

November 16, 2006

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

Alternates: Georgia Middlebrook

Guests: Sandy Bruens, Robert L. Fisher Jr., Esq., Robert Levande, Roberta Smith, John Watson, Brian Neff, Clifford Woodruff, David Plourde

Vice-Chairperson Polly Roberts called the meeting to order at 7:30pm. Ms. