

# April 21, 2011

**Present:** Polly Roberts, Randolph Snook, Todd Catlin, Peter Bowman, Kathy Leab

**Alternates:** Roderick Wyant III, Todd Peterson

**Staff:** Shelley White, Mike Ajello

**Guests:** Lawrence Washington, Joe Abdella, Dirk Sabin , Landscape Architect, John Moisan

Chairman Polly Roberts called the meeting to order at 7:30 pm.

## **PUBLIC HEARING, Continued**

Seated: Polly Roberts, Peter Bowman, Todd Catlin, Rod Wyant, Alt., Todd Peterson, Alt.

ZBA-0885 – Request of King, 153 Lower Church Hill Road, for Special Exception, Zoning Regulation(s) 12.14(Noise Generating Equipment), to install generator in barn.

Ms. Roberts stated that Mr. Snook, Mr. Catlin, Mr. Peterson and Mr. Wyant visited the site on Wednesday, March 30 at 6pm at 153 Lower Church Hill Road to hear the generator running with the windows and doors to the barn open. It was noted that Mr. L. Washington, Mr. C. Washington, and Ms. Itkin were also present and there was no discussion of the application at the site. Ms. Roberts stated that the generator has been housed in it's own room within the barn and that Ms. Itkin, neighboring property owner, told her it sounded much quieter. Mr. Snook stated that he measured the decibel level at different areas along the property line as well as within the neighboring property. He stated that he feels that the applicant has met all the requirements, has addressed the concerns of their neighbor and has done everything to mitigate the noise level so he would not have any problems approving this application based on what he heard and saw at the site. Mr. Catlin stated that he walked around the neighbor's property and feels that as long as the generator stays within its sound enclosure that he does not see anything wrong with the location of the generator. He asked if it would be necessary to make the approval contingent on the sound enclosure. Mr. Ajello stated that the Zoning Permit will specify the sound enclosure for the generator and will be on file. Mr. Wyant stated that the weekly testing of the generator should occur during daytime hours. Mr. Peterson stated that he walked around the neighboring property and he feels that the applicant has made an effort to improve the sound impact on the neighboring property. Mr. Washington submitted a letter from Sound Engineering Services, dated March 31, 2011 (on file in the Land Use Office), which states that the overall sound level at one foot beyond the property line closest to the generator enclosure was measured at 48.70 dBA. Mr. Washington stated that he would check that the generator testing is done during daylight hours.

Motion:

to close ZBA-0885 – Request of King, 153 Lower Church Hill Road, for Special Exception, Zoning Regulation(s) 12.14(Noise Generating Equipment), to install generator in barn,  
by Ms. Roberts, seconded by Mr. Catlin, by 5-0 vote.

## **MEETING**

There were no further questions or comments from the Commissioners.

Motion:

to approve 0885 – Request of King, 153 Lower Church Hill Road, for Special Exception, Zoning Regulation(s) 12.14(Noise Generating Equipment), to install generator in barn,  
by Ms. Roberts, passed by 5-0 vote.

## PUBLIC HEARING

Seated: Polly Roberts, Kathy Leab, Peter Bowman, Todd Catlin, Randy Snook

ZBA-0888- Request of J. Abdella, 2 Anna Jay Lane, for Special Exception, Zoning Regulation(s) 17.5 (Increasing Non Conformity), to raise the roof go garage to create laundry and closet area, enclose 2/3 of rear deck to create family room, expand front porch roof & deck to 32'.

Mr. Abdella, property owner, was present to present this application. Mr. Abdella and the Commissioners looked at the Zoning Location Survey prepared for Joseph J. III & Shelly L. Abdella, #2 Anna Jay Lane, by Linwood R. Gee & Son, dated June 16, 2010. Mr. Abdella stated that his property is non conforming because it has 90 feet of frontage and is therefore an interior lot. There was a brief discussion regarding lot coverage and it was the consensus of the Commission that lot coverage was not an issue. The Commission looked at the elevation drawings titled Existing/Proposed 1st Floor Plan, Existing/Proposed 2nd Floor Plan, Existing/Proposed Front Elevations, Existing/Proposed North and South Elevations and Existing/Proposed Rear Elevations, sheets A1-A4, for the Abdella Residence, by Wesley H. Quigley III Architecture and Design, dated March 17, 2011. The Commission looked at the Existing/Proposed 2nd Floor Plan and briefly discussed the size of the proposed laundry, closet area. Mr. Abdella stated that the house was completely remodeled in 2005 and that all required permits were issued. The Commission looked at the Existing/Proposed 1st Floor Plan. Mr. Abdella stated that 2/3 of the existing deck would be enclosed and insulated and used as a family room and a staircase would be added to the remaining deck. He stated that the area under the proposed family room (previous deck) has a gravel floor and would be used to store outdoor equipment. Mr. Bowman asked if the house has a walk up attic and if it was being used. Mr. Abdella confirmed that there is a walk up attic and it is empty. There was a brief discussion regarding the proposed solar panels. Ms. Roberts noted that the Location Survey does not indicate a measurement for the proposed deck stairs to the side property line. A measurement of 34' was drawn in by hand on the Land Survey and initialed by Mr. Abdella. There were no further questions or comments.

Motion:

to close ZBA-0888- Request of J. Abdella, 2 Anna Jay Lane, for Special Exception, Zoning Regulation(s) 17.5 (Increasing Non Conformity), to raise the roof go garage to create laundry and closet area, enclose 2/3 of rear deck to create family room, expand front porch roof & deck to 32', by Mr. Catlin, seconded by Mr. Snook, by 5-0 vote.

## MEETING

Mr. Snook commented on the excellent quality of the drawings and information that Mr. Abdella provided with his application and stated that it was very helpful. Mr. Catlin read the requirements of a Special Exception in the Section 17.5.C. 1 and 2 of the Zoning Regulations and stated that he feels that this application meets the requirements and he is in favor of this application. Mr. Bowman stated that he was not sure about the large size of the proposed laundry/closet area and he feels that the extended front porch would crowd Anna Jay Lane. He stated that he was fine with the proposed family room and the laundry/closet area even though it seems a bit large. Ms. Leab stated that she agrees that the laundry/closet area is large and she is fine with the proposed expansion of the front porch and the family room. Mr. Snook stated that he feels that these changes are necessary for a growing family in a small house and that the full-length front porch would not encroach on the road, as it is flush to the front of the house. Ms. Roberts agreed with Mr. Catlin that these proposed changes meet the requirements of a Special Exception. She stated that the size of the laundry/closet area stays within the existing footprint of the garage and the front porch would not encroach further in to the front of the property than the existing stoop. There were no further comments.

Motion:

to approve ZBA-0888- Request of J. Abdella, 2 Anna Jay Lane, for Special Exception, Zoning Regulation(s) 17.5 (Increasing Non Conformity), to raise the roof go garage to create laundry and closet area, enclose 2/3 of rear deck to create family room, expand front porch roof & deck to 32', passed by 5-0 vote.

## **PUBLIC HEARING**

Seated: Polly Roberts, Randy Snook, Todd Catlin, Peter Bowman, Kathy Leab

ZBA-0889-Request of J. Rosen, 304 Nettleton Hollow Road, for Variance, Zoning Regulation(s) 12.1.1 (Wetland and Watercourse Setback) to complete construction of gatehouse and driveway.

Mr. Sabin, Landscape Architect was present to represent the Rosens for this application. Mr. Sabin and the Commission looked at the Property/Boundary Survey prepared for James Rosen Et Al, by Michael Alex, dated April 2005, with hand drawn Site Plan, showing gatehouse and Adjacent Abutments at the Sprain Brook Crossing, L-1, dated 3-22-11, by D. Sabin. Mr. Sabin stated that the proposed plan received Inland Wetlands Approval and his clients are asking the Z.B.A. for relief of the 50' setback from the Spain Brook. He stated that the property owner would like the 8' x 8' gatehouse for an occasionally employed security person and that the majority of the time the gate will have a security camera and operated automatically. Mr. Sabin stated that the existing concrete bridge was installed approximately around the year 2000. He explained the topography of the site and stated that the proposed location of the gatehouse would be the least obtrusive and the most sensible because of the topography and that the land-based hardship was topographical. The Commission and Mr. Sabin looked at the drawings titled Gatehouse @ Stonebrook Estate prepared for Jim Rosen c/o Stonebrook Estate LLC, L-2, dated 3-22-11, by D. Sabin. Sheet L-2 includes North, South and East Elevations and a Plan View of the proposed gatehouse and existing bridge. Mr. Sabin stated that the property owner stopped building the gatehouse when he was notified that it was not in compliance and that approximately 7 feet of the height of the square 8'2" structure has been constructed and the proposed plan would add another 3-4 feet in height to complete the construction of the gatehouse. He stated that the gatehouse is resting on the concrete abutments of the wing walls of the bridge. Mr. Sabin stated that Brian Neff, Engineer was hired for the Inland Wetlands Commission Application for this property to work on a storm water capacity computation of the bridge and he determined that there would be no significant impact. Mr. Catlin asked Mr. Sabin to explain the land-based hardship for this application. Mr. Sabin stated that the hardship was topographic and wetlands related. There was a brief discussion regarding the placement of the gate and security. Mr. Sabin stated that the property is very steep and that the most level areas are at the Sprain Brook and the entrance from the driveway to Nettleton Hollow Road. The Commission discussed the appropriateness of the location. Mr. Catlin asked if any of the neighbors responded to the notice. Ms. White stated that two out of five return receipt cards were returned. Mr. Sabin stated that he had heard from one of the neighbors that did not respond and that this neighbor expressed that he does not have any issues with the gatehouse. Mr. John Moisan was present representing Rock Creek Corp., an abutting neighbor. Mr. Moisan looked at the Site Plan. Mr. Moisan stated that the gatehouse is mostly built and is not visible from the road. The Commission agreed that they had no problem with the gates but did not favor the gatehouse. Mr. Sabin stated that the gatehouse would house the electric for the gate, security camera and screen. There were no further questions or comments.

Motion:

to close ZBA-0889-Request of J. Rosen, 304 Nettleton Hollow Road, for Variance, Zoning Regulation(s) 12.1.1 (Wetland and Watercourse Setback) to complete construction of gatehouse and driveway, by Mr. Snook, seconded by Mr. Catlin, by 5-0 vote.

## **MEETING**

Ms. Leab stated that she did not feel that there was a land-based hardship for this application. Mr. Bowman stated that he was okay with the gate but not the gatehouse. Mr. Catlin stated that he does not find a hardship for the gatehouse and questioned why it could not be placed elsewhere in a conforming location on the property. Mr. Snook stated that he did not have a problem with the gatehouse but he does not find a hardship. Ms. Roberts stated that she agreed with the other Commissioners regarding the gatehouse and has no problem with the location of the bridge and gate.

Motion:

to deny ZBA-0889-Request of J. Rosen, 304 Nettleton Hollow Road, for Variance, Zoning Regulation(s) 12.1.1 (Wetland and Watercourse Setback) to complete construction of gatehouse and driveway, by 5-0 vote.

## **PUBLIC HEARING**

ZBA-0890 - Request of Johnson/Solomon, 29 Painter Ridge Road, for Special Exception, Zoning Regulation(s) 12.14(Noise Generating Equipment), to relocate pool equipment 75' from pool.

The applicant withdrew this application. Ms. White read a letter of withdrawal from Stephen Lasar Architects to the T.O.W. Zoning Board of Appeals, dated April 15, 2011 Re: 29 Painter Ridge Road.

## **Consideration of Minutes**

The minutes of March 17, 2011 were considered.

Motion:

to approve the minutes of the March 17, 2011 regular meeting of the Washington Zoning Board of Appeals as submitted,  
by Mr. Catlin, seconded by Ms. Roberts, by 5-0 vote.

## **Other Business/Discretion of the Chair**

Ms. Roberts stated that she believes the First Congregational Church would be coming back to Z.B.A. with a different plan.

Mr. Catlin stated that the White/Jacobson matter was back in court.

Motion: to adjourn at 9:47 pm, by Ms. Roberts, seconded by Ms. Catlin.

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,  
Shelley White, Land Use Clerk