

July 16, 2008

MEMBERS PRESENT: Mr. Catlin, Ms. Roberts, Mr. Sedito, Mr. Snook

MEMBER ABSENT: Mrs. Leab

ALTERNATES PRESENT: Mrs. Middlebrook, Mr. Wyant

ALTERNATE ABSENT: Mr. Bowman

STAFF PRESENT: Mrs. J. Hill

ALSO PRESENT: Mrs. D. Hill, Mr. Ensign, Ms. Federle, Mrs. Greene, Mrs. Federer, Mr. Hunt, Mr. Klauer, Atty. Strubb, Residents

Mr. Sedito called the Meeting to order at 7:34 p.m. and informed those present that due to a defect in the published legal notice, the Board's attorney had advised it to reschedule the Wykeham Rise, LLC./#ZBA 0813 and Pistone/#ZBA-0815 public hearings. Therefore, those two applications would not be discussed this evening except to set a new date for their hearings. He noted that the Board would send out the required notifications by certified mail if these applicants would provide a list of the names and addresses of all property owners within 200 ft. of each subject property.

Public Hearing

Hill/71 River Road/#ZBA-0811/Construct Garage/Variance/Section 11.6.1.c: Side Yard Setback/Con't. Mr. Sedito reconvened the Public Hearing at 7:36 p.m. and seated Members Catlin, Roberts, Sedito, and Snook and Alternate Wyant for Mrs. Leab. Responding to the request made at the last Meeting, Mrs. D. Hill presented a sheet, unsigned, undated, showing the front elevation of the proposed garage. Mr. Sedito reviewed the map, "Property/Boundary Survey," by Mr. Alex, revised to 6/2/08, noting that the existing 26' X 26' foundation was 13.75 ft. from the side boundary line and that it would be rebuilt to the same size and in the same location for the proposed garage. Mrs. Hill stated the building would have windows, but she did not yet know where, and that she proposed only a basic garage. There were no questions or comments from the public.

MOTION: To close the Public Hearing to consider Application #ZBA-0811 submitted by Mrs. Hill for a variance of Section 11.6.1.c: side yard setback to construct a garage at 71 River Road. By Mr. Snook, seconded by Ms. Roberts, and passed 5-0.

Mr. Sedito closed the Hearing at 7:40 p.m.

Regular Meeting

Hill/71 River Road/#ZBA-0811/Construct Garage/Variance/Section 11.6.1.c: Side Yard Setback: Mr. Sedito asked the Board Members for their comments. Ms. Roberts was in favor of granting the variance. Although it was not grandfathered, she thought the proposed garage was a typical New England building and so had no objections. Mr. Wyant supported approval of the variance. Mr. Catlin was also in support, and noted that the foundation was existing. Mr. Snook said he, too, supported the variance request and he noted that the neighbors had no objections. Mr. Sedito said the proposed garage could have been built years ago on the existing foundation, that having a garage is a function of a modern home, and that there was a hardship in that there was no better location on the property that was farther from the boundary line.

APPROVED: Application #ZBA-0811 submitted by Mrs. Hill for a variance of Section 11.6.1.c: side yard setback to construct a garage at 71 River Road. Vote: 5-0.

Mr. Sedito adjourned the Meeting at 7:44 p.m.

Public Hearing

Ensign-Federle/32 School Street/#ZBA-0812/Add Rear Portico, Chimney, and Front Porch Extension to Existing Dwelling and Construct Garage/Variance/Sections 11.6.1.c: Setback and 17.4: Increase in Non Conformity/Con't.

Mr. Sedito called the Public Hearing to order at 7:45 p.m. and seated Mr. Catlin, Ms. Roberts, Mr. Sedito, and Mr. Snook and Alternate Middlebrook for Mrs. Leab. He read the legal notice published in Voices on 6/6 and 6/13/08 and explained that if consideration of the original variance application for both the house and garage continued at this time and the new Special Exception application for the proposed work on the house was not considered, then the previously published legal notice complied with the state requirements. He thought it would be possible to continue with the original variance request since the revised site plan submitted made the proposal much clearer.

Mr. Ensign presented the map, "Site Analysis Plan," by Mr. Alex, revised to 7/11/08 and detailed the proposed activities. 1) A 2.5' X 6' chimney would be built on the south side of the house in the same location as the bilco doors. He pointed out on the "House Overview" sheet in the information packet that the chimney would cover half the area of the existing bilco doors. 2) The existing rear 4' X 6' portico would be removed and a new 5' X 6' portico constructed further south on the same side of the building. 3) The existing front porch would be extended to the north end of the house. He pointed out on the "House Overview" that its front line would match the existing porch line. Ms. Federle presented photos of the existing façade. Mr. Sedito noted the proposed chimney and portico were modest because they were either smaller or only slightly larger than what already existed. However, he thought the proposed porch addition was a significant proposal. It was noted the existing porch was non conforming.

The proposed stairs would be only 13 feet and the corner of the new porch would be only 23.41 feet from the front boundary line. Mr. Catlin pointed out, however, that the proposed porch would be no closer to the street than the existing porch. Ms. Roberts asked why the stairs were proposed on the front side of the porch. Ms. Federle said this was due to the proposed location of the garage. Mr. Ensign noted that ten of the fourteen houses on the street have full length porches, half have a second porch on the side of the house, and all are oriented towards the front. He noted that in 1914 when the house was built, porches normally faced the front. Ms. Roberts read the 7/16/08 letter in support from Mr. LaMuniere, 7 Barnes Road. It was also noted that Mrs. Roberts, adjoining property owner to the north, had spoken in support of the application at the last meeting.

The proposed porch was discussed further. Mr. Sedito noted the hardship in this case was that there was no other place to put the porch. Ms. Roberts and Mr. Catlin agreed. Mr. Catlin said the hardship was also that the existing house was non conforming and the lot was very steep and he noted that the request was modest. Mr. Snook said that the existing porch was not serviceable. Mr. Ensign explained that at one time the front porch had extended the length of the house, but a portion had been enclosed.

There were no other questions concerning the work proposed on the house.

Mr. Sedito noted the existing driveway would be removed because it has drainage problems. He reviewed the drainage plan by Mr. Neff, engineer, unsigned, undated, entitled, "Grading and Water Infiltration System Plan," and said 24 feet of infiltration galleries were proposed. Ms. Roberts noted the heavy duty system was needed to catch the runoff from the steep hillside.

Mr. Ensign explained the garage doors could not face the house without installing a 45 ft. long, 10 ft. tall retaining wall between the house and garage. As proposed, a 4 ft. boulder wall with a 6.5 ft. concrete wall up the back side of the garage would be needed. Mr. Sedito asked if Mr. Ensign had discussed alternatives with Mr. Neff. Mr. Ensign said he had, but that the alternatives either would not fit the site or were aesthetically unpleasing.

Mr. Ensign said a 24 foot long, 8 foot wide parking area and 24' X 24' garage were proposed. He also noted the garage would have no plumbing. Its total height would be 20 feet.

The Board agreed the driveway turn at the garage would be "tight" and "tricky." Mr. Catlin asked where the plowed snow would go. Mr. Ensign said the area could be graded to accommodate snow removal.

The drainage plans were discussed at length and in detail. Some of the Board Members questioned whether they were adequate considering that only one catch basin was proposed to handle the roof drains, driveway runoff, and hillside runoff and the Town did not want additional runoff flowing onto School Street. The proposed location of the driveway cut was also questioned. Mr. Ensign said he had discussed the cut with Mr. Smith of the Highway Dept. and assured the Board the sight lines would be adequate when vegetation was cut.

Mr. Sedito asked Mr. Lyon, First Selectman, if he had any concerns about the driveway or drainage plan. Mr. Lyon said he had not reviewed it, but would not contradict Mr. Neff's recommendations. He also noted that the driveway cut, sight lines, and runoff onto the Town road would be reviewed when a driveway application is submitted to the Selectmen's Office.

There were no comments from the public.

MOTION: To close the Public Hearing to consider Application #ZBA-0812 submitted by Mr. Ensign and Ms. Federle for a variance of Section 11.6.1.c: side yard setback and Section 17.4: increase in non conformity to construct a rear portico, chimney, and front porch extension on the existing dwelling and a garage at 32 School Street. By Mr. Catlin, seconded by Mr. Snook, and passed 5-0.

Mr. Sedito closed the Public Hearing at 8:32 p.m.

Regular Meeting

Ensign-Federle/32 School Street/#ZBA-0812/Add Rear Portico, Chimney, and Front Porch Extension to Existing Dwelling and Construct Garage/Variance/Sections 11.6.1.c: Setback and 17.4: Increase in Non Conformity:

It was the consensus that there had been one original application, which included both the house and the garage, and that the Board would continue to handle it as one application. Mr. Snook stated the proposed modifications to the house were modest and necessary and he had no objections to the garage. However, he did question the logistics of the driveway turn into the garage. Mr. Catlin said he had been very concerned about the driveway and about runoff to School Street, but noted that Mr. Lyon had voiced no concerns. He said this was a classic example of a hardship due to the tricky, non conforming property. He, too, was bothered by the driveway logistics, but said the proposal was preferable to a high retaining wall.

Ms. Roberts was not happy that the garage would be so close to the street, but agreed there was no other place to put it. She thought the additions to the house were modest and in keeping with the rest of the neighborhood. Mrs. Middlebrook thought this was a difficult piece of property and that the modest renovations to the house would enhance it. She noted that the drainage problems had been addressed by an expert. Mr. Sedito agreed with all of the above comments and said there was a land based hardship in this case. He thought the proposed house additions were modest and in keeping with the neighborhood. He said that a garage was an integral part of today's house and there was no other place to put it. He said the only remaining issue was the drainage, and that the Board would have to trust the expertise of Mr. Neff, engineer, and Mr. Bennett, installer, in this matter. He read the original legal notice published in Voices on 6/8 and 6/15/08.

APPROVED: Application #ZBA-0812 submitted by Mr. Ensign and Ms. Federle for a variance of Section 11.6.1.c: side yard setback and Section 17.4: increase in non conformity to construct a rear portico, chimney, and front porch extension on the existing dwelling and a garage at 32 School Street. Vote: 5-0.

Mr. Ensign submitted a written request to withdraw the Special Exception application, #ZBA-0814.

Wykeham Rise, LLC./101 Wykeham Road/#ZBA-0813/Inn/Variance/ Sections 11.5.1: Lot Coverage and 21.1.37: Definition of Lot Coverage: Mr. Sedito again explained that due to a defect in the legal notice the Public Hearing had to be rescheduled. The Hearing was set for Thursday, July 31, 2008 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall. It was noted this would give Mrs. Hill adequate time to publish the legal notices and mail out written notifications within the required time

frame.

Dowler/13 Pleasantview Drive/#ZBA-0818/Addition to Dwelling/ Special Exception/Sections 17.4.a: Increasing Non Conformity and 17.5.a.1: Front and Side Yard Setback

Thorn/228 West Shore Road/#ZBA-0816/Addition to Dwelling/Variance/ Sections 11.6.1.c: Setback, 12.1.1: Wetlands and Watercourse Setback, and 6.5: Lake Waramaug Special Permit

It was noted that a Special Meeting had been scheduled for Thursday, July 24, 2008 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall to consider these two applications. The 7/11/08 letter from Atty. Zizka regarding the Thorn request to vary Section 6.5 was noted. Atty. Zizka stated, "... we can think of no circumstance in which a landowner could demonstrate a legally sufficient hardship that would justify a variance to eliminate the procedural requirement of applying for a Special Permit...." Copies of the entire letter will be mailed to the Board Members before the July 24th Meeting.

Pistone/122 Blackville Road/#ZBA-08-15/Reconstruct Dwelling/ Special Exception/Sections 17.5.a.1: Setbacks and 11.6.1.b: Interior Lot: This Public Hearing could not be held as scheduled to due a defect in the legal notice. The Hearing was rescheduled for Thursday, August 21, 2008 in the Land Use Meeting Room.

Consideration of the Minutes

The Board had not received the June minutes so their consideration was deferred to the next Meeting.

Other Business

Applications requiring both a Variance and a Special Exception:

Mr. Sedito noted an example of such an application would be an addition to a small non conforming house that needed a variance for the setback from a wetland and either a variance or a Special Exception for a boundary line setback. In the past if a project required both, the applicant had been advised one application for two variances was required. Mr. Sedito pointed out, however, that it is easier to obtain approval for a Special Exception and so applicants should be given the choice of making one application for two variances or two applications, one for a variance and one for a Special Exception. It was the consensus that the new procedure would be for the applicant to determine which way he would apply.

Restricting Applications to Five per Meeting:

This matter was briefly discussed. Some of the Members had not been aware that there was such a limit, but Mrs. D. Hill, former ZBA secretary, noted that had been the policy for years and it had been so when she had worked for the Board. It was agreed to continue to consider only five applications per meeting except when both a variance and Special Exception were being applied for on the same property, in which case the two applications would count as one.

Receipt of Applications:

The Land Use staff will make sure it marks both the date and time of receipt on applications submitted to ZBA.

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

Mr. Sedito adjourned the Meeting at 9:09 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator