

February 18, 2010

Present: Brad Sedito, Randy Snook, Polly Roberts, Todd Catlin, Kathy Leab

Alternates: Roderick Wyant III, Todd Peterson,

Absent: Peter Bowman

Staff: Mike Ajello, ZEO, Shelley White

Others: Richard and Carolyn Jennings

Chairman Brad Sedito called the meeting to order at 7:30 pm.

PUBLIC HEARING– Continued

Seated: Brad Sedito, Polly Roberts, Randy Snook, Todd Catlin, Kathy Leab.

ZBA-0859 - Request of Jennings Builders (Michael Seligman & Laura Harris), 133 West Shore Road, for Special Exception, Zoning Regulation 17.5 (increasing non conformity), to raise walls and enclose the existing front porch, raise roof to second floor ceiling height and add intersecting gable roof.

Mr. Richard and Ms. Carolyn Jennings were present to represent the property owners, Mr. Seligman and Ms. Harris. They presented the existing & proposed floor plans for first and second floors, an existing an proposed elevation drawing of the south side (lake side), photos of all four sides of the existing building, and an updated A-2 survey including the existing patio. Mr. Jennings stated that there would be a 220 sq. ft. increase to the dwelling. There was a discussion regarding the intersecting gable roof. The commissioners looked at Elevation 3, Drawing number X03.00, 2nd Floor Plan, drawing number X04.00 and South Elevation/Front Elevation by AENA Architects, for Seligman Residence, dated 10/13/09. The Commissioners noticed an inconsistency with the Front Elevation drawing. The Commission came to the conclusion that the other drawings contained accurate measurements from which the proposed additions could be built and requested that a corrected South/Front Elevation Drawing be submitted as a condition of approval.

Motion:

to close ZBA-0859 - Request of Jennings Builders (Michael Seligman & Laura Harris), 133 West Shore Road, for Special Exception, Zoning Regulation 17.5 (increasing non conformity), to raise the walls and enclose the existing porch, raise roof to 2nd floor ceiling height, add intersecting gable roof, by Mr. Catlin, seconded by Ms. Leab, by 5-0 vote.

MEETING

Mr. Catlin stated that he felt the addition was modest and that it supported the continued use of an existing building. He stated that the approval should be contingent upon the submission of a correct architectural drawing of the South/Front Elevation for the Land Use records. Ms. Leab agreed with Mr. Catlin. Ms. Roberts stated that she agreed with Mr. Catlin and that the work is being done to the rear of the house and would have no impact to the lake. Mr. Snook stated that it was not a major renovation. Mr. Sedito stated that he feels that it supports the continued use of a family dwelling and the proposed addition is a modest in scope. He stated that inaccurate south/front elevation drawings were submitted and that approval would be subject to the applicant submitting accurate drawings of the south/front elevation before being submitted to Zoning.

Motion:

to approve ZBA-0859 – Request of Jennings Builders (Michael Seligman & Laura Harris), 133 West Shore Road, for Special Exception, Zoning Regulation 17.5 (increasing non conformity), to raise the walls and enclose the existing porch, raise roof to 2nd floor ceiling height, add intersecting gable roof with the requirement that a corrected architectural drawing of the south elevation be submitted for the record,
passed by 5-0 vote

CONSIDERATION OF THE MINUTES

The Regular Meeting Minutes of January 21, 2010 were considered.

Motion:

to approve the minutes of the January 21, 2010, regular meeting of the Washington Zoning Board of Appeals as submitted,
by Ms. Roberts, seconded by Mr. Snook, by 5-0 vote

PUBLIC HEARING – Continued

Seated: Brad Sedito, Randy Snook, Todd Catlin, Rod Wyant, Alt., Todd Peterson, Alt

ZBA-0862 – Request of Peter Duncan, 15 New Preston Hill, for Variance, Zoning Regulation(s) 11.5.1.a (lot coverage), 11.6.1.b (rear & side yard setbacks), attach shed to existing barn/workshop.

Mr. Peter Duncan was present and he submitted a revised A-2 Survey titled Property/Boundary Survey, by T. Michael Alex, Land Surveyor, prepared for Peter Duncan, 15 New Preston Hill Road, dated February 2010. Mr. Sedito stated that one of the concerns was that a carport was attached to the existing shed and the only access to that carport was the neighbor's driveway. Mr. Duncan stated he has been using the driveway for 17 years and that Mr. Becotte, owner of the driveway, has granted him permission to use the driveway and Mr. Becotte has offered to provide a written statement if requested by the ZBA. There was a discussion regarding a legal right of way. The Commissioners looked at the Property/Boundary Survey. Mr. Duncan stated that he built the wood shed 8 years ago and the carport was built in August of 2009. He stated that he did not have a reason to build with out a permit. The Commissioners and Mr. Duncan discussed the drainage issues. Mr. Duncan stated his well is under the house, there are footing drains around his foundation that drain out into the yard and there has always been a drainage issue in this area because the water comes down the hill and collects at the bottom. Mr. Duncan stated that he and his neighbors have discussed ways to resolve the drainage issues in the area. The Commission agreed that both additions to the shed have dirt floors and did not make the drainage situation worse. Mr. Sedito read Ms. Julie Adam's addendum, dated 2/17/10, to her letter to the ZBA, dated 12/16/09. Mr. Duncan stated that the shed floor would not support a car and the structure would have to be extensively modified to use it to store a vehicle and that he uses the barn for woodworking and to store chemicals. The shed attached to the southeast side of the barn is open on 3 sides, was added 8 years ago and is used to store wood for woodworking. He stated the 11'2" x 21'10" shed is open on three sides and is attached to the north side of the barn and is used as a carport for his vehicle and plow since there is not a garage on the property. There was a discussion regarding State Statute Section 8-13a Nonconforming Buildings and Land Uses. It was the consensus of the Commission that the shed on the southeast portion of the barn was a preexisting nonconforming structure. Mr. Duncan submitted a note to withdraw his request for a variance for the southeast shed.

Motion:

to close ZBA-0862 – Request of Peter Duncan, 15 New Preston Hill, for Variance, Zoning Regulation(s) 11.5.1.a (lot coverage), 11.6.1.b (rear & side yard setbacks), attach 11'2' x 21'10" shed to north side of the existing barn, by Mr. Snook, seconded by Mr. Wyant, by 5-0 vote.

MEETING

Mr. Catlin stated that the carport is modest, located in the least offensive spot on this small, complicated property and that a garage is necessary for this climate and for storage. He stated that he has taken into account the neighbor's concerns and that the property and it is not uncommon to have a shared driveway in a tiny village. He stated that he would have liked to see this come before the ZBA before it was built. Mr. Snook stated that he also feels that a carport or garage is necessary for this area, and that it is safer to store chemicals away from the house. He feels it does not add to the drainage problem in the area. Mr. Wyant stated that he feels it is necessary to have storage for a vehicle and chemicals. Mr. Peterson stated that he agreed that the drainage issue was not relevant, that there was a land based hardship, and it was necessary to be able to store things under cover and away from the elements. Mr. Sedito stated that historically, lack of a garage was not considered a hardship, but in the last 10-20 years courts have ruled in favor of garages being a necessary part of a single-family dwelling. He stated that the increase in lot coverage is minimal and that Mr. Duncan could have proposed a more extensive project that would have caused more impact to the land and the existing carport has minimal impact and was added to an existing structure. Mr. Sedito stated that it is unfortunate that the property owner does not have legal access and it may cause problems in the future when either property is sold. He stated that the drainage issues that were brought up in Ms. Adams letter do not seem to be related to the structures. The Commission recommended that the neighbors continue to work together to address the drainage issues in the area.

Motion:

to approve ZBA-0862 – Request of Peter Duncan, 15 New Preston Hill, for Variance, Zoning Regulation(s) 11.5.1.a (lot coverage), 11.6.1.b (rear & side yard setbacks), attach 11'2' x 21'10" shed to north side of the existing barn,
passed by 5-0 vote

OTHER BUSINESS/DISCRETION OF THE CHAIR

Mr. Sedito stated that he would discuss the possible revision of the Zoning Regulations/Section 12.14 Re: Special Exceptions for Generators and Other Noise Generating Equipment with David Owen at the meeting with the Land Use Commission Chairs and Board of Selectman on Thursday, February 25.

ADJOURNMENT

Motion: to adjourn at 8:50 pm by Mr. Snook, seconded by Mr. Catlin.

Mr. Sedito adjourned the meeting.

Submitted subject to approval,

Shelley White
Land Use Clerk