

May 15, 2008

Present: Polly Roberts, Todd Catlin, Randolph Snook, Katherine Leab

Alternates: Georgia Middlebrook, Roderick Wyant III

Staff: Shelley White

Guests: Robert Fisher, Jr., Esq., Attorney Jim Kelly, Pam Seymon, Rod Pleasants, Douglas Babcock, Michael & Jane Athas, Paul Harknas, Averill

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

Tammy Zinick of Permit Me, Please had notified the ZBA that she would be unable to attend due to family emergency.

PUBLIC HEARING

7:35 pm

Ms. Roberts seated regular members Todd Catlin, Randolph Snook, Katherine Leab, herself and alternate Georgia Middlebrook.

ZBA-0807 Request of Kelly & Trevenen, LLC, 17 River Road, for variance; Zoning Regulation 11.6 - setback, 11.5.1.a - lot coverage, to construct handicap ramp. Attorney Jim Kelly presenting this application. Mr. Kelly presented the A-2 survey dated May 3, 2006. The survey does not include the square footage of the lot. Mr. Kelly stated he contacted Mr. Farnsworth for these numbers. Ms. Roberts requested these figures. Mr. Kelly stated the lot is .389 acres and the existing coverage is 28.2%.

Ms. Roberts asked if Kelly & Trevenen were asked to install the handicap ramp and Mr. Kelly said yes. The installation of the ramp required the dentist office to be renovated in order to have handicap access throughout the first floor including a larger front entrance. Mr. Snook asked for the physical dimensions of the ramp. Mr. Kelly stated that the ramp is 4 ft. wide and a total of 172 sq. ft.. 169 sq. ft. would be a 1% increase so this ramp will be slightly over a 1% increase bringing the lot coverage to 29.3% with the new ramp. Mr. Snook noted that it was well below than a 5% increase. Mr. Kelly informed the Board that he notified the neighbors, Barbara and Dave Cheney to make sure that they were aware of the project and to ask if they had any questions. Mr. and Mrs. Cheney said they had no objections. Mr. Catlin asked what the setback issue was. Mr. Kelly said that because it's a residential area they are reducing the rear yard setback. The existing setback is 34 feet and with the ramp it will be reduced to 25 ft and the required setback is 30 feet. Ms. Roberts asked if there was any one from the public that would like to comment or had any questions or concerns.

Motion: to close public hearing to consider application ZBA-0807/Kelly and Trevenen, 17 River Road, application for variance, Zoning Regulation 11.6(setback), 11.5.1.a(lot coverage) to construct handicap ramp was made by Mr. Snook, seconded by Mr. Catlin, by a 5-0 vote.

7:40 pm

MEETING

Mr. Snook stated that it is a moderate increase and that it is a necessary change to permit continued use

of this professional building and that he is in favor. Mr. Catlin said that he had no issue with the application. Ms. Middlebrook stated that she thought it was necessary and that she is in favor. Ms. Leab thought it the application showed sufficient hardship and considers ADA and she is in favor. Ms. Roberts asked that Mr. Kelly provides the Land Use Office with the numbers of lot size and coverage either on a separate piece of paper or on the map. Mr. Kelly said that he would.

Motion: to approve application ZBA-0807/Kelly and Trevenen, 17 River Road, application for variance, Zoning Regulation 11.6(setback), 11.5.1.a (lot coverage) to construct handicap ramp was made by Ms. Roberts, seconded by Mr. Snook, by a 5-0 vote

7:45 pm

PUBLIC HEARING

Ms. Roberts seated regular members Todd Catlin, Randolph Snook, Katherine Leab, herself and alternate Rod Wyant.

ZBA-0808 Request of Schumer/Seymon, 14 North Road, application for special exception for Zoning Regulation 17.5.a.2 - lot coverage, to construct addition to existing dwelling. Attorney Fisher, Pamela Seymon and Rod Pleasants, architect, presenting this application. Mr. Fisher presented a map titled Property Boundary Survey dated March, 2008. His clients would like to expand the kitchen area which is on the westerly end of the house. Mr. Fisher stated that the current lot coverage is just over 12%. The addition would be slightly under 450 sq. ft.. It does seem to fit within both the spirit and the letter of the regulations that allows the expansion of a historic residence. Mr. Fisher said that the lot has never been surveyed. The previous owners wanted to add a barn and it was determined the driveway was considered part of the impervious surfaces on the lot and the additional building would make it non conforming. The previous owners made the driveway a nonconforming lot and conveyed it to a relative and the language of the deed stated the lot was not to be considered a building lot. When Mr. Schumer and Ms. Seymon purchased the property they took title of two deeds one for the house and one for the driveway. They are not merged. The land on the map is exactly what it was in 2002 when it was divided. Mr. Fisher said he wanted to bring this up because Mr. Talbot was questioning how the driveway could be conveyed to the same people who own the rest of the property with out merger occurring. He was not opposing the addition for 14 North Road. Mr. Catlin asked how the property was divided into two lots without an A-2 Survey. Mr. Fisher presented a map titled Boundary Line Revision Plan, 14 North Road, 1522, Dated 8/25/00 by Dicara Land Surveying Services. Ms. Roberts asked how the previous owners were allowed to build the barn, bringing the lot coverage up to 12%, and not had to have applied for a variance. Mr. Fisher said that at the time it was calculated to be 10% coverage. Mr. Catlin asked where the difference came from and if there was anything else that was added to increase the lot coverage. Mr. Fisher said that he was not aware of anything added to the property that would increase the lot coverage. He stated that if a structure is placed in violation of zoning unless some enforcement actions are taken by the Town within three years the Town is stopped, they have waived the right to enforce that zoning regulation. Mr. Fisher said that this property is legally non conforming now and the addition is well under 5%. Mr. Pleasants stated that his firm tried to be as sensitive to the already existing historically significant house. Mr. Pleasants presented plans titled Proposed Residential Alterations for Pam Seymon & Bob Schumer, by McIver

- Morgan, dated 4/22/08 No. #A1.00, A1.01, A3.00. Drawing No. A1.00 is the First Floor Plan - Existing Conditions and Area of Proposed Addition. The Board and Mr. Pleasants discussed the site plans. Mr. Snook asked what the new lot coverage would be. Mr. Fisher stated lot coverage was calculated at 12.25%. Ms. Roberts asked if there was any one from the public that would like to comment or had any questions or concerns. Mr. Douglas Babcock, neighbor to the north and share a driveway with

the Schumer/Seymons, stated that he and his wife do not have an issue with this special exception. Mr. Catlin states he is not sure about this application. He said that it's disappointing that a driveway was taken off to gain lot coverage and it turns out after all the lot coverage was exceeded greatly and there is nothing that the Zoning Board of Appeals can do at this point. Mr. Catlin stated that the Special Exception Rule says that you must meet one of two criteria. The first part of these criteria does not apply. The second criterion is supporting the continued use of a single family dwelling. Mr. Catlin said that most houses that need this special exception have issues that make it difficult to live in the 21st century. He asked Ms. Seymon if she would like to address this issue. Mr. Fisher said that it's a family dwelling isn't working for this family. Mr. Snook read the Special Exceptions section in the Zoning Regulations. There was a discussion amongst the board members as to whether or not the applicant is required to comply with all three paragraphs. Ms. Roberts read that it should be one or both. Mr. Catlin said that he understands that the applicant should comply with one or the other or both. Mr. Snook stated that he believes this application meets reasonable scope, location, architectural style, and appearance. Ms. Roberts asked if there were any other questions or comments.

Motion: to close public hearing to consider application ZBA-0808/Schumer/Seymon, 14 North Road, application for special exception, Zoning Regulation 17.5.a.2 (lot coverage) to construct addition, by Mr. Snook, seconded by Mr. Catlin, by 5-0 vote.

MEETING

Mr. Catlin stated that he was bothered by the application because he does not think it supports section 2 in the Special Exceptions section of the Zoning Regulations. He does not think the addition is necessary and is not in favor. Ms. Leab stated that she is very familiar with the house and knows that the side entrance is not very safe for children. She believes the continued use of a single family dwelling with children supports the application and she is in favor. Mr. Wyant agrees with Ms. Leab and that the expansion is necessary for it to function better for the family. Mr. Catlin feels that the property owner is adding much more than just a safer entrance and feels that he would support the application if a more modest alteration to the home were to be brought in front of the ZBA. Mr. Snook stated that he was in favor. He feels that people have the right to do certain things to their homes to meet their needs as long as they are reasonable, consistent with the neighborhood and town. Ms. Roberts stated that she is in favor although she agrees with Mr. Catlin and is very troubled by the issue of coverage. She believes that the addition is modest and makes sense architecturally.

