

November 17, 2011

Present: Polly Roberts, Todd Catlin, Peter Bowman, **Alternates:** Roderick Wyant III, Todd Peterson **Staff:** Shelley White, Mike Ajello **Also Present:** Atty. Coploff, Ms. Smith, Mr. DeMotte, Architect, Mr. M. Caroe, Mr. T. Caroe, Ms. S. Caroe, Mr. Pappas, Ms. Frank, Mr. Rimsky, Residents
Ms. Roberts called the meeting to order at 7:30pm.

PUBLIC HEARING

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

ZBA-0906 - Request of Smith, 22 Parsonage Lane, for Variance, Zoning Regulation(s) 17.5 (Increasing Non Conformity), 11.6.1(Side Yard Setback), for an addition that will encroach 12.4' into 50' side yard setback.

Mr. DeMotte, Architect, Atty. Coploff and Ms. Smith were at this hearing to present this application. Mr. Demotte and the Commission looked at the map titled Site Analysis Plan, Property Boundary Survey, prepared for Christopher W. Smith and Marlene M. Smith, by Michael Alex, Surveyor, dated August 2011. Mr. Demotte noted that the existing garage is an existing non conforming structure and he discussed the lot line revision that turned this parcel into an interior lot. He stated that the hardship is that this is an interior lot and he explained that the proposed garage will encroach slightly into the side yard setback and the entire existing garage is in the side yard setback. Mr. Demotte stated that four other scenarios were considered and he showed the Commission site plans of the four other scenarios. He stated that he and his client feel that the proposed plan is the best scenario.

The Commission and Mr. Demotte discussed the existing and proposed elevations. Ms. Roberts asked that Mr. Demotte discuss the grading and elevation issues because the proposed driveway would require a fair amount of grading. Mr. Demotte stated that the proposed garage's slab would be two feet below the first floor of the house and that a low retaining wall would be required for the driveway. Ms. Roberts stated that a lot of fill would be required for the grading of the driveway. Mr. Demotte estimated that the driveway would require, approximately, a 3- foot retaining wall and would possibly need an additional foot above the driveway. The Commission and Mr. Demotte discussed the retaining wall. Ms. Roberts stated that the ZBA would like to see an elevation drawing of the proposed retaining wall with exact measurements.

Mr. Demotte stated that the proposed garage would have an attic above that would be used for storage, that the garage measures 24' x 27' and that the pool equipment would be housed in a mechanical room that would be underneath the proposed mudroom.

Mr. Catlin asked if renovating the existing garage was considered. Mr. Demotte stated that they did not consider that option because it is non conforming, detached from the house, has low headroom and he does not feel that it is in good structural condition.

Mr. Demotte stated that Parsonage Lane is considered a private drive but it is maintained by the Town and could possibly be considered a public road. He stated that this lot would not be considered an interior lot on a public road and the setbacks would not be as restrictive and a variance would be unnecessary. Ms. Roberts stated that this house is considered an interior lot.

Mr. Bowman stated that he feels that the laundry room, mudroom and the powder room are larger than

needed and add to the encroachment of the side yard setback. Mr. Demotte stated that that portion of the proposed plan is a small percentage of the encroachment and he discussed the dimensions of the rooms. Mr. Bowman stated that he felt that the plan could be leaner and that the entire structure could be located out of the setback.

Mr. Catlin stated that he is struggling with the hardship for this application. He stated that this renovation could be done in a way to satisfy the Zoning Code by taking the existing pool out.

Ms. Roberts asked if there were any comments from the public. She read a letter from the Pappas' of 25 Parsonage Lane, dated November 17, 2011 (on file in the Land Use Office) stating that they were not opposed to the proposed plan.

Mr. Caroe, neighbor, stated that he would like to summarize the points in the letter that he wrote to the ZBA dated November 6, 2011 (on file in the Land Use Office). He stated that he feels that this proposed plan would require a radical change to the land with the extensive filling that would dramatically change the land and that he is concerned about storm water management. Mr. Caroe asked for the heights of the 'upper garage' and the driveway retaining wall and informed the Commission that this would be the view from his sunroom. He stated that alternatives do exist. Mr. Caroe noted that he submitted an engineering report to the ZBA from Godfrey Hoffman Associates dated November 17, 2011 and this report states that the A-2 survey submitted for this proposed addition is incomplete regarding the source of datum for the contours, and the omission of inland wetlands on the subject property.

Mr. Rimsky stated that the area is wetter than it used to be because fields were drained long ago and the drainage system does not work properly anymore. Mr. Ajello stated that he is certain that wetlands exist in that area and he would be uncomfortable supporting a variance if there is a wetland issue. The Commissioners agreed with Mr. Ajello.

Mr. Caroe thanked the Commission for addressing his concerns. Mr. Tim Caroe stated that the proposed driveway would be a large impervious area and he is concerned that more water will drain off into already wet areas.

Mr. Demotte stated that the old septic system would be abandoned and a new septic system would be installed in the backyard. He stated that they would have a storm water management plan for the driveway.

Ms. Smith stated that she and her husband have lived in Washington since 1975 and remodeled the house that they currently live in. She stated that they are looking to downsize and for medical purposes would like to have a house that functions on one floor. Ms. Roberts stated that this proposed plan is doubling the existing square footage of the house and the Town is struggling for the need of modest size homes. She stated that the Commission could only consider land based hardship and not personal circumstances and choices and there is nothing that inhibits the Smiths from designing a plan that would follow the Zoning Regulations other than the existing swimming pool. Mr. Bowman stated that the design is sympathetic to the needs of one floor living but that the plan could be leaner and the footprint minimized. He stated that the pool limits their choices.

Mr. Catlin stated that he is concerned with the surrounding properties and the possibility of disturbing wetlands. He stated that he would feel more confident if they could locate the wetlands and get Inland Wetlands approval. He stated that this is a significant addition to a sensible house and is still struggling with the hardship for this application. He stated that the property owners have other options and he encourages the neighbors to work together.

Ms. Roberts stated that she would like to see Mr. Caroe's concerns addressed regarding the grading of the property and what the wall is going to look like. Ms. Caroe stated that there is no reference to the height of the retaining wall in the material that was submitted with this application. Mr. Demotte stated that the information states that the retaining wall would be 3 feet above grade. There was a discussion regarding a tall hedge being planted along the wall.

The Commission agreed that they would like the wetlands issue investigated and if there are issues that this proposed plan is taken to the Inland Wetlands Commission for approval and they would like to see elevation drawings of the proposed retaining wall with a storm water plan. Mr. Bowman stated that he would like to see the footprint of the new septic system.

Motion:

to continue ZBA-0906 - Request of Smith, 22 Parsonage Lane, for Variance, Zoning Regulation(s) 17.5 (Increasing Non Conformity), 11.6.1(Side Yard Setback), for an addition that will encroach 12.4' into 50' side yard setback,
by Mr. Catlin, seconded by Mr. Wyant, by 5-0 vote.

Consideration of the Minutes:

The Commission considered the minutes for the September 22, 2011 regular meeting.

Motion:

to approve the minutes of the September 22, 2011 regular meeting of the Washington Zoning Board of Appeals as submitted,
by Ms. Roberts, seconded by Mr. Catlin, passed by 5-0 vote.

Other Business

Ms. Roberts read the following statement: "Randy Snook has served on this board for 8 years, and has now retired. We thank him for his dedication and will miss his quiet, calm voice, practical, common sense approach, courtesy and humor. As an engineer, he was instrumental in researching and crafting the criteria we use in the evaluation and location of noise generating equipment. The Town owes him our sincere gratitude."

Generators

Mr. Bowman stated that during the power outage from the snowstorm he heard of a couple of instances when carbon monoxide detectors went off in peoples houses and some people actually had to go to the hospital for CO2 poisoning and he was concerned that the Commission has generally placed importance on the location of generators regarding sound. He stated that the generators involved in these instances were located correctly and that maybe this regulation should be given a little more thought considering Carbon Monoxide safety. Mr. Ajello showed a picture of a generator and its location to the house it serves and the resident of this house had to go to the hospital during the period of power loss after the October snowstorm. Mr. Ajello stated that he did not receive any complaints regarding noise from generators over that period of time. The Commission agreed that they were in favor of doing further research on this topic and striking Zoning Regulation Section 12.14.4.

There was a brief discussion regarding raised structures and heights of stone walls.

Adjournment

Motion: to adjourn at 9:05 pm, by Mr. Catlin, seconded by Ms. Roberts.

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,
Shelley White, Land Use Clerk