

March 16, 2006

Present: Edmund White, Katharine Leab, Bradford Sedito, Randolph Snook

Alternates: Todd Catlin, Georgia Middlebrook

Guests: Christopher Yelding, Susan Schoon, Marion Kaufman, Susan Graham, Bob Powell, Curt Smith, Mary Joe Andrews, Alan & Cheryl Mello, Bob Lavoie, Andrew Rowan

The Chairman Edmund White called the meeting to order at 7:30pm and read the legal notice for tonight's meeting.

PUBLIC HEARING CONTINUED

Mr. White seated Bradford Sedito, Randolph Snook, himself and alternates Todd Catlin and Georgia Middlebrook.

ZBA-0604 Continued 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 was present to represent his application. Mr. White read a letter dated March 6, 2006 from Susan and Craig Schoon in objection to the proposed placement of the pool equipment and the generator. Members were able to do a site visit and reoriented themselves with the parcel, neighboring properties and the terrain with the map on file. Mr. White asked Mr. Yelding if he had given thought to moving the generator further from the Schoon property line. Mr. Snook also suggested moving the equipment to the opposite side of the pool (south). Mr. Yelding felt that the proposed location was better because of access from the driveway and the existing gas tank and lines. Mr. Snook voiced concern with placing the generator 44' from the property line, the specs provided indicate the db level to be 65db at 7 meters, which would create a 60db level at the property line if the generator was placed 44' from the property line. Mr. Yelding stated that he will screen the equipment with sound deadening material on three sides. Mr. Yelding went on to say that the present location of the generator faces the exhaust toward the Schoon property and that moving it to the proposed location, pointing the exhaust away from the Schoon property and installing a barrier will address their noise concerns. He feels the new location is better. Mr. White explained that when the ZBA has a Special Exception application for a generator and has negative response from a neighbor, the board listens to those concerns. Mr. White addressed Susan Schoon who was present and asked her if she was more opposed to the proposal for the generator or the pool equipment. Mrs. Schoon answered that the noise magnifies up the ridge toward her property, she's also concerned with the view shed, they own a double lot and could conceivably sell off the other lot; she is more concerned with the generator. Mr. Yelding felt he was addressing these concerns with the proposed enclosure. Marion Kaufman the neighbor to the south of Mr. Yelding property addressed the commission saying that in 12 years she has had no complaints against Mr. Yelding, they use their deck all summer and it is quiet. It was noted that the pool is not yet installed. Mr. Snook was uncomfortable with the placement of the generator. There was brief discussion on the difference in noise between the pool equipment and the generator. Mr. Yelding withdrew his request to move the generator to the proposed location; it will remain at the present location by the garage. Discussion continued on the pool equipment. The pool equipment could be placed 50' from the pool without any enclosure. Mr. White asked about a compromise location 60' from the property line, Ms. Schoon was agreeable. Mr. Sedito suggested burying the pool equipment in the retaining wall proposed by the pool. Mr. Yelding felt that at 60' the pool equipment would be in the middle of the field and not at the tree line. Mr. White stated that 60' from the property line with a 6' 3 sided solid fence was

the compromise, the other option would be to withdraw. Mr. Yelding agreed with the compromise in locating the pool equipment. Mr. White and Mr. Yelding noted and initialed the changes on the map on file. Mr. White asked for further questions or comments from the public.

MOTION: to close ZBA-0604 Request of Christopher Yelding, 14 Hifield Drive, a petition for special exception, a request for 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 Mr. Catlin, seconded by Mr. Sedito, by a 5-0 vote.

MEETING

Mr. Catlin is fine with the request for the proposed pool equipment location as long as the generator is not relocated. Mr. Snook agrees. Ms. Middlebrook felt this was a good compromise. Mr. White and Mr. Sedito agree.

MOTION: to approve ZBA-0604 Request of Christopher Yelding, 14 Hifield Drive, a petition for special exception, a request for 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 as per map on file dated November 1995 by T. Michael Alex, as amended and initialed by Mr. Yelding and Mr. White placing the pool equipment 60' from the property line enclosed on three sides by a solid 6' fence, by a 5-0 vote.

At 8:05pm Georgia Middlebrook excused herself and left the ZBA meeting.

PUBLIC HEARING

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, himself and alternate Todd Catlin.

ZBA-0606 Request of The Gunnery, 99 Green Hill Road, for a variance from Zoning Regulations 11.5.1.c (lot coverage), to replace existing dormitory. Susan Graham, Bob Powell, Curt Smith and Mary Joe Andrews were present to represent this application. Susan Graham, Head of School at the Gunnery gave a brief history of the Gunnery and explained that the existing Bache House was built as temporary housing in the 1960's. Ms. Graham went on to state that the Bache House is out of sync historically, an energy sieve, inefficient and a safety concern. Through a very generous donation they are proposing to replace the Bache House with the Teddy House which is in architectural harmony with the neighborhood but will add 1/2 % lot coverage. The Gunnery has given two informational meeting for residents in the neighborhood and Ms. Graham submitted two letters of support from Virginia Vegas Reynolds and the other from Stephen Brighenti (which the ZBA received also). Bob Powell architect spoke next. Mr. Powell stated that the existing Bache House has 16 dorm rooms with 2 faculty apartments and the proposed Teddy House will have 22 rooms with 4 faculty apartment (2 one bedroom and 2 two bedroom). The Teddy House is being built in Erich Rossiter style. Mr. Powell presented floor plans and road view from Kirby Road (both existing and proposed) and noted that the existing porch is closer to Kirby Road than what is proposed. They are rotating the building; it will be 8' taller and will remain 3 stories. Mr. Snook asked if they would also be rebuilding the other two dormitories. The Gunnery has no immediate plans to do so. Mr. White confirmed that the Teddy House was conforming to the height regulations. Curt Smith, engineer submitted documentation showing existing lot coverage for Bache House at 5868sf and proposed lot coverage for the Teddy House at 9816sf, this includes building, walks, drive and deck. Mr. Smith went on to state that at present there is no safe access to Bache House, the plan for the proposed Teddy House has incorporated walkways and stairs that are paved and blocked, there are also 4 paved parking spaces. The acreage for the Main Campus is 21.7 acres. They are asking for a lot coverage increase of .5% (existing 24.1% - proposed 24.6%). Mr. Smith noted that they did

consider the use of grass pavers for the walkways but that wouldn't work with the slope, it would be dangerous and unsafe. Mr. White asked about whether this would increase the size of the school. Ms. Graham answered that the school is at maximum capacity (292 students) what they are trying to do is a shift to boarding population, they are adding an additional 6 boarding students, cutting back 6 day students. Bob Powell added that the room size has increased (students and their stuff take up more room); they have code requirements, have added study hall rooms, and have larger faculty apartments. Ms. Graham stated that they want to maintain the history of a boarding school. Mary Joe Andrews spoke to members next addressing hardship first by stating that the Gunnery is different from surrounding properties and if they had to maintain the 10% lot coverage maximum the school would be frozen, this project is not for growth, it's an update. Ms. Andrews went on to state that the Gunnery is a special permitted use and there is nothing out of harmony with the general purpose or intent of the Zoning Regulations. Lastly Ms. Andrews stated that as far as public health and safety the proposed will decrease traffic and will have a positive effect on the neighborhood and town. Mr. White asked further questions or comments from the public.

MOTION: to close ZBA-0606 Request of The Gunnery, 99 Green Hill Road, for a variance from Zoning Regulations 11.5.1.c (lot coverage), to replace existing dormitory was made by Mr. Sedito, seconded by Ms. Leab, by a 5-0 vote.

MEETING

Ms. Leab felt this is a reasonable request, she understands the need for the Gunnery to be complete with other schools, and the safety concerns were well addressed. Mr. Catlin is in favor of the proposed, the school needs the ability to evolve and keep up with code and educational needs. Mr. Snook feels the proposed style is a great improvement; it was a very thorough presentation. Mr. Sedito understands the need for increase in footprint, they are addressing safety issues, the building will have handicapped access and it will be a vast improvement. Mr. White stated that this is a tight situation, it will look larger, you need to allow this historic institution to grow and live, we need to work together, but he doesn't want to see the enrollment numbers creeping up.

MOTION: to approve ZBA-0606 Request of The Gunnery, 99 Green Hill Road, for a variance from Zoning Regulations 11.5.1.c (lot coverage), to replace existing dormitory as per The Teddy House Site Plan on file dated 2-10-06 by Smith & Company, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, himself and alternate Todd Catlin.

ZBA-0607 Request of Alan & Cheryl Mello, 183 Woodbury Road, a petition for a special exception for expansion of nonconforming dwelling. Alan and Cheryl Mello were present to represent their application. Three certified mail notices were sent, two cards were returned. The third card addressed to Nancy P. Costello was not returned, but Pamela Osborne, Secretary spoke to Ms. Costello explained the request and Ms. Costello had no objection. Mr. Mello began by explaining that the house was built in 1910, it has 3 bedroom 2 baths. Mr. Mello went on to say that they are proposing to remove an addition at ground level under the front porch, but leaving the porch without the existing stairs (they will only enter the porch from inside the house). They are removing an entrance on the south side and adding an entrance and porch on the north side so they can enter from the driveway and garage area. Mr. Mello is also proposing a cantilevered bump out on the rear (west) side of the house to add 2' to the bathrooms so they can be of reasonable size. The proposed entrance will be only a landing and step down. They are only renovating not demolishing. Lot coverage calculations were submitted there are no lot coverage issues. Mr. Mello stated they have wetlands approval. Mr. White asked for further questions or comments

from the public.

MOTION: to close ZBA-0607 Request of Alan & Cheryl Mello, 183 Woodbury Road, a petition for a special exception for expansion of nonconforming dwelling was made by Mr. Catlin, seconded by Mr. Sedito, by a 5-0 vote.

MEETING

Mr. Catlin felt this was a modest addition and an improvement to the property, a classic example for a Special Exception. Mr. Sedito agreed, this application is why the Special Exception was written. Mr. Snook, Ms. Leab and Mr. White all agreed and had nothing to add.

MOTION: to approve ZBA-0607 Request of Alan & Cheryl Mello, 183 Woodbury Road, a petition for a special exception for expansion of nonconforming dwelling as per Zoning Location Survey on file dated December 8, 2005 by Linwood R. Gee, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, himself and alternate Todd Catlin.

ZBA-0608 Request of Sheryl Leach, 10 Main Street, for a variance from Zoning Regulations 11.6.1.a (front & side yard setback) and 17.4 (increasing the nonconformity of a nonconforming structure) to relocate building and add retaining wall. Bob Lavoie was present to represent this application. Mr. Lavoie began by stating that the owner Sheryl Leach proposes to have a retail business in the barn (produce for sale from local farmers), there was a need for roadside access and the existing barn is unusable they want to demolish it and rebuild it 10' back to help with the site line and parking. Mr. White read a letter dated March 13, 2006 from First Selectman Richard C. Sears addressing the activity in the Town's right-of-way. The three issues to be addressed were traffic safety, drainage problems and legal issues of work in the Town's right-of-way. Andrew Rowan, a neighboring property owner came forward to address the members. Mr. Rowan is in support of the general idea but expressed concerns for the "beehive" of activity in this area. Mr. White read a letter dated March 12, 2006 from Gary and Linda Snell, neighboring property owners, expressing their concerns and opposition to the proposed change. Mr. Catlin asked about lot coverage calculations, this is a tiny lot. No lot coverage calculations were available. Mr. Lavoie explained that they were moving the building back 10' to help with the site line and parking needs, they are doing preliminary work. Mr. White asked where the trucks would park for off loading, this is a tight area, and you have to consider town/state right-of-ways. Mr. Catlin expressed his concern with the sketch site plan and would like to see a more defined proposal. Mr. Leab added that loading and unloading is a big issue. Mr. Rowan noted that the barn is an historical structure, to which Mr. Sedito and Ms. Leab stated they were demolishing and building a new structure. Mr. White stated that there were too many open ended issues and advised Mr. Lavoie that he had the option of withdrawing the application. Ms. Lavoie stated that he had only received the selectman's letter today and he withdrew the application.

Consideration of Minutes of February 16, 2006: tabled till April 20th meeting.

Other Business/Discretion of the Chair: Mr. White read a memo received March 9, 2006 from Janet Hill, Land Use Coordinator, stating that the Zoning Commission decided not to pursue the revision of Zoning Regulation 12.15.5 / Generator, Air Conditioners, and other Noise Generating Equipment.

The March 16, 2006 meeting of the Zoning Board of Appeals adjourned at 10:20pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary