

# September 16, 2010

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

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

**Absent:** Katharine Leab

**Staff:** Shelley White, Mike Ajello

**Guests:** First Selectman Mark Lyon, Fran Itkin, Atty. Jim Kelly, Dan Frisch, Architect, Residents

Chairman, Polly Roberts called the meeting to order at 7:35pm.

## PUBLIC HEARING

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

ZBA-0874 – Request of the Town of Washington, 10 Blackville Road, for Variance, Zoning Regulation(s) 11.5.1 (lot coverage), and 14.7.10 (Outside Storage), to add material stockpile area on Town Garage Property.

First Selectman Mark Lyon was present to represent this application. Ms. Roberts read First Selectman Lyon's letter to the ZBA dated September 15, 2010, explaining the land-based hardship at 10 Blackville Road (on file in Land Use Office). The Commissioners and Mr. Lyon looked at the Lot Coverage Map prepared for Town of Washington Public Works Department, sheet LC.1, dated July 7, 2010, by Arthur H. Howland and Associates. Mr. Lyon explained that there are topographic and drainage issues which were considered in locating the proposed storage area. Ms. White read a letter of support for this application from Eagle Electric Services, LLC, 4 Blackville Road, dated September 7, 2010. Mr. Lyon explained that there would be evergreen plantings along the lower edge of the property. He stated that the bins would be constructed of cement masonry block, approximately 4½ ft. to 6ft. tall, 18 ft. wide, 20 ft. deep, and will be used to stockpile processed gravel and stone which is currently being stockpiled at the Old Town Garage location at Titus Road. This material is used for maintenance of the Town Roads. The Commission asked if the bins could be moved further from the road because of the visibility of the cement block bins from the road. Mr. Lyon stated that he thought they could be moved an additional 10 feet from the road. The Commission and Mr. Lyon looked at the Site Development Plan, prepared for the Town of Washington Public Works Department, sheet SD.1, dated June 22, 2010, by Arthur H. Howland and Associates. There was a discussion regarding steep grades and repositioning the bins. Mr. Lyon explained that the trucks need room to turn around and back into the bins. There was a discussion regarding processing construction debris from finished projects. The Commission and Mr. Lyon looked at the Lot Coverage Map and discussed the topography and drainage. Mr. Lyon stated that the bins would be 5 ft. away from the property line of 4 Blackville Road. The Commission agreed that this would be the most logical location for the storage area but would like the applicant to consult with the engineer to see if the location of the bins could be moved up and over and would also like a planting plan submitted for the proposed project.

Motion:

to continue ZBA-0874 – Request of Town of Washington, 10 Blackville Road, for a for Variance, Zoning Regulation(s) 11.5.1 (lot coverage), and 14.7.10 (Outside Storage), to add material stockpile area on Town Garage Property,  
by Mr. Catlin, seconded by Mr. Wyant, by 5-0 vote.

## **PUBLIC HEARING**

Seated: Polly Roberts, Randy Snook, Todd Catlin, Peter Bowman, Todd Peterson Alt.

ZBA-0875 – Request of Itkin, 1 Shinar Mountain Rd. (155 Lower Church Hill Road), for Variance, Zoning Regulation(s) 11.6.1 (front setback), to construct an attached garage to the main house.

Ms. Itkin, property owner, was present to discuss this application. Seven certified mail notifications were sent to the adjoining property owners and six postcards were returned. Ms. Itkin submitted photos of the back of the existing house. She stated that the location of the proposed garage would allow for the use of the existing driveway and would enable them to stay within the allowed lot coverage. Ms. Itkin stated that other locations were considered but the property is much steeper in other areas and would require more excavating and more paved surface. The Commission looked at the Property Boundary Survey, prepared for Myles R. and Frances R. Itkin, 1 & 9 Shinar Mountain Road, dated June 2010, by T. Michael Alex and the Proposed Floor Plans and Front Elevation for the Itkin Residence, sheet PZ-1, dated July 2010, by de Vries Design. Ms. Itkin stated that the proposed garage is in keeping with the architecture of the house and is 2 stories high. The second floor will be used as storage as the existing house does not have a basement. The Commission and Ms. Itkin discussed the 300-year-old maple tree behind the proposed garage. Mr. Catlin stated that it would be unfortunate if the tree were to be destroyed during construction. Ms. Itkin stated that she has been advised that the construction would not impose on the root structure of the tree and that she would be present during the construction of the proposed garage. Mr. Snook stated that he did not have an issue with this request for a variance but he was unhappy with the lack of 'numerical information' provided on the elevation drawings. He stated that these drawings are meant to provide an exact record for what was varied on the property and he feels the lack of numbers is a problem. Mr. Bowman noted that there was a scale on the drawings. There was a discussion as to whether or not the elevations could be estimated using the provided information. The Commission took measurements on the drawing titled Proposed Rear and Side Elevation, the Itkin Residence, sheet PZ-2, dated July 2010, by de Vries Design. It was the consensus of the Commission that the ridgeline elevation of the proposed garage must not exceed 24 ft. Mr. Snook wrote this measurement on the Proposed Rear and Side Elevation drawing and Ms. Itkin signed and dated the hand written measurement.

Motion:

to close ZBA-0875 – Request of Itkin, 1 Shinar Mountain Rd. (155 Lower Church Hill Road), for Variance, Zoning Regulation(s) 11.6.1 (front setback), to construct an attached garage to the main house, by Mr. Snook, seconded by Mr. Catlin, by 5-0 vote.

## **MEETING**

Mr. Bowman stated that he did not have any concerns with this request. He stated the proposed garage is modest in size and that it is within the context of the design of the existing house. Mr. Catlin stated that he believes that there is a modest land based hardship and believes that the proposed plan is modest and nicely designed. Mr. Peterson stated that he agrees with Mr. Catlin, that the proposed plan is well designed. He stated that he believes that this is the most reasonable location for the proposed garage. Mr. Snook stated that he felt the proposed plan was well thought out and that it is a modest proposal. Ms. Roberts stated that she agreed with the other Commissioners that the proposed plan is modest in scope and that she thought that locating the proposed garage on an angle, where it does protrude a small amount into the front yard set back, does make sense and that there would be less driveway area needed.

Motion:

to approve ZBA-0875 – Request of Itkin, 1 Shinar Mountain Rd. (155 Lower Church Hill Road), for Variance, Zoning Regulation(s) 11.6.1 (front setback), to construct an attached garage to the main house, with a contingency that the ridgeline of the proposed garage does not exceed 24 feet, passed by 5-0 vote.

## **PUBLIC HEARING**

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

### ZBA-0876– Request of Elbow Partners, LLC, 110 Calhoun Street, for Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to add terrace to rear of barn.

Attorney Jim Kelly and Architect Dan Frisch were present to represent Elbow Partners, LLC. for this application. Atty. Kelly gave a brief history of the property. He stated that the Historic District Commission has approved the proposed plan. He submitted copies of the HDC approval, an email from Susan Payne, Chairman of the Conservation Commission, and the Health Department Approval. The Commissioners and Atty. Kelly looked at the Property/Boundary Survey for 110 Calhoun Street, by T. Michael Alex. The property is 14.4 acres and all but 2.854 acres are under conservation easement. Atty. Kelly read the email from Susan Payne of the Conservation Commission (on file in the Land Use Office), dated September 2, 2010, stating that the C.C. has reviewed the plans and has one concern, but otherwise has no objections to the proposed plan. Atty. Kelly stated that Gregory Heyman, a neighboring property owner requested to look at the plans and also sent an email stating that he supported the project (on file in Land Use Office). Atty. Kelly stated that the proposed plan will use the existing structures and the barn will be used as the main residence. He stated they are seeking a Special Exception to add a terrace that will extend 323 sq. ft. into the 50 ft. set back area. The proposed terrace will be at grade level at the rear of the barn and will allow access to the backyard from the main level. The Commission looked at photos of the existing conditions of the structures at 110 Calhoun Street. The Commission looked at drawings: A.A-01- Upper Floor Plan Schematic Design, A.A-02 – Lower Floor Plan Schematic Design, A.A-11 & A.A-12 – Cross Section, for Project A-Barn, 110 Calhoun Street, with revision date of 9-18-10, by Daniel Frisch Architect, P.C. Ms. Snook stated that it looks like a deck. The Commission, Mr. Frisch and Atty. Kelly looked at drawing A.A-04 – East Elevation, for Project A- Barn, revision dated 8-19-10, by Daniel Frisch Architect, P.C. Mr. Frisch stated that the propose terrace extends 5 feet off the back of the barn. The Commission looked at drawing number A.A-02, Lower Floor Plan, bedroom level. There was a discussion regarding the grade of the terrace. Ms. Roberts stated that she felt a terrace would be made of flagstone on grade. Atty. Kelly stated that the terrace would be at ‘road grade’ and would be at the same level as the front of the barn because of the way the property slopes in the back of the barn. There was a brief discussion regarding the difference regarding what is considered a deck and a terrace. Mr. Frisch discussed the floor plans. He explained that the main floor is 9 feet above ground level in the rear of the barn and would like the ability to walk out from the main floor living space. The Commission agreed that this is a one-story addition. Atty. Kelly stated that the total square footage of the proposed plan is still under 10% lot coverage of the 2.85 acres. Atty. Kelly read Section 17.5.C.2 of the Zoning Regulations and stated that he felt that this proposed plan meets the requirements of Section 17.5. Mr. Ajello, ZEO, asked what would be outside the front door. Mr. Frisch stated that there would be a stone step. Mr. Ajello stated that the site plan shows 3 air conditioning units that are within the set back area. Mr. Frisch stated that the units would be relocated. Ms. Roberts stated that she would like to change the request from adding a terrace to adding a 5 ft. by 34 ft. 6 in., 1 story addition to rear of the barn. Mr. Bowman asked why the balcony could not be cantilevered from the main floor. Mr. Frisch stated that he did not want to shade the bedrooms below. Mr. Frisch stated that the square footage that would be within the set back area was miscalculated and that it would actually be 161.5 sq. ft. instead of 323 sq. ft. It was noted that all adjoining property owners acknowledge receipt of the notice of this meeting.

Ira Shapiro, adjoining property owner, asked if the terrace comes out over the roof of the bedrooms. Atty. Kelly confirmed that it does. Mr. Shapiro, the Commissioners, Atty. Kelly and Mr. Frisch looked at the Property Boundary Survey and a map titled Proposed Site Development Plan, Two Lot Subdivision for 110 Calhoun Street, sheet 2 of 2, revision date 3-30-07, by Brian Neff, Engineer.

Atty. Kelly apologized for any confusion with the wording and stated that the Historic District Commission referred to this addition as a terrace and he continued to use their wording.

Motion:

to close ZBA-0876– Request of Elbow Partners, LLC, 110 Calhoun Street, for Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to add terrace to rear of barn, by Mr. Snook, seconded by Mr. Wyant, by 5-0 vote.

## **MEETING**

Mr. Snook stated that he admires the property and thinks that the plan to renovate the existing buildings is wonderful and that this is a well thought out plan. Mr. Bowman stated that he did not feel that the proposed plan was clearly presented and that the intent of the plan is to obtain a larger master bedroom with a five-foot addition. He stated that he does not believe that there is any harm to the overall site and it is a relatively modest addition. Mr. Wyant stated that he agrees with Mr. Snook and that the proposed plan is well thought out and that he is in favor of this application. Mr. Peterson stated that he also agrees with Mr. Snook and stated that he is in favor of the proposed renovation of this property. Ms. Roberts stated that she feels that the Public Hearing allowed the intent of this proposed plan to be properly explained. She read the criteria for the Special Exception and stated that she felt that the proposed plan supports the continued use of an accessory building that is historically and/or culturally significant and it turns the building into a single family dwelling. She stated that she is pleased that the existing structures will be renovated and that the addition would not have any impact on the view from the street and it is in keeping with the surrounding historic neighborhood. Ms. Roberts noted that the air conditioning units indicated in the proposed plan are not part of this approval.

Motion:

to approve ZBA-0876– Request of Elbow Partners, LLC, 110 Calhoun Street, for Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to add a 5 ft. by 34 ft. 6 in., 1 story addition to rear of barn, passed by 5-0 vote.

## **Consideration of the Minutes**

The minutes of August 19, 2010 were considered.

Motion:

to approve the minutes of the August 19, 2010 regular meeting of the Washington Zoning Board of Appeals as submitted,  
by Ms. Roberts, seconded by Mr. Wyant, by 5-0 vote.

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

Mr. Snook stated that the proposed revision to Section 12.14.5 of the Zoning Regulations was well

received at the Zoning Commission Meeting on August 23, 2010. A Public Hearing is scheduled for the October 25, 2010 Zoning Meeting at Bryan Memorial Town Hall.

Motion:

to adjourn at 9:30 pm, by Ms. Roberts, seconded by Mr. Snook, by 5-0 vote.

Submitted Subject to Approval,

Shelley White, Land Use Clerk