

December 20, 2007

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

Alternate: Roderick Wyant, III

Guests: Tammy Zinick, Steven Colville, Tom Farnen, Dorota Habib, Kurt Smith, Stephanie Fenwick

The Chairman Bradford Sedito called the meeting to order at 7:30pm. ZBA-0725, request of Louise King has been withdrawn by the applicant.

PUBLIC HEARING CONTINUED

Mr. Sedito seated regular members Polly Roberts, Todd Catlin, Katharine Leab, Randolph Snook and himself.

ZBA-0721 Request of Steven Shapiro, 50 Turner Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations to move a generator. Tammy Zinick of Permit Me Please was present to represent this application. Members were presented with a new location for the generator, which is near an existing pool. This proposed location is 100' from the house. Ms. Zinick read a letter dated 12/19/2007 from Dirk Sabin into the record. Mr. Snook asked about screening for the generator, the standard set by the Zoning Board of Appeals is 50db at the nearest property line; the proposed would have a 65db noise level at the nearest property line, according to Mr. Snook's calculations. Ms. Zinick reminded members that because Mr. Shapiro is handicapped a large generator is needed to run an elevator. Mr. Sedito asked if anyone had investigated insulating the generator in its existing location to cut down on the vibration. Ms. Zinick stated that the vibration occurs under the floor of the deck. Mr. Sedito reminded the applicant that members are charged with finding that the proposed location have less impact on neighboring properties. Mr. Snook stated that the nearest property line is 135' from the proposed location, the db rating would be 65db, and he would like to see a three sided solid fence around the generator. He went on to say that landscaping does little to decrease the noise level, but a three sided solid fence with the opening facing toward the pool would cut down the noise. The generator runs at 80db as it exists. Mr. Catlin questioned whether the proposed location would have less impact on neighboring properties, by his calculations the house is situated 250' from the nearest property line, and at the existing location the generator produces 60db at the property line. Mr. Snook felt that having the generator within 25' of the house causes reverberation noise off the house and locating it further will have less of an impact. He went on to say that with the fence installed the noise level is 10-20% less. Mr. Sedito asked for other questions or comments from the public.

Motion: to close ZBA-0721 Request of Steven Shapiro, 50 Turner Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations to move a generator was made by Mr. Catlin, seconded by Ms. Roberts, by a 5-0 vote.

MEETING

Ms. Leab feels that with the stipulation of having a fence installed around the generator, she has no problem with the proposed. She does however have a problem with how the regulation is written. Mr. Catlin agrees with Ms. Leab's comment about the regulation, he is bothered by the proposed; no effort was made to make the generator work in its existing location. Ms. Roberts is in favor of this application

and believes in Mr. Snook's calculations and information, the proposed is a better location than last month's proposal. She feels the fence will work to cut down on the noise levels. Mr. Snook agrees based on the discussions presented. Mr. Sedito is in favor of the proposed, he is sensitive to Mr. Catlin's concerns, but feels that where the generator exists is scary; the proposed is a better location. Mr. Sedito went on to say that with the fence installed on three sides with the opening facing the pool the noise level at the nearest property line should be about 50db.

Motion: to approve ZBA-0721 Request of Steven Shapiro, 50 Turner Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations to move a generator as per revised location on site plan dated 12/20/2007 submitted by Dirk W. Sabin on file, with the stipulation that a three sided solid fence be installed with the opening facing the pool, by a vote of 4-1.

Bradford Sedito, Polly Roberts, Katharine Leab, Randolph Snook voted in favor.

Todd Catlin voted against.

PUBLIC HEARING

Mr. Sedito seated regular members Polly Roberts, Todd Catlin, Katharine Leab, Randolph Snook and himself.

ZBA-0726 Request of Steven J. Colville, 14 Wheaton Road, application for variance from Zoning Regulations 11.6.1 (setback), 12.1.1 (watercourse setback) and 17.4a (increasing nonconformity) for back porch with steps, front stonewall with steps and a/c units. Steven Colville was present to represent his application. Mr. Colville began by explaining that he is seeking an additional variance to allow for a back porch with stairs to be 8.6' x 8.3' to have access/egress to a slider, when grading was completed access was not at ground level. He went on to say that the building code stipulates a 3' landing, the 8.5' x 8.3' includes the stairs. Lot coverage would be at 14.5%, under the allowable 15%. Mr. Colville stated that he has received Inland Wetlands approval and went on to explain the proposed front yard stone wall with steps off of the driveway. Mr. Sedito asked if the Zoning Enforcement Officer (ZEO) had been on site, because the driveway appears to have changed from the original application. Steven has met with Mike Ajello, ZEO and explained that the proposed wall will come off the garage to meet the steps which will allow for access to the front of the house. The steps will be on the outside of the proposed wall. Certified mail notice was sent to five people, four cards had returned, (the card for Moriniere was not returned). Mr. Colville hand delivered to Thomas Reighard. Steven offered to downsize the proposed back porch; Mr. Sedito felt that to downsize the proposed would not leave much of a deck. Mr. Roberts asked for clarification on what the application was for and asked about the change in the driveway. Mr. Colville noted the relocation in the driveway turn and an addition of two a/c units on the south side of the house. Mr. Snook clarified that the application is for the addition of a back porch with steps, front wall with steps and the two a/c units, these are all setback issues. Ms. Roberts verified that the a/c units are already installed. Mr. Colville stated that he did not know he needed approval for the installation. Mr. Sedito asked for further questions or comments from the public. Tammy Zinick spoke in favor of the work that Mr. Colville has done saying that having grown up in the neighborhood he has removed a run down eye sore and should be commended for his work.

