

december 17, 2009

Present: Brad Sedito, Randolph Snook, Polly Roberts, Todd Catlin

Alternates: Roderick Wyant III, Todd Peterson

Absent: Kathy Leab, Peter Bowman Alt

Staff: Mike Ajello ZEO, Shelley White

Others: Catherine Bouquillon, Peter Duncan, Liddy Adams, Randy Carreira

Chairman, Brad Sedito called the meeting to order at 7:31.

PUBLIC HEARING - Continued

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

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.

Ms. White read a letter from Richard Jennings, Jennings Builders, dated December 14, 2009, requesting and extension.

Motion:

to continue 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 Mr. Snook, by 5-0 vote.

PUBLIC HEARING

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

ZBA-0861 – Catherine Bouquillon, 72 East Shore Road, for Variance, Zoning Regulation(s) 11.6.1.c (front & side yard setback), to install storage shed.

It was noted that the Land Use Office received 12 out of 15 return postcards. Ms. Bouquillon was present to represent her application. She and the Commissioners looked at the pictures of the shed. She stated that they are presently on stacked cement blocks. Ms. Bouquillon and the Commissioners looked at an A-2 survey prepared for the Estate of Marie Walberg, Route 45 & June Road, dated November 1979, by George P. Burnham, recorded map number 581 with the Town of Washington, Land Records. Ms. Bouquillon explained how her property is too small to accommodate a garage and she would like to use this shed for storage of garden equipment and furniture. She stated that the interior is sheet-rocked and it would not be heated. The Commissioners checked the measurements on the survey map. There was a discussion regarding the measurements of the setbacks on the drawing titled Bouquillon Shed Placement, Proximity to Neighbors and Lot Coverage created by Ms. Bouquillon. The Commission agreed that the measurements are directly related to the established marker pins and would allow the shed to be properly located. There were no comments from the public.

Motion:

to close ZBA-0861 – Request of Catherine Bouquillon, 72 East Shore Road, for Variance, Zoning Regulation(s) 11.6.1.c (front & side yard setbacks), to install storage shed, by Mr. Catlin, seconded by Ms. Roberts, by 5-0 vote.

MEETING

Mr. Snook stated that he does not see a problem with this application, that the shed has been properly located using the established marker pins, and that it is a reasonable request and a legitimate land based hardship. Ms. Roberts stated that she agreed with Mr. Snook and that the shed is located in the most obvious place on the property considering the upward sloping in the back, and that the neighbors are glad that Ms. Bouquillon has a more attractive place to store her items. Mr. Catlin stated that it is a clear case of hardship, the property predates zoning regulations and the shed is modest and attractive. Mr. Wyant agreed with Mr. Catlin and stated he is in favor of this application. Mr. Sedito agreed with Mr. Catlin and stated that the property is very small and there is no garage for storage.

Motion:

to approve ZBA-0861 – Request of Catherine Bouquillon, 72 East Shore Road, for Variance, Zoning Regulation(s) 11.6.1.c (front & side yard setbacks), to install storage shed, passed by 5-0 vote.

CONSIDERATION OF THE MINUTES

The Regular Meeting Minutes of November 19, 2009 were considered.

Motion:

to approve the minutes of the November 19, 2009, regular meeting of the Washington Zoning Board of Appeals as submitted,
by Ms. Roberts, seconded by Mr. Snook, by 5-0 vote

Ms. Roberts recused herself.

PUBLIC HEARING

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. Duncan was present to represent his application. The Land Use Office received 7 out of 11 return postcards. Mr. Duncan stated that Mr. Becotte is at 17 New Preston Hill Road but his main residence is in Pennsylvania. He stated that Mr. Becotte verbally supports Mr. Duncan's application for the variance and has given permission for Mr. Duncan to use his driveway. Mr. Duncan stated that he could get a written statement from Mr. Becotte if the ZBA would require it. There was a brief discussion regarding sending notices of a public hearing to neighbors. Mr. Duncan stated he is requesting a variance for adding on to an existing non-conforming shed. There was a discussion regarding the size of the existing (original) barn and establishing the correct dimensions. There were some inconsistencies with some of the measurements. Mr. Duncan stated that the carport would be accessed from Mr. Becotte's driveway. There was a brief discussion regarding right of way. Mr. Sedito asked why the existing barn could not be used as a garage and for storage. Mr. Duncan stated that he realized it was wrong to attach the shed without a permit. He stated that he has been using the barn for his woodworking and that the floor would not support a vehicle and he would have to rebuild the structure to accommodate a vehicle. He stated that he attached the first shed to store wood and this 9' x 15' shed is too low to park the Jeep. He explained that he would like to store a vehicle with a plow under cover as well as store flammables and lawn/garden equipment. The Commissioners looked at the photographs of the barn/workshop. Mr. Sedito recapped

Mr. Duncan's letter, dated 12/1/09, explaining his land-based hardship. Mr. Randy Carreira, 19 New Preston Hill, explained how the Becotte driveway encroaches on his property, he stated that he supports Mr. Duncan's additions to the barn/workshop. He stated that the work Mr. Duncan has done on the garage was an improvement to the neighborhood. There was a discussion regarding encroachment and the right to rescind. Mr. Carreira stated that there are no issues between Mr. Duncan, Mr. Becotte and himself and that they had talked about formalizing the encroachment/right of way issue with an easement process, but haven't needed to at this time. Mr. Snook stated that he would like to see some more definitive plans. The Commission agreed that the A-2 survey should indicate all structures with appropriate dimensions, with setback measurements, well and septic locations. There was a discussion regarding continuing the Public Hearing. Ms. White read a letter of support from Kelly Boling, dated 12/10/09 (On file in Land Use Office), supporting Mr. Duncan's application. Ms. White read a letter from Julie Adams (On file in Land Use Office), 13 New Preston Hill Road, dated 12/16/09. Ms. Adams was not in support of Mr. Duncan's application and questioned setbacks from her property line, access to carport, drainage, lighting and privacy fencing. She stated she was concerned that this structure could become an accessory apartment and that the drainage from Mr. Duncan's property has already resulted in a maple tree dying on her property. The Commissioners looked at the photos Ms. Adams had sent and discussed drainage issues. The Commission agreed that the Public Hearing should be continued. Motion: to continue 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, by Mr. Snook, seconded by Mr. Wyant, by 5-0 vote.

OTHER BUSINESS/DISCRETION OF THE CHAIR

The Commission agreed to defer the election of officers until the regular meeting of the ZBA on January 21, 2010

ADJOURNMENT

Motion: to adjourn at 8:39 pm by Mr. Snook seconded by Ms. Roberts.

Mr. Sedito adjourned the meeting.

Submitted subject to approval,

Shelley White
Land Use Clerk