

June 21, 2012

Present: Polly Roberts, Todd Catlin, Rod Wyant, Kathy Leab

Alternates: Chip Wildman, Todd Peterson

Absent: Peter Bowman, Joan Kaplan, Alt.

Staff: Shelley White, Mike Ajello

Also Present: Mr. Kahlstrom, Mr. Provey, Mr. & Mrs. Carrier, Ms. Dana, Architect, Mr. Andrasen Architect, Mr. Neff, Engineer, Mr. Wilson

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

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

PUBLIC HEARING

ZBA-0920 – Request of Whitson, 73 West Shore Road for Variance, Zoning Regulation(s) 11.6.1 (Front Yard Setback), for installation of a generator.

Mr. Kahlstrom was present to represent Mr. Whitson for this application. He stated that Mr. Whitson is elderly and has special medical needs and would like to install a generator to run his house and medical equipment during a power outage. He stated that the property is pre-existing non conforming and is challenging because of the slope and size of the lot. Mr. Kahlstrom stated that the proposed generator would be located within 25 ft. of the structure principally served but because of the slope it could not be located further from the front setback. He stated that the propane tanks would be accessible from the driveway. Ms. White stated that the State of Connecticut Department of Transportation submitted an acknowledgement of the proposed generator and its location and that they do not have any objections to it.

Mr. Catlin asked how large the generator would be and if a spec sheet was submitted. Mr. Kahlstrom stated that Mr. Gleason would be installing the unit, which is a 14KW Kohler, self-contained unit that is approximately 5' x 4' and would require two propane cylinders that must be no less than 10 feet away from the unit. Ms. Roberts stated that those cylinders would be closer to the driveway. She asked Mr. Kahlstrom to confirm that the generator would be 11 feet from the house and 25' from the retaining wall. Mr. Kahlstrom stated that it would be 25' from the edge of the road. The Commission asked if there was a more legible drawing of the property showing the proposed location of the generator and that it would be necessary to have a better copy for the record. The Commission, Mr. Ajello and Mr. Kahlstrom discussed the State right-of-way.

Mr. Kahlstrom stated that he would be able to provide a more detailed legible drawing of the property to the Commission that would include the measurement from the front of the generator to the middle of the road and the north side of the generator to the north corner of house and a copy of the spec sheet for the generator.

There were no further questions or comments.

Motion:

to continue ZBA-0920 – Request of Whitson, 73 West Shore Road for Variance, Zoning Regulation(s) 11.6.1 (Front Yard Setback), for installation of a generator,

by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

PUBLIC HEARING

Seated: Polly Roberts, Todd Catlin, Rod Wyant, Kathy Leab, Todd Peterson, Alt.

ZBA-0921 – Request of Carrier, 19 New Preston Hill for Variance, Zoning Regulation(s) 11.6.1 (Front Yard Setback), for an addition to front of single family dwelling.

Mr. Provey and Mr. & Mrs. Carrier were present to discuss this application. Mr. Provey stated that the Carriers were granted a Special Exception in February of this year for a partial tear down and rebuild of their home but they have decreased and simplified the plan, and are now asking for a variance because the lot is considered an interior lot and the setbacks are greater. The Commission looked at the drawing titled Option 2 Basement/Office Foundation Plan. Mr. Provey stated that the crosshatched area on the drawing is the 105 sq. ft. section of the proposed addition that would be within the front yard setback. The Commission looked at the drawings titled Proposed Addition East Elevation and North Elevation, designed by Roger Provey, dated 5-20-12 and compared them to the drawing titled North Elevation, Option 4, Preliminary Design by Roger Provey, dated 1-19-12 from the previously approved Special Exception application ZBA-0914. Mr. Provey stated that the footprint of the proposed addition would basically remain the same as what exists now with the exception of the entry porch. He stated that they are asking for a variance of approximately 26 feet, which does not include the front porch that has been relocated to the right of the front of the structure and has become more conforming at this proposed location.

Mr. Catlin asked why this was not a Special Exception. Mr. Carrier discussed issues that he had financing a partial tear down and rebuild. Mr. Provey stated that the reason they requested a special exception with the first proposed plan was because it was a modest modification of an existing structure and he decided that applying for a variance was the right approach for this proposed plan because they need a variance from the front setback for a portion of the building that is within the front setback.

The Commission and Mr. Provey discussed the change in the roofline and the volumetric increase of the addition. Mr. Provey stated that the roofline would change but the footprint would remain the same. He drew a cross hatched section on the map titled Property/Boundary Survey, prepared for Randall and Nancy Carrier, dated December 2011 indicating the change in the roofline and initialed the change.

There were no further questions or comments.

Motion:

to close ZBA-0921 – Request of Carrier, 19 New Preston Hill for Variance, Zoning Regulation(s) 11.6.1 (Front Yard Setback), for an addition to front of single family dwelling,
by Mr. Catlin, seconded by Mr. Wyant, passed by 5-0 vote.

MEETING

Mr. Wyant stated that he was glad that the applicants came back to the Commission with their changes and that he feels this is a very modest change and he supports this application. Mr. Catlin stated that this is a modest change and the land-based hardship is that this is a legal non-conforming interior building lot and is constrained by the interior lot stricter setbacks. Ms. Leab

stated that this is a modest increase and the hardship is obvious. Mr. Peterson stated that this is a modest plan and alleviates the issue of small living space in an effective way. Ms. Roberts stated that she agrees with the other Commissioners.

Motion:

to approve ZBA-0921 – Request of Carriera, 19 New Preston Hill for Variance, Zoning Regulation(s) 11.6.1 (Front Yard Setback), for an addition to front of single family dwelling, which voids the previously granted Special Exception ZBA-0914, passed by 5-0 vote.

PUBLIC HEARING

ZBA-0922 – Request of Ingrassia, 143 East Shore Road for Variance, Zoning Regulation(s) 11.5.1(Increase in Lot Coverage), 17.4(Increasing Nonconformity), 11.6.1(Minimum Setback), 12.1.1(Wetlands & Watercourse Setback) to construct a wood deck and extend stone wall.

Ms. Dana from Platt Dana Architects, Mr. Andrasen and Mr. Neff, Engineer were present to represent the property owners and present this application. Ms. Dana showed the Commission the proposed deck on the 3-D model of the property and the drawing titled Site Construction for Ingrassia Lake House by Ben Young Landscape Architect, sheet L-1, dated 5-16-2012. Mr. Andrasen stated that the plan shows the proposed wood deck with three built in square planters. Ms. Dana stated that the previously approved plan proposed a grass area at this location and that they are proposing to extend the existing lower retaining wall that is to be rebuilt. She stated that the previously granted variance proposed staggered stone steps and they are now proposing a more uniform set of stone steps. Ms. Dana stated that the more they thought about the previously approved plan the more they realized that the area between the two main structures would get wet and muddy and a 6-8 inch gravel filtration system with a deck resting on the filtration system would alleviate this issue. Ms. Roberts asked what the proposed lot coverage would be. Ms. Dana stated that the present existing lot coverage calculation is 28.1%, the plan that was approved in March of this year was calculated at 21.5% (21.48%) lot coverage and this proposed plan that includes a 600 sq. ft. pervious deck has a 30% (29.96 %) lot coverage calculation.

Mr. Catlin asked if the representatives could address the land-based hardship for the variance request. Ms. Dana stated that they feel it is a better design, it would improve drainage and would be better for the lake and the property to have an effective filtration system. Mr. Catlin stated that the Commissioners were pleased with the previously granted various because it decreased issues of non-conformity and the lot coverage was reduced to 21.5%. He stated that he is struggling with this request for an increase in lot coverage. Ms. Roberts asked if other methods, such as large paving stones, were or could be considered. Ms. Dana, Mr. Andrasen and the Commissioners discussed other options that were considered. Mr. Neff stated that the gravel filtration system would produce a much slower run off rate and it would be a plus regarding the quality of lake water.

The Commissioners looked at the planting plan titled Planting Plan prepared for Ingrassia Lake House by Ben Young Landscape Architect, sheet L-1, dated 1-3-2011 from the previously granted variance application and compared it to the drawing titled Planting Plan prepared for Ingrassia Lake House by Ben Young Landscape Architect, sheet L-2, dated 5-16-2012. Mr. Ajello discussed the ambiguity in the Zoning Regulations concerning patios and questions “when does a walkway become a patio?” He discussed in what circumstances these walkways and patios could and could not be counted in the lot coverage calculation. He stated that the Zoning Regulations state

that all patios are to be included in lot coverage calculations.

Mr. Wilson was present to represent Mr. Bernbaum, an adjoining property owner, and stated that he feels the most decks allow water to go through and that they are considered a structure and should count as lot coverage.

Mr. Wildman asked about the exterior fireplace that was not on the previously approved plans and was not included in this application but is indicated on the plans.

Ms. Dana stated that they did not intend to leave the fireplace out of this request. Mr. Catlin asked if it was possible to install a chimney that is shorter than the wall behind it. Ms. Dana stated that building code requires that it is 10 feet away from any structure but they need to clarify the height requirements. Mr. Andrasen stated that the fireplace was included in the lot coverage calculation for this application.

Ms. Dana stated that they did shift the walls in the upper level of the main structures to include a balcony but it stays within the approved footprint of the structure. There was a brief discussion as to whether this should have been included in this application and publicly noticed. It was the consensus of the Commission that it did not need to be included in this application.

Mr. Neff stated that the Inland Wetlands Commission approved the previous plan and the scope of this plan is the same. The Commission questioned whether this proposed plan should be presented to the Inland Wetlands Commission. Mr. Neff stated that he did not feel that it was not necessary. Mr. Catlin read a letter dated June 21, 2012, addressed to Atty. Kelly from Mr. Neff with the attached minutes of the 2-8-12 Washington Inland Wetlands Commission Meeting along with the motion of approval to demolish, rebuild dwelling and accessory building and install septic system at 143 East Shore Road. Mr. Neff states in his letter that the IWC specifically approved the "Soil Erosion & Sediment Control Plan." Mr. Catlin read this letter into the record (on file in the Land Use Office).

Mr. Ajello stated that he feels the fireplace should have been noticed and that the septic system needs a variance for the setback from the lake. He stated that this proposed plan would have to be presented to the Inland Wetlands Commission as a revision to what has already been approved. Ms. Dana and Mr. Andrasen stated that they believed that the approval of the septic system was included in the ZBA approval in March for ZBA-0913.

The Commission discussed the options that the applicant has to withdraw the application, continue the public hearing or have the Zoning Board of Appeals vote on this application tonight.

Ms. Dana requested a continuance of the public hearing to clarify some of the issues discussed tonight.

Motion:

to continue ZBA-0922 – Request of Ingrassia, 143 East Shore Road for Variance, Zoning Regulation(s) 11.5.1(Increase in Lot Coverage), 17.4(Increasing Nonconformity), 11.6.1(Minimum Setback), 12.1.1(Wetlands & Watercourse Setback) to construct a wood deck and extend stone wall,

by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

Consideration of the Minutes:

The Commission will consider the Minutes of the May 10, 2012 regular meeting of the Zoning Board of Appeals at the July 19, 2012 regular meeting.

Adjournment

Motion:

to adjourn at 9:03 pm, by Ms. Roberts seconded by Mr. Catlin.

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,
Shelley White, Land Use Clerk