Motion: to close ZBA-0726 Request of Steven J. Colville, 14 Wheaton Road, application for variance from Zoning Regulations 11.6.1 (setback), 12.1.1 (watercourse setback) and 17.4a (increasing nonconformity) for back porch with steps, front stonewall with steps and a/c units was made by Mr. Snook, seconded by Ms. Leab, by a 5-0 vote.

MEETING

Mr. Snook felt that the proposed was a modest request and had no problem with this application; it's within the allowable 15% lot coverage. Ms. Roberts felt that this is a clear case of hardship, there is no other way to reach the house and she is in favor of squaring off the back of the house. Ms. Roberts is not happy that the a/c units already exist on the side of the house, placing them in the rear would have been a better location. Mr. Catlin would have liked to see these requests the first time around and felt that the house appears more vertical than he remembers from the original application. He understands the need to access the house safely and agrees with Ms. Roberts that a better location for the a/c units would be in the rear of the house. Ms. Leab is in favor of the proposed. Mr. Sedito understands the hardship with this parcel and the need for access and egress; he noted no objections from the neighbors.

Motion: to approve ZBA-0726 Request of Steven J. Colville, 14 Wheaton Road, application for variance from Zoning Regulations 11.6.1 (setback), 12.1.1 (watercourse setback) and 17.4a (increasing nonconformity) for back porch with steps, front stonewall with steps and a/c units, a per site analysis plan marked Exhibit "A" on file by a 5-0 vote.

PUBLIC HEARING

Mr. Sedito seated regular members Polly Roberts, Todd Catlin, Katharine Leab, Randolph Snook and himself.

ZBA-0727 Request of Rumsey Hall School, 184/201 Romford Road, application for variance from Zoning Regulations 11.5.1c (lot coverage) for a hockey rink and new dormitory. Thomas Farnen, Dorota Habib and Kurt Smith of Smith & Company Surveyors were present to represent this application. Mr. Farnen began by presenting a map showing the schools "Master Plan" done in 2000. He went on to say they are seeking approval for an increase in lot coverage overall (campus wide) to 8.9%, but because Romford Road divides the campus the "Hilltop" section (which is 39.6 acres) is allowed 10% coverage the existing coverage is 7.96% and the proposed would bring it up to 14%. At present they are proposing a hockey rink and dormitory with future plans for a second dormitory and faculty house. There was discussion on what this application is for and what was legal noticed. It was the consensus of the members that the application was legally noticed for just the hockey rink and one dormitory, the applicants will be coming back for the other proposals at a later date. Mr. Farnen explained that currently the school buses children to other schools for hockey practice and buses girls from a dormitory on Sunny Ridge Road which is over two miles away to the school daily. The proposed coverage for just the hockey rink and one dormitory is approximately 12% lot coverage. Mr. Catlin was concerned with the proposed having only one means of entrance/egress. Mr. Sedito asked if the fire department had looked at the proposal, Ms. Habib noted that they had done work on the driveway to this area and they have proposed a circular road for emergency access. Mr. Farnen went on to explain that the campus area on the opposite side of the road is limited because of river and road setbacks, what exists are grandfathered. He went on to say that their goal is to move the girl's dormitory to the main campus and keep the hockey players on campus. This proposal will not add to the student population. Mr. Sedito asked if only Rumsey hockey would use the proposed facilities. Mr. Farnen answered that there is a possibility of helping out the community and went on to state they looked closely for the long range plan and this proposal appeared to be the least obtrusive and safest. The proposed hockey rink has four locker rooms, 80 person capacity bleachers and the proposed dormitories are 3 / 4 bedrooms with a family house attached. The peak height of the hockey rink is 32'8" and is a metal roof. The driveway is proposed at 24' wide and there will be 25 parking spaces located at the rink. Mr. Snook noted that the 10% lot coverage for a residential zone does not address schools located in residential zones. Ms. Leab understands the need to upgrade and make additions to remain complete with other schools. It was noted that the proposed additions to the pump house be included with the application. Mr. Sedito asked

