

January 18, 2007

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

Alternates: Peter Bowman, Georgia Middlebrook

Guest: Tami Zinick, Reese Owens, Barbara Shattuck Kohn, Richard Sears, David Wilson, Tom McGowan, Joe Mustich, Catherine Bouquillon, Ken Cornet, Diane Dupuis, Howard Lockwood, Paul Frank, Ray Kozak, Janet Buonaiuto

Brad Sedito, Chairman called the meeting to order at 7:40pm.

PUBLIC HEARING

Mr. Sedito seated regular members Polly Roberts, Todd Catlin, Randolph Snook, himself and alternate Georgia Middlebrook.

ZBA-0701 Request of Bruce Carusillo, 247 Roxbury Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Tami Zinick was present to represent this application. Ms. Zinick began by stating that the pad and a/c units were already installed and the applicant wanted to make arrangements for a future generator. The pad location is 30.89' from the Town/property line and 28.99' from the house. Ms. Zinick noted that the closest neighbor Robert Marques has submitted a letter in favor of the special exception, she went on to say that Mr. Marques is planting spruce trees as screening and the applicant intends to do the same. The proposed generator has a db rating of 70 and will be installed with a muffler. Mr. Sedito read a letter dated December 18, 2006 by Michael E. Ajello, Zoning Enforcement Officer into the record. Mr. Snook has a problem with the proximity to the property line and would like to see a condition of approval for the installation of a solid 6' fence around the equipment. Members were in agreement. Mr. Sedito asked for further comments or questions from the public.

Motion: to close ZBA-0701 request of Bruce Carusillo, 247 Roxbury Road, petition for special exception, a request for generator and air conditioners to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, was made by Ms. Roberts, seconded by Mr. Snook by a 5-0 vote.

MEETING

Mr. Snook is comfortable with granting this special exception with the conditions stated. Mr. Catlin has no issues with this application. Ms. Middlebrook is also Ok with it. Ms. Roberts is not happy with the already built aspect of this application, as a general contractor the applicant should have been aware of the regulations. Mr. Sedito shares Ms. Roberts unhappiness with after-the-fact applications, but went on to note that if the applicant were to place the generator within 25' of the house it would be noisier to neighbors than being surrounded by the solid fence, there would be an echoing effect.

Motion: to approve ZBA-0701 request of Bruce Carusillo, 247 Roxbury Road, petition for special exception, a request for generator and air conditioners to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, as per as-built filed by Roy V. Cheney LLS dated May 2003 (rev. December 2006), with the condition that the equipment be enclosed in a 6" high solid fence by a 5-0 vote.

PUBLIC MEETING

Mr. Sedito seated regular members Polly Roberts, Todd Catlin, Randolph Snook, himself and alternate Georgia Middlebrook.

ZBA-0702 Request of Barbara Shattuck Kohn, 23 Ferry Bridge Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Reese Owens of Halper & Owens Architects and Barbara Shattuck Kohn were present to represent this application. Mr. Owens began by stating that a special exception for a generator was granted to Ms. Kohn in October of 2006, since then they have discovered a better location for the generator. The new location is in an existing garage, but is further from the house than the location granted in October. Mr. Owens went on to say that the garage doors face into the property, they will insulate the building, venting louvers will face into the property and the muffler will go through the roof. Ms. Roberts stated that the special exception granted in October 2006 should be voided, if the current application is approved. Other ZBA members were in agreement. Mr. Owens added that the power service for the generator is in the garage, having the generator located in the garage should be less noisy for neighbors. The proposed generator is the same one as the October 2006 application with sound enclosure and 70-75db. Mr. Sedito asked for further comments or questions from the public.

Motion: to close ZBA-0702 request of Barbara Shattuck Kohn, 23 Ferry Bridge Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations was made by Ms. Roberts, seconded by Mr. Snook, by a 5-0 vote.

MEETING

Mr. Catlin prefers having the generator in a building; he's a little concerned with the new proposed location close to the property line. Ms. Middlebrook and Ms. Roberts also prefer the new location. Mr. Snook felt moving the equipment into the garage is an improvement. Mr. Sedito added that the new location will have less impact on neighbors, than placing it within 25' of the house with no enclosure; he's in favor of the application with the condition that the previous application be revoked.

Motion: to approve ZBA-0702 request of Barbara Shattuck Kohn, 23 Ferry Bridge Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations as per site plan by Halper Owens Architects LLC dated 12-21-06 on file, with the condition that the previous variance granted on October 26, 2006 and filed on November 6, 2006 in Volume 195 Page 1000 of the Town Clerk's Land Records is revoked, was made by a 5-0 vote.

PUBLIC HEARING

Mr. Sedito seated regular members Polly Roberts, Todd Catlin, Randolph Snook, himself and alternate Peter Bowman.

