

January 15, 2009

Zoning Board of Appeals Minutes – January 15, 2008

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

Alternates: Roderick Wyant III

Absent: Georgia Middlebrook, Alt., Peter Bowman, Alt.

Staff: Shelley White

Others: Paul Szymanski, Engineer, Mark & Linda Conlon, Jim Strub, Attorney, Erich Diller, Brian Baker, Engineer

Brad Sedito, Chairman called the meeting to order at 7:34 pm.

PUBLIC HEARING CONTINUED

7:34 pm

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

ZBA-0828 Request of Mark & Linda Conlon, 6 Valley Road, application for variance, zoning regulation 12.1.3 (watercourse setback for septic), 12.2.2 (Shepaug River setback), 11.6.1 (front yard setback), 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), for addition to existing barn and house and installation of new septic system.

Paul Szymanski, Engineer of Arthur H. Howland & Associates, Linda and Mark Conlon were present to represent this application. Mr. Sedito summarized the previous public hearing and stated the elevations had been requested of the applicant. Mr. Szymanski presented the Property Survey & Partial Topographical Map, prepared for Mark & Linda Conlon, dated March 25, 2008 by Arthur H. Howland & Associates. Mr. Szymanski reminded the Board that both of the structures are within the setbacks because of the setback to the river and the road. He explained that the proposed barn would be replacing the dilapidated existing barn. Mr. Snook asked if the barn was going to be torn down or renovated. Mr. Szymanski confirmed that it will be torn down and rebuilt. Ms. Roberts asked if the proposed footprint includes the existing footprint of the barn. Mr. Szymanski confirmed that it did. Mr. Catlin stated that a previous concern of the Board was the position of the barn and the proximity to the proposed house. He asked Mr. Szymanski if this was eliminated as a possibility. Mr. Szymanski stated that they wanted to keep it as is for functionality, and preserve it as it was and it has been approved by Inland/Wetlands. Mr. Szymanski presented the elevation drawings to the Board. Mr. Catlin asked for confirmation that the entire piece of property is within the 200 ft. setback of the Shepaug River. Mr. Szymanski confirmed this. Ms. Roberts asked if the bump out of the existing dwelling would be removed. The rear elevations of the proposed house were reviewed and discussed. The Board questioned why the proposed patio and stairs were not indicated on the site plan. Mr. Sedito explained that an updated site plan, including these structures, is required and would be needed for approval. Mr. Catlin asked for the acreage of the lot. Mr. Conlon stated it was 1.37 acres. Mr. Sedito asked if there was an updated site plan. Mr. Szymanski stated that he did not have one with him. Ms. Conlon presented an updated 8.5 x 11 site plan. Ms. Roberts asked if it would be possible to get a proper size site plan that was approved by Inland/Wetlands. Mr. Szymanski gave the distances of the structures relating to the setbacks. Mr. Sedito stated that the small size of the site plan does not give the Board an adequate picture of the proposed plan. Mr. Snook stated that the revised site plan has a different plot number, and as far as legality is concerned the Board is not

being presented the same drawing. Mr. Snook asked if the comparative lot coverage between the existing and the proposed. Mr. Szymanski stated the existing lot coverage was somewhere around 8%. Mr. Catlin stated that it looks like a significant change to what exists and the proposed plan seems to be a large increase in mass on a very tiny lot that is so close to the Shepaug. Mr. Sedito stated that there have been so many changes and the 8.5 x 11 site plan is really a septic plan and is hard to read off of because there is too much information on such a small map. Mr. Szymanski pointed out that the proposed plan increases the footprint by 500 ft so they incorporated an infiltration system for the roof run off to be directly discharged onto the grass and added a large vegetative buffer in order to treat any surface run off. Mr. Catlin requested that the applicant address the hardship. He stated that the applicant bought the property knowing that it was a difficult piece of property. Mr. Szymanski stated that the property is entirely within setback to the Shepaug River and it meets the requirements for hardship statutorily. He stated they are focusing on being respectful to the land with the proposed plans. Mr. Conlon stated that a large percentage of the living space of the current dwelling is below grade or partially below grade. Mr. Snook stated that he does not have a problem with the size. Ms. Roberts stated that she does not have a problem with the footprint of the house. She then stated that the house looks rather tall but is fine with it as long as it's within the Zoning Regulations on height. Mr. Szymanski stated that the average height was around 25 feet and within the Regulations. Mr. Szymanski stated that he would have no problem withdrawing the application and invited the Board members to a site walk. Mr. Sedito asked the current square footage of the existing house. Mr. Szymanski stated that the existing square footage is about 1150 sq. ft. and the proposed square footage is 1500 sq. ft. Mr. Catlin asked what was in the basement. Mr. Conlon stated just the mechanicals. Mr. Sedito suggested that the applicant come back with a site plan that was more in context and properly updated. He asked the Board if they were in agreement that the fee be waived and the applicant can reapply with updated information and photographs of the site. The applicant submitted a formal withdrawal in writing.

8:07 pm

PUBLIC HEARING

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

ZBA-0839 – Request of Christine & Mark Beckett, 23 Loomarwick Road, application for variance, Zoning Regulation 11.6.1 (front yard setback), 12.1.1 (wetland/watercourse setback), 12.1.3 (leach field setback from watercourse), to reconstruct dwelling and install new septic.

Attorney Jim Strub, Engineer Brian Baker and Designer Erich Diller were present to represent this application. Atty. Strub stated that the property owners, the Becketts, had applied for a variance before with different plans. He stated that his clients took the comments from the Town into consideration when designing the current plans. Inland/Wetlands approved the Beckett's plans. Atty. Strub presented the Inland/Wetlands Site Inspection Report for 23 Loomarwick Road that took place on November 19, 2008. Mr. Sedito stated he remembered this property had drainage issues and the existing building was on stilts. Mr. Sedito stated that he assumes this new structure will have a foundation and asked what was being done to address the poor drainage issue. Brian Baker, Civil Engineer, presented and 11x17 map including lot coverage, site plan, grading plan and erosion plan, dated November 3, 2008 by Civil 1. He stated that the proposed structure would have footer drains and leader drains that will go into a rain garden. Mr. Baker stated the driveway would have a stone infiltration trench. The overflow from this trench would go into an overflow pipe that would direct the water into the rain garden. Mr. Snook asked if the existing and proposed lot coverage were the same. Mr. Baker said they were close but the proposed driveway increases the coverage to 6.86%. Mr. Catlin asked if there were any plans for a garage in the future. Mr. Diller stated that the Becketts do not want a garage. The Board, Atty. Strub, Mr. Diller and Mr. Baker examined the site plan. They discussed the setbacks. Mr. Sedito stated that it was a basically unbuildable lot. Mr. Sedito asked if anybody had any further questions.

Motion: to close application ZBA-0839 – Request of Christine & Mark Beckett, 23 Loomarwick Road,

application for variance, Zoning Regulation 11.6.1 (front yard setback), 12.1.1 (wetland/watercourse setback), 12.1.3 (leach field setback from watercourse), to reconstruct dwelling and install new septic, by Todd Catlin, seconded by Kathy Leab, by 5-0 vote

MEETING

Mr. Sedito stated that the proposed plan was basically the same footprint that has been rotated a little bit and is a little less within the setback to the street. Mr. Snook stated that it was a significant improvement to what is there and he is in favor of the application. Mr. Catlin stated he thought the proposed plans show a modest house. The plans show that the property owners were sensitive to the wetlands, the house is attractive and he is happy that 'Wetlands' approved it. Ms. Leab stated that she was amazed. She stated that it was a very difficult site that has a lot of hardship and they should be congratulated on the plans. Ms. Roberts stated that she was in favor as well. Mr. Sedito stated that he sees a hardship based on the land and the wetlands that are present. He stated that the property owners would not be able to have a septic system or a house that would meet regulations. He stated that the last plan was at its limit with coverage and this house is well within the coverage.

Motion: to approve ZBA-0839 – Request of Christine & Mark Beckett, 23 Loomarwick Road, application for variance, Zoning Regulation 11.6.1 (front yard setback), 12.1.1 (wetland/watercourse setback), 12.1.3 (leach field setback from watercourse), to reconstruct dwelling and install new septic, by 5-0 vote.

8:30 pm

OTHER BUSINESS

Mr. Sedito and the members of the ZBA discussed issues regarding some of the Zoning Regulations. Mr. Sedito read Zoning Regulation 12.5.4 - windmills. The Board discussed sizes and uses of windmills and decided the regulation should be clarified. Mr. Sedito then asked to discuss Zoning Regulation 12.1.1. He stated that he was not sure if the regulation was put into place before there was an Inlands/Wetlands Commission in the Town of Washington. He raised the issue of whether or not the application for Special Exceptions should be worded in order for the applicant not to have to apply for a Variance and a Special Exception. A discussion ensued about whether an applicant should go to Inlands/Wetland before they come to ZBA. Ms. Roberts stated that this issue was brought up with Atty. Zizka. Ms. Roberts recalled the ZBA couldn't require an applicant to go to Inlands/Wetlands before coming to ZBA. Mr. Sedito suggested that Zoning Regulation 17.5.a.1 could be reworded to include "12.1.1(50 ft wetlands setback) provided Wetlands approval is provided before coming to ZBA." Mr. Snook suggested that Zoning Regulation 12.1.1 could be expanded to include subjects other than erosion and sedimentation for mitigation measures relative to wetlands and watercourses. The Board agrees that these changes are going to be suggested to the Zoning Commission and they would make the decision. Mr. Sedito talked about Special Exceptions and asked if the ZBA should regulate the size volumetrically. Mr. Catlin stated that he believes that would be another 'hoop' the applicant would have to go through and it would make the application/hearing process more difficult. Another issue Mr. Sedito brought to the table was should the Special Exception not apply to a complete demo and tear down. The Board agreed they should retain discretion. Ms. Leab stated that the Historic Building part of the Special Exception should be clarified and include the main house (structure). Mr. Sedito stated that it was not necessary to ask for relief from 17.4.a when applying for a Special Exception because it is already noted in 17.5.a – Special Exceptions. Mr. Sedito read 17.4.b requires that if a non-conforming structure is moved it must conform to the current regulations and therefore would require a variance and could not be a Special Exception. The Board discussed whether or not it meant demolished and moved to another location or if a dwelling was

put on wheels and physically moved. Mr. Sedito stated that with noise generating equipment regulations should require less or equal noise impact. ZBA agrees that they have brought this up before and will bring it up again.

Ms. Roberts discussed the applications currently used for Special Exceptions and Variances. She passed out a checklist Ms. White had created to give to the applicants and use in the office to determine whether the application is complete. The Board and Ms. White have agreed that incomplete applications will not be put on the agenda but can be looked at by the ZBA at the next meeting to determine if there is enough information to make a decision of or if the applicant needs to provide more information. Ms. Roberts also volunteered to go through the applications and fine-tune them to make it as clear as possible to the applicant what is required.

Motion: To approve the minutes of the December 18, 2008 meeting of the Washington Zoning Board of Appeals as submitted, by Todd Catlin, seconded by Polly Roberts, by a 5-0.

Motion: To adjourn at 9:26 pm by Polly Roberts, seconded by Kathy Leab, by a 5-0 vote.

FILED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk
January 23, 2008