for questions or comments from the public. Stephanie Fenwick an adjoining property owner addressed members with her concerns; she located her property for members on the map. Ms. Fenwick feels she is losing the enjoyment, peace and quiet of her property because of increased noise levels attributed by the school. She also feels that the school disrespects the environment and neighbors making references to the installation of a generator, tree cutting and night lighting. In closing Ms. Fenwick requests the commission denies the variance. Mr. Sedito asked if Ms. Fenwick were opposed to any further development or the just the proposed location for the hockey rink and dormitory, he felt that the school could move the proposal closer to the existing performing arts center/big top and hilltop dormitory, which would bring it closer to Ms. Fenwick's property. Ms. Fenwick reiterated her concerns and past history with the school and submitted her letter for the file. Mr. Farnen stated that everything has been done within the Zoning Regulations. Kurt Smith stated that the proposed is 1500'+ from Ms. Fenwick's property. Mr. Snook suggested that the proposal could be moved closer to the other existing building to cut down on lot coverage from the driveway. The existing lot coverage on this parcel is 8%. Mr. Catlin felt that if the hockey rink proposal was eliminated the school could do a lot more building within the allowable coverage. Ms. Fenwick stated that she is seeking to void mistakes made in the past and went on to say that the school has been a work zone for the past 10-15 years and would like to see a moratorium on building so she could have a summer of peace and quiet. Mr. Sedito asked for additional comments or questions.

Motion: to close ZBA-0727 Request of Rumsey Hall School, 184/201 Romford Road, application for variance from Zoning Regulations 11.5.1c (lot coverage) for a hockey rink and new dormitory was made by Ms. Roberts, seconded by Mr. Catlin, by a 5-0 vote.

MEETING

Ms. Roberts feels the proposed is situated where it should be and understands the need for a new dormitory. The Town Plan of Conservation and Development values their schools and the increase proposed is modest. She went on to say that part of the hardship is separating the campus land because of the road, looking at the campus as a whole the density is appropriate. The Zoning Regulations don't take into consideration these schools in residential zones. She is in favor of the application. Mr. Catlin agrees that it is in the best location, it's the nature of a school to require change, updating and expansion. The distance between Ms. Fenwick's property and the proposed is significant; no other property owners have appeared to show opposition. Mr. Snook agrees adding that when the Zoning Regulations were written he's sure they did not take ice rinks into consideration. The addition of the hockey rink, dormitory and pump house would increase coverage to 12%; on that basis he would approve this application. Ms. Leab feels this is an extremely sensible plan; she has no problem with the proposed. Mr. Sedito stated that Rumsey Hall School predates the Zoning Regulations for lot coverage; there are other schools with worst lot coverage issues. Rumsey Hall School is well below lot coverage as a whole campus, relocating the dormitory and adding the hockey rink may cut down on traffic, it will not increase enrollment. Mr. Sedito went on to say he believes they could have moved the proposed closer to cut down on lot coverage, which would probably have been more damaging to neighboring properties. He recommended the school run the proposal by the fire department. Mr. Snook added that he hopes Rumsey Hall School will take into consideration concerns expressed by neighbors and Mr. Sedito agreed he hopes they will have conversation about the issues raised.

Motion: to approve ZBA-0727 Request of Rumsey Hall School, 184/201 Romford Road, application for variance from Zoning Regulations 11.5.1c (lot coverage) for a hockey rink, new dormitory, pump house and paving as per site plan for ZBA application proposed ice rink and dormitories by Smith & Company dated 10-22-2007 on file, by a 5-0 vote.

Motion: to approve the minutes of the November 15, 2007 meeting of the Washington Zoning

Board of Appeals as submitted was made by Mr. Catlin, seconded by Ms. Roberts, by a 5-0 vote.

Other Business

Re: ZBA-0708, Lars Andersson 35 Gunn Hill Road, secretary Pamela Osborne received an email from Aimee Hoben at Murtha Cullina stating that they have received a motion to withdraw the action taken by Ms. Martin, this needs to be approved by the courts shortly and they will advise us accordingly.

Members were given a copy of meeting dates for 2008.

Members were given an invitation to a workshop being held in Warren on Wednesday January 9th, 2008 at 6:45pm about the role and responsibilities of the Zoning Board of Appeals.

Motion: to adjourn at 9:30pm was made by Ms. Roberts, seconded by Mr. Snook by a 5-0 vote.

Submitted subject to approval,

Pamela L. Osborne, Secretary