

June 19, 2008

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

Alternates: Georgia Middlebrook, Roderick Wyant III

Absent: Katherine Leab, Peter Bowman

Staff: Shelley White

Guests: Tammy Zinick, Michael and Jane Athas, Paul Harkness, Dorothy Hill, Mathew Klauer, Robert Ensign, Margaret Federle, Tom and Pam Osborne

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

PUBLIC HEARING CONTINUED

7:32 pm

Mr. Sedito seated regular members Todd Catlin, Randolph Snook, Polly Roberts, himself and Alt. Rod Wyant.

ZBA-0806, Request of Michael and Kristin Dowler, 13 Pleasant View Drive, petition for special exception to Zoning Regulations 17.4.a(increasing nonconformity of a nonconforming dwelling), 17.5.a.1(front and side yard setback) to construct addition.

Tammy Zinick of Permit Me Please was present to represent Michael and Kristin Dowler's application. Ms. Zinick presented the Property/Boundary Survey prepared for Michael H. Dowler, dated May 2007. Ms. Zinick stated that the Dowlers will be adding on vertically to the existing dwelling. She said that the footprint of the dwelling will remain the same but there will be a 2 foot overhang on the front and the back because the addition is cantilevered. She said that she is requesting approval of an 'airspace setback'. Mr. Sedito stated that the Town of Washington does not have 'airspace setbacks' in the Zoning Regulations. Ms. Zinick presented copies of photographs of the existing south elevation, front elevation, front and south side elevation and south elevation with a hand drawing of proposed addition elevation. She also presented drawings of the proposed first floor and second floor layout. The house will remain a 3 bedroom house and increased living space on the first floor. Mr. Snook asked if the footprint stays the same. Ms. Zinick said it does. Mr. Sedito pointed out that the 4 ft. overhang is part of the footprint. Mr. Catlin and Mr. Sedito pointed out that with the proposed addition and the 2 ft. front overhang, it brings the house two feet closer to the road. Mr. Snook asked if there was a front elevation drawing. Ms. Zinick explained how the south side elevation could be used. Mr. Sedito explained that the ZBA would like an overlay showing the extension and that a site plan should show what exists and what is being proposed. Ms. Roberts requested a drawing with the full footprint that shows the overhang with the distance to the lot line as well as the deck and the proposed front porch. Ms. Zinick stated that she will withdraw the request for special exception and asked that the fee be waived. Mr. Sedito said that the fee can be waived and asked Ms. Zinick to write a note of withdrawal to ZBA before she left.

Motion: to close the public hearing for ZBA-0806, Request of Michael and Kristin Dowler, 13 Pleasant View Drive, petition for special exception to Zoning Regulations 17.4.a(increasing nonconformity of a nonconforming dwelling), 17.5.a.1(front and side yard setback) to construct addition was made by Mr. Sedito, seconded by Mr. Catlin by a vote of 5-0.

7:57 pm

Mr. Sedito seated regular members Todd Catlin, Randolph Snook, Alt. Georgia Middlebrook and Alt.

Rod Wyant.

PUBLIC HEARING CONTINUED

ZBA-0809, Request of Michael and Jane Athas, 12 New Preston Hill Road, petition for special exception to Zoning Regulations 17.5.a (increasing non conformity of a non conforming dwelling), 11.6.1.b (side yard setback) to construct second story addition.

Mr. and Mrs. Athas and Paul Harkness were present to represent this application. The Athas' presented the Property/Boundary Survey prepared for G. Michael Athas and Jane C. Athas dated June 2008 by T. Michael Alex, Land Surveyor. Mr. Sedito asked if there were second story addition elevation drawings. Mr. Snook stated that the proposed addition's roofline does not extend above the existing roofline. Ms. Roberts asked if there were any questions from the public. She stated that it looks as though the addition is in keeping with the style of the antique house.

Motion: to close ZBA-0809, Request of Michael and Jane Athas, 12 New Preston Hill Road, petition for special exception to Zoning Regulations 17.5.a (increasing nonconformity of a nonconforming dwelling), 11.6.1.b (side yard setback) to construct second story addition was made by Mr. Snook, seconded by Mr. Wyant by a vote of 5-0.

MEETING

Mr. Snook stated that he is in favor of the request. Mr. Sedito said the request supports continued use of a single family dwelling and the modification is reasonable in scope, location, appearance. Ms. Roberts stated that the house is considered nonconforming because the property does not have enough frontage and is therefore considered an interior lot, and so also has a side-yard setback issue. Mr. Catlin stated that the minimum requirement is 200 ft of frontage. Mr. Wyant supports the application. Mr. Catlin stated that he has no problem with this request and sees that it clearly fits with continued use of a family dwelling. Ms. Middlebrook supports the project as it supports the continued use of a family dwelling. Ms. Roberts agrees and is in favor of the project.

Motion: to approve ZBA-0809, Request of Michael and Jane Athas, 12 New Preston Hill Road, petition for special exception to Zoning Regulations 17.5.a (increasing non conformity of a non conforming dwelling), 11.6.1.b (side yard setback) to construct second story addition as per application and A-2 survey on file by a vote of 5-0.

8:12

PUBLIC HEARING

Mr. Sedito seated Polly Roberts, Todd Catlin, Randy Snook, Alt. Georgia Middlebrook and himself. Rod Wyant excused himself from the hearing.

ZBA-0810, Request of Pam and Tom Osborne, 191 Nettleton Hollow Road, application for variance to Zoning Regulations, 12.1.1 (20 ft. from wetlands), 17.4 (increasing non conformity) to construct deck and addition.

Mr. and Mrs. Osborne were present to represent this application. Mr. Osborne read his application letter to the Board. The Osbornes are proposing a 474 sq. ft. addition to their existing residence. The proposed addition will add 12' x 16'10" to the kitchen and 12' x 22'7" open porch addition. The letter states that the home is located 42' from the wetlands and the proposed addition will bring them to 30' from the wetlands. Mr. Sedito asked what the non-conformity was with the property. Ms. Osborne said the distance to wetlands makes it nonconforming. Mr. Catlin asked if the Osbornes have already been approved by the Health Department and Inland/Wetlands. They have been approved. The members of the ZBA looked over the site plan titled Addition and Deck, Osborne Residence, dated 11/27/2007 by William W. Worcester, Architect and hand drawn elevation drawings. Mr. and Mrs. Osborne stated that

they are under the allotted lot coverage with the proposed addition. Mr. Sedito asked for input from the public. Mr. Sedito asked if any of the neighbors had responded.

Motion: to close ZBA-0810, Request of Pam and Tom Osborne, 191 Nettleton Hollow Road, application for variance to Zoning Regulations, 12.1.1 (20 ft. from wetlands), 17.4 (increasing non conformity) to construct deck and addition was made by Mr. Catlin, seconded by Mr. Snook by a vote of 5-0.

MEETING

Ms. Roberts said she sees the hardship because of the wetlands. She stated that the proposed addition will be built on piers and that will have limited if any effect on the surrounding grounds. She believes the addition is modest and is favor. Mr. Catlin agrees with Ms. Roberts. He stated that the size of the lot and the proximity to the wetlands does prove a hardship and this is the only place for the addition. He is in favor of the project. Ms. Middlebrook agrees that there is a hardship and the addition is modest and necessary. Mr. Snook agrees with the other members and is favor of the project. Mr. Sedito stated that it is a modest addition it seems to reasonable in scope and agrees that the wetlands are preexisting condition and is a hardship.

Motion: to approve ZBA-0810, Request of Pam and Tom Osborne, 191 Nettleton Hollow Road, application for variance to Zoning Regulations, 12.1.1 (20 ft. from wetlands), 17.4 (increasing non conformity) to construct deck and addition by a vote of 5-0.

8:26 pm

PUBLIC HEARING

Mr. Sedito seated Polly Roberts, Todd Catlin, Randolph Snook, himself, and Alt. Rod Wyant.

ZBA-0811, Request of Dorothy Hill, 71 River Road, application for variance to Zoning Regulations 11.6.1.c (side yard setback), 11.5.1.a (lot coverage) to construct a garage.

Ms. Dorothy Hill was present to represent this application. She read her application letter to the Board. Around 1970 her late husband had constructed a perimeter concrete foundation for a 26 x 26' garage. She now has the funding for the garage and would like to have one built. Three of her neighbors have given her verbal approval. Mr. Catlin asked if the foundation still exists. Ms. Hill said that it is not usable and would have to be torn down. Mr. Sedito asked if she had a site plan. Ms. Hill said that she did not and would like to know what would be allowed. Ms. Hill presented the Property Boundary Survey. Ms. Roberts noted that the septic fields were across the street. Mr. Catlin stated that the Board needs to see a drawing of what the Board is approving. Mr. Sedito requested drawings of the structure. Mr. Sedito stated that they should have a drawing that shows the height

Motion: to continue ZBA-0811, Request of Dorothy Hill, 71 River Road, application for variance to Zoning Regulations 11.6.1.c (side yard setback), 11.5.1.a.(lot coverage) to construct a garage was made by Todd Catlin, seconded by Rod Wyant by a vote of 5-0.

8:43

PUBLIC HEARING

Mr. Sedito seated himself, Polly Roberts, Todd Catlin, Randy Snook, Alt. Georgia Middlebrook.

ZBA-0812, Request of Robert Ensign and Margaret Federle, 32 School Street, application for variance to Zoning Regulations 11.6.1.c (setback), 17.4 (increase non conformity), to extend front porch, construct chimney, rear portico, and garage.

Mr. Robert Ensign and Ms. Margaret Federle were present to represent this application. Mr. Ensign displayed pictures of the front, rear, north and southern elevations of the property. He explained that the existing portico on the rear of the house will be shifted to the southern side of the house. The proposed chimney would be on the south side of the house where the bilco doors used to be. Mr. Ensign displayed

copies of photos of the site where they would like to build the proposed garage. Ms. Roberts asked if the windows were going to be replaced. Mr. Ensign stated that he would like to replace the windows with ones that are more consistent with an early 1900's house. The Board looked at the Lot Coverage Detail drawing. Mr. Ensign stated that the existing lot coverage is 4.9% and the proposed would be 5.4%. Mr. Sedito asked if there were any dimensions for the proposed stairs off of the front porch expansion. Mr. Snook stated that the steps would be included in the coverage calculations. Mr. Catlin stated that the site plan was confusing with the amount of things going on with the application and the complicated size and nature of the property. Mr. Sedito stated that they want to show a hardship and could Mr. Ensign address that. Mr. Ensign stated that there is no exterior space, backyard or usable front yard. He also stated that the addition that was built about 30 years ago does not really go with any of the other houses in the neighborhood and thinks the extension of porch would improve the front of the house. Mr. Snook stated that the Board needs an A-2 Survey. Mr. Catlin said that he drove by the property and he thinks that "with exception to the garage" this should have come in as a Special Exception. Mr. Sedito said that the setback for the garage should be determined by surveyors. Mr. Sedito read a letter from First Selectman, Mark Lyon. In the letter, Mr. Lyon states that "the driveway will be addressed in the driveway permitting process and we do not see any issues that would cause denial of the driveway permit." The letter continues to say that the Town of Washington has some concerns with setback regarding drainage, winter icing, erosion and roadside maintenance to the Town Road. Mr. Sedito noted that the proposed driveway is very close to the road. Ms. Roberts stated that the proposed drive seems very awkward and believes the garage could be pushed back towards the hill to provide a less awkward entrance. This would also address the First Selectman's concerns. Mr. Snook asked why the garage wouldn't be better closer to the house. Mr. Ensign stated that he is trying to preserve 2 maple trees that are 100 year old trees on the property. Mr. Sedito stated that he would like to look at the property and see if this is the only location on the property for the proposed garage. He asked if there were any comments from the public. Ms. Addie Roberts stated that she is a next door neighbor. She believes that it would be better to get rid of the existing driveway and believes that it would help disperse the water better. Ms. Middlebrook asked Ms. Roberts where she would put the driveway. Ms. Roberts stated that she is in favor of the proposed garage and driveway. Mr. Sedito said that he would feel more comfortable if an engineer would take a look at the site considering the drainage problem. Mr. Sedito requested that Mr. Ensign and Ms. Federle come back with an A-2 survey showing the setbacks, dimensions, proposed extension of the porch, new chimney, rear portico, garage and driveway.

Motion: to continue ZBA-0812, Request of Robert Ensign and Margaret Federle, 32 School Street, application for variance to Zoning Regulations 11.6.1.c (setback), 17.4 (increase non conformity), to extend front porch, construct chimney, rear portico, and garage was made by Polly Roberts, seconded by Todd Catlin by a vote of 5-0.

9:25

CONSIDERATION OF THE MINUTES

Ms. Roberts gave Ms. White a copy of the May 15, 2008 Regular Meeting Minutes with corrections to be made.

Page 1: after Present, include Absent members

The following lines should read

7th - Polly Roberts, Vice Chairman

21st – required the former office to be renovated...

26th – well below a 5% increase.

Page 2: 3rd – was anyone from the public...

20th – to construct a handicap ramp by a 5-0 vote.

29th – presented this application.

32nd - He said it does seem to fit within both the...

Page 3: 3rd – they took title of two deeds: one for the...
7th – rest of the property without merger occurring...
17-18th - within three years, the Town essentially waives the right to...
26th – anyone from the public that...
27th-28th – neighbor to the north who shares a driveway...
37th – family dwelling and isn't working for...
41st-42nd – comply with one, the other, or both...

Page 4: 19th – the addition is modest at 450 sq. ft. and makes sense architecturally.

Page 5: 3rd - Ms. Roberts noted that the driveway is shared.
9th – the front part of the lot, including the house to the street.
23rd – we can continue to the June 19th ZBA meeting, but not any further and that drawing are needed.

Page 6: 7th – It was noted that it is still an old survey showing the now torn down storage building, but that it does show a location of the lake aeration equipment building.

Motion: To approve the minutes of the May 15, 2008 meeting of the Zoning Board of Appeals as corrected was made by Polly Roberts, seconded by Georgia Middlebrook by a 5-0 vote.

OTHER BUSINESS

Mr. Catlin brought to the members attention that the Board needs to be more consistent about the required A-2 Survey with applicants. If applicants do not have a proper A-2 survey that they will not be put on the agenda. Mr. Sedito suggested that the Board should write something more expansive for the applicant(s). He volunteered to do this. Mr. Catlin volunteered to go over the applications with Ms. White at a scheduled time before the meeting to make sure that everything required for the application has been handed in. Mr. Sedito discussed and approved a bill from Mike Zizka. Mr. Sedito stated that when the ZBA is being sued the Board needs to contact Mike Zizka to establish a legal hold on electronic documents.

9:55

Motion: to adjourn at 9:55 pm was made by Mr. Catlin, seconded by Ms. Roberts, by a 5-0 vote.

Submitted subject to approval,
Shelley White, Land Use Clerk
6-27-08