ZBA-0703 Request of Paul A. & Joan H. Marks, 7 Rossiter Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Reese Owens of Halper & Owens Architects was present to represent this application. Mr. Owens began by saying that the proposed location is an obvious improvement to placing the generator within 25' of the house; because the house is located in the Historical District they are sensitive to not putting the generator in the landscape. Mr.

Owens went on to say the property has two accessory structures close to the house. The house is on a knoll and the two accessory structures are below the house in grade. The proposed location is in an existing garage; it will have sound enclosure and be approximately 65' from the house. Mr. Sedito asked if all property owners within 200' had been notified. Certified mail notice was done on January 10th, nine notices were sent out and only four cards have been returned. Members felt more time should be had for cards to be returned. Mr. Owens agreed to a continuance.

Motion: to continue ZBA-0703 request of Paul A. & Joan H. Marks, 7 Rossiter Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations was made by Mr. Catlin, seconded by Mr. Snook, by a 5-0 vote.

PUBLIC HEARING

Mr. Sedito seated regular members Polly Roberts, Todd Catlin, Randolph Snook, himself and alternate Peter Bowman.

ZBA-0704 request of Town of Washington, 59 East Shore Road, for a variance from Zoning Regulations 11.5.1a (lot coverage) and 17.4 (increasing non-conformity) for a parking lot for Lake Waramaug Boat Launch. Richard Sears, First Selectman and David Wilson P.E. were present to present this application. Mr. Sears began by giving a background on the boat launch dating back to 1995. Mr. Sears continued by saying that the State of Connecticut must allow/provide for public access to Lake Waramaug, the three towns (Washington, Warren & Kent) that border Lake Waramaug have negotiated with the State Department of Environmental Protection (DEP), to help control invasive weeds by inspecting boats, by establishing the Lake Waramaug Agreement two years ago. The Lake Waramaug Agreement allows access to 20 non-resident boats a day: 13 from the State Park and 7 other non-resident day boaters. The planned boat launch application is the implementation of the Lake Waramaug Agreement. The entire town parcel is 1.03 acres. Mr. Sears continued by stating that they will remove the existing boathouse, this is Phase I of a proposed three phase project, tonight's single focus is for Phase I. According to calculations submitted by Mr. Wilson existing lot coverage is 26.1% and proposed lot coverage will be 35.6%. Mr. Catlin asked what will happen if this application were denied. Mr. Sears said the State could open its own ramp at the State Park. Mr. Wilson added that the State has an active program to provide public access; this agreement was made to protect the water quality and provide access. Mr. Snook asked about boat monitoring. Mr. Wilson answered that the boat ramp is manned by a person who inspects for invasives; this inspection process has been in place for years at the existing boat ramp. There will be no limit in the size of vessels. The State design vehicle is 40' overall length for the circulation pattern and parking lot design. Mr. Sears went on to say that if approved this is a unique proposition, it will be the only public boat launch, will have handicap access, will have internal circulation of traffic and the plan has been signed off by the State. Mr. Wilson added that this plan has satisfied the Lake Waramaug organizations, the Army Corp of Engineers, Washington Inland Wetlands, the DEP and DOT, the design represents a compromise with all these groups. The underwater portion of the boat ramp is not included in the lot coverage. Mr. Wilson went on to say that the State wants buildings off of the right-of-way and the ramp needs to be operational while construction is underway. Mr. Wilson continued by stating that to achieve the circulation, nine parking spaces and stacking room 3300 sq. ft. of the lake is being filled, they are installing a retaining wall/seawall and vegetation buffer. He went on to explain the engineering design for the parking lot. Certified mail notice was sent out on January 5th, fifteen notices were sent out and twelve cards have returned. The timetable to start this project is early spring of 2007. Mr. Sedito asked if they had looked at a prudent alternative. Tom McGowan of the Lake Waramaug Task Force answered that the only prudent alternative is the State Park in Kent. The State looked at the old Casino property, but the access to that property along the state road was a disaster and the launch and parking would be on different sides of the road. Mr. McGowan went on

