

December 18, 2008

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

Alternates: Roderick Wyant III

Absent: Kathy Leab, Georgia Middlebrook, Alt., Peter Bowman, Alt.

Staff: Shelley White

Others: Tammy Zinick, Dane Buell, Daniel, Dolores & Dillon Schiesel, Jim Dobson, Brian McKernan and Atty. Neil Marcus

Brad Sedito, Chairman called the meeting to order at 7:29 pm.

PUBLIC HEARING CONTINUED

7:29 pm

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

ZBA-0828 Request of Mark & Linda Conlon, 6 Valley Road, application for variance, zoning regulation 12.1.3 (watercourse setback for septic), 12.2.2 (Shepaug River setback), 11.6.1 (front yard setback, 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), for addition to existing barn and house and installation of new septic system.

Motion: to continue application ZBA-0828, Request of Mark & Linda Conlon, 6 Valley Road, for variance, zoning regulation 12.1.3 (watercourse setback for septic), 12.2.2 (Shepaug River setback), 11.6.1 (front yard setback, 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), for addition to existing barn and house and installation of new septic system, by Todd Catlin, seconded by Kathy Leab, by 5-0 vote.

7:32

PUBLIC HEARING CONTINUED

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

ZBA-0835, Request of Dane & Karen Buell, 3 Findlay Road, application for variance, Zoning Regulation 12.1.2 (Aspetuck River setbacks), 12.1.3 (watercourse setback for septic), 17.4.a (increasing non conformity), to expand kitchen, construct addition and increase septic system.

Ms. Tammy Zinick from Permit Me Please and Mr. Dane Buell were present to represent this application. Ms. Zinick presented a Property Boundary Survey, prepared for Dane & Karen Buell, December 2008, by T. Michael Alex. She explained the proposed changes to the property and stated that the Inlands/Wetland Commission has approved the proposed plan. Ms. Zinick presented a letter from Susan Van Holt, Town Sanitarian that explains how the proposed subsurface sewage disposal system cannot be moved. The ZBA and Ms. Zinick discussed the reasons of why the system could not be relocated.

Motion: to close the public hearing to consider ZBA-0835, Request of Dane & Karen Buell, 3 Findlay Road, application for variance, Zoning Regulation 12.1.2 (Aspetuck River setbacks), 12.1.3 (watercourse setback for septic), 17.4.a (increasing non conformity), to expand kitchen, construct addition and increase septic system, and add front yard setback, by Rod Wyant, seconded by Randy Snook, by 5-0 vote.

MEETING

Mr. Snook stated the existing house is small and the proposed additions are doubling the size of the

dwelling. He understands the position of the house on the property and is in favor of this application. Ms. Roberts stated the house is on a decent size lot and is situated in between a river, watercourse and street. She states she would be in favor of the proposed addition as long as the dimensions are indicated on the A-2 Survey. Mr. Catlin stated he appreciates the new A-2 Survey and would also like to see the dimensions of the addition added to it. He sees the position of the house and its proximity to the river and watercourse as a hardship. He also expressed a concern for other proposed items that were indicated on the A-2 Survey that were not included on this application and wanted it clarified that these items would need to be applied for separately for approval. Mr. Wyant stated that he approves the application. Mr. Sedito stated he has no problem with this application. He indicated that the applicant would need to submit a revised A-2 survey with the exact dimensions and measurements of distances of the proposed addition and septic to the Aspetuck River.

Motion: to approve ZBA-0835, Request of Dane & Karen Buell, 3 Findlay Road, application for variance, Zoning Regulation 12.1.2 (Aspetuck River setbacks), 12.1.3 (watercourse setback for septic), 17.4.a (increasing non conformity), to expand kitchen, construct addition and increase septic system, and add front yard setback, with the conditions; 1. That a revised A-2 survey showing the dimensions and location from the Aspetuck River and the brook, of the addition and the proposed septic and that it be submitted before the January 15th, 2009 ZBA Meeting and 2. Phase 2 project indicated on the A-2 survey will have to be applied for separately and are not approved on this application, by Rod Wyant, seconded by Randy Snook, by 5-0 vote.

8:05 PUBLIC HEARING

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

ZBA-0837, Request of Daniel and Dolores Schiesel, 6 Wheaton Road, petition for special exception, Zoning Regulation 11.6.1 (front/side yard setbacks) to reconstruct front porch & rear shed roof, raise roofline and change walls of screened porch, replace foundation of screened in porch and kitchen, reconstruct exterior stairs on barn.

Mr. Dan and Mrs. Dolores Schiesel were present to represent this application. The Schiesels presented a Property/Boundary Survey, prepared for Daniel and Dolores Schiesel, 6 Wheaton Road, by T. Michael Alex, dated December 2008. The ZBA Commissioners and the applicants looked at and discussed the existing and proposed structures. 'Lori' Schiesel explained the pictures that were taken of the existing foundation of the front porch. Mr. Catlin asked if the foundation was still usable. Mr. Schiesel stated it would be with a few repairs and that he was planning on putting a blue stone floor on the front porch. The Board Members and Schiesels discussed how the enclosure of the screened in porch in which the roof would be raised slightly to accommodate stairs that would meet code. A proper poured foundation would be replacing a wood foundation in the rear part of the kitchen. The Schiesels explained that they would like to reconstruct the outer stairs on the barn. Mr. Sedito asked how old the barn was. Mr. Schiesel stated it was early 1900's and was a constructed Chestnut and had a poured foundation. Mr. Catlin asked if the staircase would be open. Mr. Schiesel confirmed. Mr. Sedito stated this was a good example of a special exception in that it allows for continued use of a dwelling, the changes are reasonable in scope and the barn has historical/cultural significance.

Motion: to close the public hearing to consider ZBA-0837, Request of Daniel and Dolores Schiesel, 6 Wheaton Road, petition for special exception, Zoning Regulation 11.6.1 (front/side yard setbacks) to reconstruct front porch & rear shed roof, raise roofline and change walls of screened porch, replace foundation of screened in porch and kitchen, reconstruct exterior stairs on barn, by Todd Catlin, seconded by Randy Snook, by 5-0 vote.

MEETING

Mr. Wyant stated the application was pretty straightforward and the proposed changes would improve the

property. Mr. Catlin read the Zoning Regulation, Section 17.5.2.c & 13.1.b and stated that the application supports the continued use of a family dwelling, it's a modest improvement and it's in keeping with the character of the house. Ms. Roberts stated all of the improvements are a reasonable restoration. Mr. Snook and Mr. Sedito agree and feel that it supports the continued use and that the barn has historic significance and will be improved and maintained.

Motion: to approve ZBA-0837, Request of Daniel and Dolores Schiesel, 6 Wheaton Road, petition for special exception, Zoning Regulation 11.6.1 (front/side yard setbacks) to reconstruct front porch & rear shed roof, raise roofline and change walls of screened porch, replace foundation of screened in porch and kitchen, reconstruct exterior stairs on barn, by Randy Snook, seconded by Todd Catlin, by 5-0 vote.

8:21 pm

Mr. Catlin recused himself.

PUBLIC HEARING

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

ZBA-0838, Request of Sean Baldwin, 123 Wykeham Road, petition for special exception, Zoning Regulation 12.14.1, 12.14.2 & 12.14.3 (installation of noise generating equipment) to install a pool pump against existing structure.

Mr. Jim Dobson of Dobson Pools and Mr. Brian McKernan, caretaker of the property were present to represent this application for the Baldwins. Mr. Dobson stated the Baldwins are requesting a 71 ft setback for the pool pump so that it would be against the existing garage. Mr. Dobson and the members of the ZBA looked at the Proposed Site Plan, prepared for Mr. Sean Baldwin, 123 Wykeham Road, revision dated October 2000, by Gilly Hinkel Architects. The site plan depicts the pool pump 41 ft. from the nearest property line and 71 ft. from the pool it services. Attorney Neil Marcus of Cohen & Wolf was present to represent the Levys, neighbors of the Baldwins. Atty. Marcus stated the pump has already been installed and the Levy's were able to hear it running. Mr. Dobson stated it is the quietest pump on the market. Mr. McKernan stated they would be willing to box it in to make it even quieter. Atty. Marcus indicated the placement of the pump should be within 50 ft. of the pool and the reason the property owners do not want it there is because of aesthetics. Mr. Dobson stated he would move the pool pump if necessary but believes its noise would be elevated at if it were to be located out in the open within the 50 ft. setback. Atty. Marcus stated his client would be willing to take the chance and have the pool pump installed within the 50 ft setback. The Commissioners discussed the placement options with Mr. Dobson and Atty. Marcus. The ZBA, Atty. Marcus, and Mr. Dobson came to the conclusion the application should be withdrawn and reapplied for in the spring when the pool pump could be run. Mr. Dobson presented a note withdrawing the application.

9:00 pm

OTHER BUSINESS

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

Motion: to approve the ZBA Regular Meeting Minutes from September 18, 2008, by Polly Roberts, seconded by Rod Wyant

Mr. Sedito discussed the recommendations made by Marty Connor to the Board of Selectmen for the Land Use Office. Mr. Sedito went over the report by Mr. Connor and the members of the ZBA made suggestions. Mr. Sedito volunteered to draft a letter to the Board of Selectmen with the input and recommendations of the ZBA members regarding the report.

Motion: to adjourn at 9:15 pm by Mr. Snook, seconded by Mr. Catlin, by a 5-0 vote.

FILED SUBJECT TO APPROVAL:
Shelley White, Land Use Clerk
December 30, 2008