Motion: to approve application ZBA-0808/Schumer/Seymon, 14 North Road, application for special exception, Zoning Regulation 17.5.a.2 (lot coverage) to construct addition, by Ms. Roberts, seconded by Mr. Snook, by 4-1 vote. Mr. Catlin voted no because he doesn't think it supports section 17.5.a.2.

8:27 pm

PUBLIC HEARING

Ms. Roberts seated regular members Todd Catlin, Randolph Snook, Katherine Leab, herself and alternate Georgia Middlebrook.

ZBA-0809 Request of Athas, 12 New Preston Hill Road, application for special exception for Zoning Regulation 17.5.a - increasing non conformity of non conforming dwelling, 11.6.1.b - side yard set back, to construct addition to existing dwelling. Mrs. Jane Athas and Mr. Michael Athas presenting this application. Mrs. Athas said that they would like to put a second floor on an addition that was done 20 years ago to add a master bedroom. They are not adding a bedroom because they are

making one of the other bedrooms into a bathroom. Ms. Roberts asked if there is an A-2 Survey. An A-1 survey was presented by Mr. Athas. Ms. Roberts pointed out that an A-2 survey is required for this application process. Mr. Catlin asked if they have the measurement of the distance between the proposed addition and the lot line. Mr. Athas stated that it is 40 ft. on one side and more on the other side. Ms. Roberts asked if the addition was shown on the map. Mr. Athas said no. Mr. Snook asked if there was an A-2 Survey from when the addition was done 20 years ago. Mr. Athas said that it was not required. Ms. Roberts noted the driveway that is shared. Mr. Athas said their neighbors, the Averills, use it and it leads straight to their barn. Ms. Roberts stated that there is a need to have an A-2 Survey to have specifics on this lot, determine where the building lays on the property today, the dimensions of the current footprint and where it is in relation to the property lines so that there is a better understanding of the application. Ms. Roberts said that it would be acceptable to have a legitimate survey done that defined the front of the house to the street. Mr. Catlin explained that the Board is being asked to vary something very specific but they do not have the information of what they are being asked to vary.

Motion: to continue public hearing to consider application ZBA-0809 Request of Athas, 12 New Preston Hill Road, application for Special Exception for Zoning Regulation 17.5.a - increasing non conformity of non conforming dwelling, 11.6.1.b - side yard set back, to construct addition to existing dwelling, by Mr. Catlin, seconded by Mr. Snook, passed 5-0 vote.

8:50 pm

ZBA-0806 Request of Dowler, 13 Pleasantview Drive, application for Special Exception, Zoning Regulation 17.4.a - increasing nonconformity of a nonconforming dwelling, 17.5.a.1-front and side yard setback, to construct addition/cont. Due to family emergency no one attended this meeting to present this application. Ms. Roberts asked Ms. White to notify Ms. Zinick that we can continue at June 19th ZBA meeting and that drawings are needed.

Motion: to continue public hearing to consider application ZBA-0806 Request of Dowler, 13 Pleasantview Drive, application for Special Exception, Zoning Regulation 17.4.a - increasing nonconformity of a nonconforming dwelling, 17.5.a.1-front and side yard setback, to construct addition/cont., by Mr. Catlin, seconded by Ms. Roberts, passed 5-0 vote.

8:55 pm

CONSIDERATION OF THE MINUTES

Ms. Roberts requested the Board to consider the ZBA Regular Meeting Minutes from the April 17, 2008 with a correction to page 4, 1st motion should read "to continue public hearing to consider application #ZBA-0807..." and the second motion should read "to continue public hearing to consider Application #ZBA-0806..."

Motion: to approve the minutes of the April 17, 2008 as corrected, meeting of the Washington Zoning Board of Appeals as submitted was made by Mr. Catlin, seconded by Ms. Roberts, by a 5-0 vote

8:55 pm

OTHER BUSINESS

Board members examined the A-2 Survey from the Town of Washington for the compressor building at the Town Beach.

9:00 pm

Motion: to adjourn at 9:00 pm was made by Mr. Catlin, seconded by Ms. Roberts, by a 5-0 vote.

Submitted subject to approval,

Shelley White, Land Use Clerk

5-23-08