

April 20, 2006

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

Alternates: Todd Catlin, Georgia Middlebrook

Guests: Steven Colville, Carol Ward, Richard DeAnne, Richard Tompkins, Tammy Zinick

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

PUBLIC HEARING

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

ZBA-0609 Request of Steven J. Colville, 14 Wheaton Road, for a variance from Zoning Regulations 11.5.1 (lot coverage), 11.6.1b (side yard setback), 12.1.1 & 12.1.3 (wetland and watercourse setbacks), 17.4a (increasing the nonconformity of a nonconforming structure), to demolish and rebuild a dwelling. Mr. Steven Colville was present to represent his application. Nine certified mail notices were sent out on April 11, 2006 and six were returned. Mr. White read the explanation of request for variance. Mr. Colville went on to add that the existing structure is 1 1/2 stories and he would like to make it a two story structure. Referencing the site analysis plan Mr. Colville noted that he is giving up a deck on the south side of the existing structure, steps on the west/front side and a retaining wall to the north side. The proposed structure will be within the existing footprint and will be built within the height regulations. Mr. Colville proposes a drive under garage as he feels there is no place on the property to locate a garage. He presented a poster board with photos of the existing structure as well as other houses in the area and stated that the existing structure has been vacant 20+ years. Mr. Colville is proposing a Greek Revival house which he intends to use as his personal residence. Lot coverage calculations from the site analysis plan show the lot coverage decreasing from 15.44% to 13.6%, a variance for lot coverage is not needed. Members questioned Mr. Colville about the existing footprint, it was determined that the "proposed house" notation on the map is an existing shed off the back of the existing house which he will be incorporating into the new structure. Mr. Colville explained about the proposed driveway, at present he has a right-of way on the neighboring property off of Scofield Hill Road and hopes to have his own driveway onto Wheaton Road. The proposed lot coverage calculations include the proposed change in the driveway so there is no lot coverage issue. He has been in contact with the town highway foreman about his proposal for the driveway. Carol Ward a resident of Scofield Hill Road spoke in favor of the application saying that she was in favor of anything that would assist the applicant to improve the property which is in need of a lot of work and attention. Richard Deanne asked Mr. Colville how big the parcel was and asked for clarification about the proposed driveway access. Mr. Colville stated the parcel is .45 acres and invited Mr. Deanne to come forward to look at the proposed driveway location on the survey. The applicant has obtained health sign off and will be applying to Wetlands for a permit. Mr. White asked for questions or comments from the public. Mr. Colville asked if he had to change the proposed driveway location would he need to come back to ZBA. Mr. White explained that ZBA was only concerned with lot coverage and as long as he doesn't change the lot coverage he was OK. Mr. Colville stated that he wants the new structure to appear as if it was always there. The proposed well was located on the property, at present there is not a well he has rights to the neighbors well. Pamela Osborne, secretary stated that she had spoken to Michael Brody a Wheaton Road resident who was in favor of the structure but was concerned with the proposed driveway. Mr. Colville spoke with Mr. Brody who he felt was upset with the removal of the stonewall fronting the property. A letter was submitted by Mrs. G. Henry of 98 Scofield Road.

MOTION: to close ZBA-0609 Request of Steven J. Colville, 14 Wheaton Road, for a variance from Zoning Regulations 11.6.1b (side yard setback), 12.1.1 & 12.1.3 (wetland and watercourse setbacks), 17.4a (increasing the nonconformity of a nonconforming structure), to demolish and rebuild a dwelling was made by Mr. Sedito, seconded by Mr. Snook by a 5-0 vote.

MEETING

Mr. Catlin felt the proposed is a tremendous improvement over what exists and has no issue with the application to rebuilt on the same spot. Mr. Snook agrees there is no change in the footprint. Ms. Leab stated that this is a definite case of the hardship being the land. Mr. Sedito has driven by the property it is a definite eyesore and is in agreement with what has been stated. Mr. White is in favor of this application, it is reworking what already exists, bringing life into an older structure.

MOTION: to approve ZBA-0609 Request of Steven J. Colville, 14 Wheaton Road, for a variance from Zoning Regulations 11.6.1b (side yard setback), 12.1.1 & 12.1.3 (wetland and watercourse setbacks), 17.4a (increasing the nonconformity of a nonconforming structure), to demolish and rebuild a dwelling, as per site analysis plan dated January 2006, revised 2/15/06, revised 4/7/06 by T. Michael Alex, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, himself and alternate Georgia Middlebrook.

ZBA-0610 Request of Richard Tompkins, 95 West Morris Road, for a variance from Zoning Regulations 11.6.1 (setbacks), 11.6.2 (set back from town boundary), 12.5.1 (accessory structure), to build a garage. Richard Tompkins was present to represent his application. Notices were hand delivered to all property owners within 200'. Mr. White read the applicant's explanation of request for the variance. Mr. Tompkins explained the placement of the proposed garage, which he stated would be approx. 8' underground and would be dug approx. 9' into the bank. The entire garage will be in Washington. Mr. Sedito asked about moving the garage to the back and further from the side property line. Mr. Catlin did a site visit and stated that the grade is very steep; you would have to do significant grading. Presently there is no garage on Mr. Tompkins property. Mr. Tompkins stated that he will keep the short drive and back straight out. Members made note of the town boundary which runs through Mr. Tompkins property. The garage will be 24' x 24'. Mr. White asked for questions or comments from the public. Mr. White confirmed that the proposed garage will be 1' from the Town boundary line and 6' from the south west property line. Both Mr. Tompkins and Mr. White initialed Exhibit A.

MOTION: to close ZBA-0610 Request of Richard Tompkins, 95 West Morris Road, for a variance from Zoning Regulations 11.6.1 (setbacks), 11.6.2 (set back from town boundary), 12.5.1 (accessory structure), to build a garage was made by Mr. Snook, seconded by Ms. Leab by a 5-0 vote.

MEETING

Mr. Snook understands the proposed garage placement and has no problem with it; its modest Mr. Tompkins is between a rock and hard place with the Town Boundary line. Ms. Leab agrees it's an unusual property, the request is reasonable and the hardship lies with the land. Mr. Sedito would prefer the proposed garage be behind the house but with Mr. Catlin's observations understands the hardship. Ms. Middlebrook felt there was limited buildable area; the proposed location has good access. Mr. White understands given the description, pictures and Mr. Catlin's observations.

MOTION: to approve ZBA-0610 Request of Richard Tompkins, 95 West Morris Road, for a

variance from Zoning Regulations 11.6.1 (setbacks), 11.6.2 (set back from town boundary), 12.5.1 (accessory structure), to build a garage as per hand drawn map marked Exhibit A initialed by Mr. Tompkins and Mr. White by a 5-0 vote.

PUBLIC HEARING

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

ZBA-0611 Request of Mark Snow, 75 West Mountain 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, 12.14.3 of the Zoning Regulations. Tammy Zinick of Permit Me Please was present to represent this application. Ms. Zinick stated that the generator is already installed at the residence which is located at the end of West Mt. Road off of Route 47; it is an 8 acres parcel. Ms. Zinick went on to say that the generator was placed in a site pleasing for the property owner and is enclosed with a 6' stockade fence. Members could not find a db rating in the information the property owner provided. Members were once again irked by this after the fact application and asked for the electrician's name. Ms. Zinick stated that Mr. Snow had the generator installed, but she didn't know the name of the electrician. Pamela Osborne, secretary had a phone conversation with Mr. Hauser who is OK with what is proposed. Mr. White informed Ms. Zinick that members need db and sound enclosure information.

MOTION: to continue ZBA-0611 Request of Mark Snow, 75 West Mountain 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, 12.14.3 of the Zoning Regulations was made by Mr. Catlin, seconded by Mr. Snook by a 5-0 vote.

Consideration of minutes from February 16, 2006 and March 16, 2006: Pamela Osborne noted that on the minutes from February 16th the meeting time should be changed from 5:00pm to 7:30pm.

MOTION: to accept the minutes of the February 16, 2006 Zoning Board of Appeals meeting as amended and to accept the minutes of the March 16, 2006 Zoning Board of Appeals meeting as submitted was made by Mr. Catlin, seconded by Mr. Snook by a 5-0 vote.

The April 20, 2006 meeting of the Zoning Board of Appeals was adjourned at 8:55pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary