

February 21, 2008

MEMBERS PRESENT: Mr. Catlin, Mrs. Leab, Ms. Roberts, Mr. Sedito

Mr. Snook

ALTERNATE PRESENT: Mr. Wyant

ALTERNATES ABSENT: Mr. Bowman, Mrs. Middlebrook

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Ms. Habib, Mr. Riefenhauser, Mr. Charles, Atty. Coploff, Atty. Knowlan, Mr. Solley,

Mrs. Frank, Mr./Mrs. Buonaiuto, Mr. McGowan,

Press

Mr. Sedito called the Meeting to order at 7:30 p.m. He noted the resignation of the Board's long time clerk, Pam Osborne, and thanked her for her excellent work. He said she had done an outstanding job and that the Board appreciated all of her efforts.

Rumsey Hall School/200 Romford Road/#ZBZ-0801/Variance: Section 11.5.1.c: Coverage/Construct Second Dormitory and Faculty House and Extend Driveway

Mr. Sedito seated Members Catlin, Leab, Roberts, Sedito, and Snook. He then read the legal notice, which was published in **Voices** on 2/10 and 2/17/08. Ms. Habib, Business Manager, and Mr. Riefenhauser, engineer, represented Rumsey Hall School. Mr. Catlin read the 1/29/08 letter from Mr. Farmen to the commissioners, which stated the application was for an additional 1.4% coverage over the previously approved variance for 12.6%, bringing the total proposed coverage for the Hilltop parcel to 14%. The letter stated that this was the only area available for the new buildings due to setback requirements from the Bantam River, Romford Road, and the school's existing septic fields and that there would be no increase in enrollment as a result of the new construction.

Mr. Sedito noted that Mr. Cappuccio, an adjoining property owner, had not been notified of the last variance application. Ms. Habib said that he had been notified of this application and showed evidence that he and two additional adjoining property owners had been notified this time. It was noted that Mr. Cappuccio was one of two adjoining property owners whose green certified mailing receipt card had not been returned. Mr. Sedito stated that the notice requirement had been met by the applicant.

The map, "Compilation Plan for ZBA Application," by Smith and Company, dated 2/7/08 was reviewed and Ms. Habib pointed out the location of the work in progress and the locations of the two proposed buildings.

Mrs. Leab noted that during the consideration of the previous application the Board had asked the school to talk to the Fire Dept. about the circular driveway and one way traffic. Ms. Habib stated that the Fire Marshal required the circular driveway, but said she had not asked him if having only one entrance was OK. The other commissioners agreed that the school had been asked to obtain this information before submitting the next application, although Mr. Sedito said it was more of a Zoning issue. Ms. Habib advised the Board that the existing driveway had been widened and its accessibility improved.

Ms. Roberts asked for the square footage of the footprints of each building and of the proposed new portion of driveway. Mr. Sedito noted the Board normally gets this break down of proposed coverage. Ms. Habib gave approximate figures of 1000 sq. ft. for the faculty house and 4120 sq. ft. for the dorm, which left 14,000 sq. ft. for the driveway.

Mr. Sedito asked why the proposed faculty house was not located nearer to the dorms and farther from the neighbors. Ms. Habib stated the area to the rear of the Big Top would be a more secluded spot for a faculty member and that it had already been cleared. Mr. Sedito was concerned about locating the house there because it was an area that the neighbors were sensitive about. Mrs. Leab did not think the reasons cited justified putting the house there, adding there was no hardship shown that would require it to be placed there. Mr. Snook agreed, saying there was no compelling reason not to locate the house on the driveway loop near the dorms. Mr. Sedito pointed out that doing so would reduce the coverage because less new driveway would be needed. Ms. Habib said if the Board was concerned the school could find an alternate location and it was the consensus that it should do so. Mrs. Leab said that would be the neighborly thing to do.

Mr. Riefenhauser briefly discussed how the coverage request would be reduced if the faculty house was eliminated from the application. In doing so it was noted that it was proposed on a filled area that was not shown on the map. Mr. Sedito noted that the A-2 survey should show all impervious surfaces and since this area was not shown, he was not sure whether or not it had been included in the proposed coverage calculations. He asked for more specific details about the exact existing and proposed coverage. Mrs. Leab noted the figures had to be precise. Mr. Riefenhauser agreed to supply this information.

Mr. Snook pointed out that the school had cleared the area behind the Big Top; an area it had promised to keep forested when it made its previous application. Ms. Habib did not think this had been the area of concern, but Mr. Sedito noted the neighbors had been very concerned about clearing on this hillside. Mr. Sedito and Mr. Snook thought the proposed faculty house site would be seen by concerned adjoining property owners and so recommended that every reasonable effort be made to move it. Mr. Sedito also thought it was a reasonable to request that Rumsey plant trees in the cleared area to appease the neighbors.

Mr. Catlin asked if there were any future proposals in the Master Plan that would affect the school's coverage. Ms. Habib stated that the dining hall would be rebuilt, but on the existing footprint because it is located within 200 feet of the river. She stated if the current application was approved, the Master Plan would be essentially complete.

Mr. Riefenhauser noted that Rumsey had applied for only 8.9% coverage of its total acreage, while The Gunnery had 24% coverage.

The Board discussed the procedural question of whether the application could be amended. It was noted it would be OK to withdraw any part of it and that doing so would not require renotification. It was also noted that the revised plans would have to be submitted in a timely manner so that the public would have adequate time to review them before the next meeting.

MOTION: To continue the public hearing to consider

Application #ZBA-0801 submitted by Rumsey Hall School for a variance of Zoning Regulation 11.5.1.c, lot coverage, to build a second new dormitory and faculty house and to extend the circular driveway at 200 Romford Road to Thursday, March 20, 2008 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall. By Mr. Catlin, seconded by Mr. Snook, and passed 5-0.

At 8:17 p.m. Mr. Sedito continued the hearing to Thursday, March 20, 2008 at 7:30 p.m. in the Land Use Meeting Room.

Town of Washington/59 East Shore Road/#ZBA-0802/Variance: Sections 17.4: Increase in Non Conformity, 11.5.1: Lot Coverage, 11.6.1.c: Setback, and 12.14: Noise Generating Equipment/ Construct Structure to House Compressor, Replace Beach House, Reconfigure Parking Lot

Mr. Sedito called the public hearing to order at 8:19 p.m. and seated Members Catlin, Leab, Roberts, Sedito, and Snook. He read the legal notice published in **Voices** on 2/10 and 2/17/08.

Mr. Sedito noted the only activity specified in the 1/30/08 Explanation of Request was the construction of a building to house the Lake Waramaug compressor, while the legal notice also listed the replacement of the beach house and reconfiguration of the parking lot. Mr. McGowan, Director of the Lake Waramaug Task Force who owns and operates the compressor, said he was present to apply for 136 sq. ft. of additional coverage for the compressor building. He thought the First Selectman had received such a favorable response at the public informational meeting that had recently been held that he included the two additional activities in the application. He noted, however, that he was responsible only for the compressor building.

It was noted there was no information in the file concerning the replacement of the beach house or the reconfiguration of the parking lot and that no one present was authorized to represent the Town.

Mr. Snook said there was no data in the file concerning noise generation. Mr. McGowan responded that in his reading of the Regulations, Section 12.14 applied only to residential properties or to commercial properties next to residential properties and not to the Town Beach. Mr. Sedito thought Section 12.14 applied. Ms. Roberts noted the spirit of the law was to protect the surrounding neighbors and Mrs. Leab said if the compressor was going to run 24/7 it had to be as quiet as possible. Mr. McGowan noted that the compressor had previously been housed in a building on site and that there had never been any noise complaints. In addition, the new building 1) would be insulated, 2) would be closer to the caretaker's house, and 3) would be submerged on three sides between the retaining wall and new parking lot, which would help to insulate the sound.

Mr. McGowan explained that the timing of approval was crucial because the compressor had to be installed and operating by May 15th. He said, however, that he could wait until the March meeting, but hoped if there were still outstanding questions on the beach house and parking lot at that time, that the Board would act only on the compressor building component of the application.

MOTION: To continue the public hearing to consider Application #ZBA-0802 submitted by the Town of Washington for variances of Zoning Regulations 17.4, increase in non conformity, 11.5.1, lot coverage, 11.6.1.c, setback, and 12.14, noise generating equipment, to construct a structure to house a compressor, replace the beach house, and reconfigure the parking lot at 59 East Shore Road to Thursday, March 20, 2008 in the Land Use Meeting Room - public hearings begin at 7:30: this will be the second hearing on the agenda. By Mr. Catlin, seconded by Mrs. Leab, and passed 5-0.

Mr. Sedito continued the public hearing to Thursday, March 20, 2008 in the Land Use Meeting Room; the second hearing on the agenda.

REGULAR MEETING

Consideration of the Minutes

After a brief discussion it was the consensus to consider the 12/17/07 Minutes at the next meeting.

MOTION: To consider the 12/17/07 Minutes at the next meeting. By Mrs. Leab, seconded by Mr. Snook, and passed 5-0.

Communications

The Board briefly reviewed Atty. Zizka's latest invoice for court conferences for the Jacobson and Martin appeals. The Board thought it was a good idea to review legal bills at meetings prior to submitting them to the Selectmen's Office for payment.

The Ct. Federation of Planning and Zoning Commissions newsletter was circulated.

Ms. Roberts and Mr. Wyant reported on a land use seminar they had recently attended. Ms. Roberts noted that points raised there included: 1) Commissions should come up with as many reasons for the record as possible for approving or denying an application. 2) Accessory structures are not essential to the reasonable use of a property. 3) Land Use commission round tables are an effective way for commissioners to alert other Town commissions of their concerns, ideas, and actions. 4) Commissioners should be sure to understand the intent of any new regulations adopted. Ms. Roberts noted an example of this last point would be Section 12.14 of the Zoning Regulations, where the Zoning Commission requires noise generating equipment to be as close as possible to the structure served because owners will keep it operating quietly if it is kept next to their own house.

MOTION: To adjourn the meeting. By Mr. Catlin.

Mr. Sedito adjourned the meeting at 8:39 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator