

February 16, 2006

Present: Edmund White, Bradford Sedito, Randolph Snook, Polly Roberts

Alternates: Todd Catlin, Georgia Middlebrook

Guests: Reese Owens, Christopher Yelding, John Bolus, Mr. & Mrs. Schoon, James Ross, Erich Diller, Mr. & Mrs. Greenfield

Chairman Edmund White called the meeting to order at 5:00pm and read the legal notice for tonight's meeting.

PUBLIC HEARING CONTINUED

Mr. White seated Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Todd Catlin.

ZBA-0602 Request of Spring Hill Farms LLC, 79 Whittlesey Road, for a variance from Zoning Regulation 12.1 (wetlands and watercourse setbacks), to relocate and enlarge an existing dwelling. Reese Owens of Halper Owens Architects was present to represent this application. ZBA members had a chance to do a site visit. Mr. Owens began by restating that the existing structure is 19' from the wetlands and the proposed structure will be 37'6" from the wetlands (on the pond side) and on the back side the proposed structure will be 26'8" from the wetlands, with the construction of a retaining wall and creation of a swale. Mr. Owens went on to state that the Inland Wetlands Commission was scheduling a public hearing on their application and asked that ZBA members focus on the Zoning aspect of the application. It was confirmed that Robert Seymour received certified mail notice and the Holly Hill Farm certified mail notice was returned. Mr. White asked why not rebuild in the same spot? Mr. Owens answered that the applicants wanted a porch; he believes they are doing the right thing by bringing the building back from the pond. The wetlands on the back side of the building are up hill, tilled fields, which Mr. Owens feels are less critical than the pond. Mr. Snook asked for clarification on the buildable area. Mr. Owens explained the restrictions on the property and the buildable area with the aerial site photo. Mr. White asked for further questions or comments from the public.

MOTION: to close ZBA-0602 Request of Spring Hill Farms LLC, 79 Whittlesey Road, for a variance from Zoning Regulation 12.1 (wetlands and watercourse setbacks), to relocate and enlarge an existing dwelling was made by Mr. Sedito, seconded by Ms. Roberts by a 5-0 vote.

MEETING

Mr. Catlin visited the site and feels that the proposed is a modest difference and improvement. Mr. Snook felt that this application is one that ZBA should be able to allow, there were no neighbors rejecting the application and he feels it is an improvement as far as wetlands. Mr. Sedito agreed from a Zoning standpoint he has no problem with the proposed application. Mr. White felt it was logical to move the building back from the pond, it makes sense.

MOTION: to approve ZBA-0602 Request of Spring Hill Farms LLC, 79 Whittlesey Road, for a variance from Zoning Regulation 12.1 (wetlands and watercourse setbacks), to relocate and enlarge an existing dwelling as per partial site plan for Ingrassia Pond House, by Halper Owens Architects LLC dated 2/16/06, received for record 2-16-2006 and initialed by Reese Owens and Edmund White 2/16/06 by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Georgia Middlebrook.

ZBA-0604 Request of Christopher Yelding, 14 Hifield Drive, a petition for special exception, a request for generator and pool equipment 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. Christopher Yelding and John Bolus were present to represent this application. Mr. Yelding is installing a new pool and would like to place the equipment pad 80' from the pool and 44' from the property line. He has an existing generator near his garage and would like to move it to the equipment pad also. The generator is a 12kw, non insulated. Mr. Yelding stated that moving the generator to the new location would get it further from neighbors. Mr. Yelding explained that there are trees that will shield noise and the topography is steep down hill. Mr. and Ms. Schoon neighbors to the north of Mr. Yelding property came forward and were concerned about noise. The Schoon's have a generator which is located next to their house and they are afraid if Mr. Yelding moves the generator nearer to the property line it will be noisier. Mr. Yelding stated that moving the generator to the new location will move it further from their house. Mr. Snook asked about moving the equipment more central on the property, to the other side of the pool. Mr. Snook also could not find any db rating on the information submitted for the generator. Mr. Yelding noted that woodland bordered both of the neighboring property lines. The Schoon's felt that moving the generator to the proposed location would make it more visible and restated their concern for the noise of the generator and pool equipment. Mr. White also asked about moving the equipment to the opposite side of the pool. Mr. Bolus felt there would be problems with servicing the equipment and running the propane line through the septic area. Mr. White and Mr. Sedito didn't agree with these problems. Mr. White stated that the goal and reasoning is to reduce the noise level for neighboring properties. Mr. Yelding wants to accommodate his neighbors concerns by shielding with shrubs or enclosing the equipment, he wants to be a good neighbor. Mr. Snook once again noted that db information is missing from the file. Ms. Roberts stated that the new location may have a clearer path by sight and sound to the neighbors. She went on to state that the proposed distance from the pool to the equipment is 80' and from the property line to the equipment is 44', the applicant should bear the burden of any increased noise. Mr. White stated that members needed a db rating on the generator and suggested Mr. Yelding speak with his neighbors. Mr. Sedito agreed, moving the equipment closer to the property line will have more of an impact on the neighbors. Mr. White felt that after hearing the explanation he wants to do a site visit.

MOTION: to continue ZBA-0604 Request of Christopher Yelding, 14 Hifield Drive, a petition for special exception, a request for generator and pool equipment 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.

PUBLIC HEARING

Mr. White seated Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Todd Catlin.

ZBA-0605 Request of James Greenfield, 12 Ives Road, for a variance from Zoning Regulations 12.1.1 (wetland setback), 11.7.4 (height of accessory structure) and 17.4.a (increasing the nonconformity of a nonconforming structure) to enlarge existing barn. Mr. & Mrs. Greenfield, Erich Diller and James Ross were present to represent this application. Mr. Ross began by stating that the applicant proposes to demolish the existing barn/garage and rebuild a garage/apartment. Mr. Diller read his letter into the record. Mr. Ross noted that the Zoning issues are the height of the accessory structure, wetlands setbacks and increasing the nonconformity of a nonconforming structure. He went on to say that they propose to keep the rear corner and will not decrease footage to the wetlands. The parcel is 2.9 acres. The existing structure is 150 years old; they expect to salvage beams and are adding a new

foundation. At present the garage is not safe to use and Mr. Greenfield is looking toward a caretaker to assist him on the property. Ms. Roberts asked if the added height is because of the new basement. Mr. Diller stated that the basement doesn't effect the height and went on to say the first floor is 2' higher and the second floor has a half bath requiring more head room, the increase in footprint is approx. 200 sq. ft.. Mr. White noted that ZBA has been tough on detached structures and they are concerned with the height appearance. The applicants have Wetlands, Health and Historic approval. The proposed roof pitch of the garage/apartment is 10', existing is 9'. Members were concerned with the increased height, dropping the pitch to 9' for the proposed garage/apartment would put the height at 28'3" to the ridge 3' above average grade or 25'3" to the ridge from existing grade. Mr. Diller noted that the existing structure is tall and narrow. Mr. Catlin added that you can not see the structure from Baldwin Hill, but from Calhoun it is tall. Letters of support were on file from neighbors the Klemms, Smiths and Canning. There was continued discussion on the height and roof pitch. It was agreed that the proposed structure would be build at the existing pitch of 9' which would be 28'3" to the ridge at 3' above average grade. Mr. White asked for further questions or comments. Mr. Diller made corrections on the floor plans and the changes were initialed by Mr. Diller and Mr. White. Mr. Diller stated that he will submit revised drawings for the file. Members also told the applicant to check back with the Historical Commission.

MOTION: to close ZBA-0605 Request of James Greenfield, 12 Ives Road, for a variance from Zoning Regulations 12.1.1 (wetland setback), 11.7.4 (height of accessory structure) and 17.4.a (increasing the nonconformity of a nonconforming structure) to enlarge existing barn was made by Mr. Sedito, seconded by Mr. Snook, by a 5-0 vote.

MEETING

Mr. Catlin understands the practical aspect of the proposal. He is comfortable approving the proposal with the record stating that the height agreed upon 28'3". Mr. Snook is in favor of the application, he liked what was originally submitted, if the changes make the other members more comfortable he's in agreement. Mr. Sedito has nothing to add. Ms. Roberts understands why the height is over, her concern was to get closer with what would be in compliance, she ended by stating the agreed upon proposal has no further impact on the wetlands. Mr. White is conflicted, he feels there is not really a hardship, it is an historical structure and he is concerned with going over the 26' vertical height limit for accessory structures.

MOTION: to approve ZBA-0605 Request of James Greenfield, 12 Ives Road, for a variance from Zoning Regulations 12.1.1 (wetland setback), 11.7.4 (height of accessory structure) and 17.4.a (increasing the nonconformity of a nonconforming structure) to enlarge existing barn as per plans submitted for Carriage Barn, by EJ Diller Design LLC dated 12-28-05 modified by hand and initialed by Erich Diller and Edmund White 2-16-06 by a 4-0 vote.

Bradford Sedito, Randolph Snook, Polly Roberts and Todd Catlin voted to approve

Edmund White voted to deny.

Consideration of Minutes of the January 19, 2006: Mr. Catlin asked that on page 2, line 3, Mr. be replaced with Ms.

MOTION: to accept the minutes of the January 19, 2006 meeting of the Washington Zoning Board of Appeals as amended was made by Polly Roberts, seconded by Randolph Snook by a 5-0 vote.

MOTION: Randolph Snook made the motion requesting the Zoning Board consider the following addition to Section 12.14.5:

Italicized: existing

Bold: addition

*12.14.5 By Special Exception application to the Zoning Board of Appeals, a request may be made for generators, air conditioners, pool filters, and other noise generating equipment to be situated under certain circumstances farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3. In order to be granted such a Special Exception, an applicant must demonstrate to the satisfaction of the Zoning Board of Appeals that placing the noise generating equipment in the proposed location would have **the same or** less noise impact on neighboring properties than would placing it in accordance with Sections 12.14.1, 12.14.2, and 12.14.3.*

Ms. Roberts seconded the motion and it passed by a 5-0 vote.

The February 16, 2006 meeting of the Zoning Board of Appeals adjourned at 9:27pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary