a generator more than 25 ft. from building principally served, by Mr. Wyant, seconded by Mr. Bowman, passed by 5-0 vote.

MEETING

Ms. Leab stated that she does not have a problem with the proposed location of the generator. She feels it would be a better location and is pleased that the neighbors have approved the new location and she is in favor of this application.

Mr. Wildman and Mr. Bowman agree with Ms. Leab's comments and are in favor of this application

Mr. Wyant agrees with the other commissioners and is satisfied that the neighbors are happy with the newly proposed location of the generator.

Mr. Catlin stated that he does not have a problem with this newly proposed location but he feels that if this application is approved it should be contingent upon Ms. Forese bringing in the certified mail receipts for the neighbor notifications into the Land Use Office for the record.

Motion:

ZBA –0952– Request of Forese (Sam Gold, LLC), 298 West Shore Road, for Variance, Zoning Regulations 11.6.1 (Setbacks), 12.14.3 (Noise Generating Equip.), with the condition that all certified mail receipts for neighbor notifications are submitted to the Land Use Office, to install a generator more than 25 ft. from building principally served as per location indicated by hand on map titled "Landscape Plan Lot Coverage & Permeable Terrace Walkways" prepared for Shapiro by Tittmann Design and Consulting with revision date of 5-16-13, drawing # SITE.01 and all other pertinent documents in the file, by Mr. Wyant, seconded by Mr. Bowman, passed by 5-0 vote.

PUBLIC HEARING

Seated: Catlin, Leab, Wyant, Bowman, Kaplan, Alt.

ZBA –0953– Request of Deperno, 63 Wykeham Road, for Variance, Zoning Regulations 11.6.1 (Setbacks), 17.4.a (Nonconforming Structure), to add dormer.

Mr. Deperno was present to discuss his proposed plan to construct a dormer on his existing house. Ms. White read the section of the Inland Wetlands Commission Meeting Minutes of

September 11, 2013 regarding Deperno/63 Wykeham Road/#IW-13-31/Construct Dormer, which states “the Commission had no problem with the application and would approve it, but by state statute could not act on it for fourteen days.”

Mr. Deperno stated that there is a stairway up to the attic that has a low ceiling and does not comply with the Building Code and he would like to construct a dormer to meet the Building Code and to improve accessibility to the attic.

The commissioners briefly discussed Zoning Regulations regarding Special Exceptions and Variances.

Mr. Deperno stated that the land-based hardship is that the existing house is sited very close to the road and there are wetlands in the back. He noted that the proposed dormer does not go up to the existing ridgeline of the roof.

The commissioners looked at photographs of the property.

The commissioners looked at the hand drawn proposed location on the map titled “Property/Boundary Survey,” prepared for Michael Deperno, by T. Michael Alex, dated September 2013 as well as the drawing labeled “Proposed Side Elevation” and “Proposed Front Elevation.” They discussed the dimensions of the proposed dormer.

Motion:

to close the Public Hearing for ZBA –0953– Request of Deperno, 63 Wykeham Road, for Variance, Zoning Regulations 11.6.1 (Setbacks), 17.4.a (Nonconforming Structure), to add dormer,
by Ms. Leab, seconded by Ms. Kaplan, passed by 5-0 vote.

MEETING

Ms. Kaplan stated that she appreciates the attention and work Mr. Deperno is putting into this old house.

Ms. Leab stated that she understands the need for the dormer and is in favor of this application.

Mr. Bowman, Mr. Catlin and Mr. Wyant agree with the other commissioners and are in favor of this application.

There were no further comments.

Motion:

to approve ZBA –0953– Request of Deperno, 63 Wykeham Road, for Variance, Zoning Regulations 11.6.1 (Setbacks), 17.4.a (Nonconforming Structure), to add dormer, per hand drawn location on map titled “Property/Boundary Survey,” prepared for Michael Deperno, by T. Michael Alex, dated September 2013 and other pertinent documents in the file,
by Ms. Leab, seconded by Mr. Wyant, passed by 5-0 vote.

OTHER BUSINESS

Consideration of the Minutes:

The Commission considered the Minutes of the August 15, 2013 regular Meeting of the Zoning Board of Appeals.

Corrections:

1st pg. Under Seated should say: Roberts, Bowman, Leab, Wyant Peterson, Alt.

Motion:

to approve the Zoning Board of Appeals Regular Meeting Minutes of August 15, 2013 as amended,

by Mr. Wyant, seconded by Mr. Bowman, passed by 5-0 vote.

Adjournment:

Motion:

to adjourn at 8:45 pm, by Mr. Wyant, seconded by Mr. Wildman, passed by 5-0 vote

Mr. Catlin adjourned the meeting.

Submitted Subject to Approval,
Shelley White, Land Use Clerk