to say that access along Route 45 is steep, on the Warren side the lake is shallow and would need lots of dredging. The State Park location in Kent is also shallow and would need dredging and maintaining, in closing Mr. McGowan stated that there are no prudent and feasible alternative. Ms. Roberts asked what Phase II would be. Mr. Sears answered that the Town would need a boathouse to store: the Lake Waramaug Task Force compressor which is 10x10, the police/fire boat, the air boat, an inflatable boat and caretaker's grounds keeping equipment. From the audience Joe Mustich expressed concern with this being a multi phase project and only looking at Phase I. Mr. Sedito agreed that ZBA does like to see an entire project and the applicant runs the risk of not being approved for future phases. Mr. Snook stated that this is a unique application and Ms. Roberts added that often times they have homeowners who come back more than once. Catherine Bouquillon from East Shore Road gave a brief history of the Town's boat launch site, noting that she now looks out over a picnic area and boat house and is concerned with the change to a paved parking lot and traffic. Ms. Bouquillon is also concerned about her deeded right-of-way to the lake. Mr. Wilson answered these concerns by saying that at present there is a chain linked fence and what they are proposing will be lower (about 2' step down), have a post & bean fence, what is grave now will be grass (about 20' of grass). They will not be allowed to encroach on the state property. Ms. Bouquillon asked about the 24hr security. Mr. Sears answered that they will be maintaining the caretaker as is, Hank will be staying and he will check into the right-of-way issue. Ken Cornet asked about the beach area, will it remain the same and expressed concern about seeing the whole plan. Mr. Sedito reminded that ZBA is looking at the application before them, which is for lot coverage for the boat ramp project. Mr. Cornet wanted the record clarified as to the Casino property that this property was available, but bought by private entities. There was some discussion on the beach area with Mr. Wilson stating that activity will be proposed north of the beach area and Diane Dupuis stating that a proposed 30x50 structure may encroach on the shaded area of the beach. Ms. Dupuis ended by saying with research she has done she didn't think a DOT study had been done; she is not against the project but just wants the time taken to get ducks-in-a-row. Howard Lockwood of New Preston Hill was concerned about the future, increased activity and having a written agreement with the state not to build its own boat ramp. Paul Frank from the Lake Waramaug Association stated that the towns will have control, with no public launch for 50 years. Mr. Sedito reminded that ZBA was here to address the lot coverage issue for this application. Ray Kozak addressed members by saying he conducted a test run for the boat ramp parking lot in the Shepaug Valley High School parking lot, which he states had problems with getting vehicles out of the parking spaces. (Mr. Kozak's document was submitted to the file) Mr. Kozak stated that the boat trailer overhung the seawall and maneuvering was not accepting. Mr. Sedito commented that Mr. Kozak has raised a valid question, but this should be addressed at the Zoning Commission public hearing. Mr. Snook added that ZBA assumes the engineers plan works. Janet Buonaiuto felt the entire project should be presented because Phase II is a necessity for Phase I. First Selectman Sears disagreed, stating that Phase I can stand alone, the caretaker cottage will remain. Mr. Sedito explained that the ZBA is here to look at varying the Zoning Regulations for lot coverage; this has to do with the nature of the land. Mr. Catlin added that there would be a 10% increase in lot coverage. Tom McGowan distributed a document and spoke about Section 18.1.2 of the Zoning Regulations which governs a decision on an application for a variance. There were several other statements which Mr. Sedito stated were questions for the Zoning Commission. Brendan Bouquillon was concerned with losing the green space (picnic area). Mr. Sedito asked for further questions or comments.

Motion: to close ZBA-0704 request of Town of Washington, 59 East Shore Road, for a variance from Zoning Regulations 11.5.1a (lot coverage) and 17.4 (increasing non-conformity) for a parking lot for Lake Waramaug Boat Launch was made by Mr. Catlin, seconded by Ms. Roberts, by 5-0 vote.

MEETING

Ms. Roberts began by stating that she is troubled by Mr. Kozak's concern with the backing radius. Mr.

Snook noted that when parking people will be doing so without boats on their trailers, but he is concerned with the public backing up. Mr. Sedito showed concern for the internal workings of the parking; if it doesn't work there will be red faces. Mr. Catlin stated that the list for hardship is long. Mr. Bowman felt the proposed is the ideal spot for the boat launch. Ms. Roberts stated that a professional engineer came up with the proposal and with the agreement it cannot be relocated or reconfigured; she is satisfied with the project and trusts that Zoning will look at all the details. Mr. Sedito ended by saying that ZBA is looking at lot coverage, an increase in impervious surface which deals with density and drainage, parking is not a density issue. Mr. Sedito went on to say that this is a routine application with a classic case of hardship. It is a unique parcel and other locations have been looked at.

Motion: to approve ZBA-0704 request of Town of Washington, 59 East Shore Road, for a variance from Zoning Regulations 11.5.1a (lot coverage) and 17.4 (increasing non-conformity) for a parking lot for Lake Waramaug Boat Launch as per map on file by David R. Wilson P.E. dated July 2006, by a 5-0 vote.

Motion: to approve as submitted the minutes of the December 21, 2006 meeting of the Washington Zoning Board of Appeals was made by Ms. Roberts, seconded by Mr. Snook, by a 5-0 vote.

Meeting adjourned at 10:10pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary