

October 15, 2009

Present: Brad Sedito, Randolph Snook, Polly Roberts, Kathy Leab

Alternates: Georgia Middlebrook, Roderick Wyant III

Absent: Todd Catlin, Peter Bowman Alt

Staff: Mike Ajello ZEO, Shelley White

Others: Peter Talbot, Architect, Todd Peterson, Irv Ernhout

Chairman, Brad Sedito called the meeting to order at 7:25.

PUBLIC HEARING

Seated: Brad Sedito, Polly Roberts, Randy Snook, Kathy Leab, Georgia Middlebrook, Alt.

ZBA-0857 - Request of Peter Talbot (223 Litchfield Turnpike, LLC), 223 Litchfield Turnpike,
for variance, Zoning Regulation 12.1.1 (wetlands/watercourse setback), for addition to restaurant, revised septic location, and service yard and equipment location.

Mr. Peter Talbot, Architect, was present to represent 223 Litchfield Turnpike, LLC for this application. Mr. Talbot summarized his letter to the ZBA, dated 9/24/09 (on file in Land Use Office), explaining the reason for the variance request. He explained that the previously approved detached 18' x 10' storage shed would be eliminated. They are proposing a slightly larger addition (24' x 11') that will be attached to the main building and will provide walk-in refrigeration as well as other kitchen related activities and will be located 12 feet away from the wetland boundary. Mr. Talbot explained that the reasons for relocating the tanks for the septic system is to accommodate the structure revisions, as indicated on drawing SP-1, dated 9/24/09. Mr. Talbot discussed the third revision involves moving the equipment/dumpster area to the west side of the building to allow more room for the herb garden and fruit trees and easier access for trucks to access the utility yard. He stated some parking would be moved away from the wetlands. Mr. Talbot and the ZBA Commissioners discussed the location of the proposed generator.

Neighbor, Irv Ernhout, of Wilbur Road was present. He asked if the kitchen would be larger. Mr. Talbot explained that the shed that was located 5' away from the wetlands would be eliminated and this addition to the kitchen would be slightly larger but further away from the wetlands.

Mr. Ernhout stated that he could hear the generator that the previous owners had. There was a brief discussion regarding the Landscaping Plan, page L-1 by Dirk Sabin, dated April 10, 2009. The Commission and Mr. Talbot agreed that the generator could be located around the corner with a fence around it, from where it is located on the proposed Site Plan, titled The Community Grill, SP-1, by Peter Talbot, revision dated September 24, 2009. Mr. Talbot initialed this site plan indicating the revised location of the generator. There was a brief discussion regarding lighting.

Motion:

to close ZBA-0858 - Request of Peter Talbot (223 Litchfield Turnpike, LLC), 223 Litchfield Turnpike, for variance, Zoning Regulation 12.1.1 (wetlands/watercourse setback), for addition to restaurant, revised septic location, and service yard and equipment location,
by Mr. Snook, seconded by Ms. Roberts, by 5-0 vote

MEETING

Ms. Roberts stated that she was in favor of the revisions as they are further away from the wetlands and was happy with the revised location of the generator and believes it will have less of an impact on the neighbors.

Ms. Leab stated she agreed with Ms. Roberts and that the idea to move the generator was good.

Ms. Middlebrook and Mr. Snook agreed with Ms. Leab and Ms. Roberts.

Mr. Sedito stated that the proposed plan was even further away from the wetlands than the previously approved plan and the relocation of the generator should provide less of an impact on the neighbors.

All were in favor of the proposed plan.

Motion:

to approve ZBA-0858 - Request of Peter Talbot (223 Litchfield Turnpike, LLC), 223 Litchfield Turnpike, for variance, Zoning Regulation 12.1.1 (wetlands/watercourse setback), for addition to restaurant, revised septic location, service yard and equipment location, and relocation of generator as per agreed area indicated on Site Plan titled The Community Grill, page SP-1, revised date September 24, 2009, by Peter Talbot, passed by 5-0 vote.

CONSIDERATION OF THE MINUTES

The Regular Meeting Minutes of September 17, 2009 were considered.

Motion:

to approve the minutes of the September 17, 2009, meeting of the Washington Zoning Board of Appeals as submitted, by Mr. Snook, seconded by Ms. Roberts, by 5-0 vote

OTHER BUSINESS/DISCRETION OF THE CHAIR

Mr. Sedito summarized the ZBA's participation in the 9/21/09 Zoning Meeting and the request to revise the Special Exception for Generators. The Zoning Commission has asked ZBA to rewrite the regulation and bring it back the Zoning Commission for discussion.

There was a lengthy discussion as to how the ZBA will proceed with rewriting this regulation before submitting it to the Zoning Commission.

Mr. Todd Peterson introduced himself as a candidate that is running for ZBA Alternate.

Mr. Sedito approved a legal bill from Murtha Cullina, LLP.

The ZBA thanked Ms. Georgia Middlebrook for eight years of service.

ADJOURNMENT

Motion:

to adjourn at 8:15 pm by Mr. Sedito, seconded by Mr. Snook, by a 5-0 vote.

Mr. Sedito adjourned the meeting.

Submitted subject to approval,

Shelley White
Land Use Clerk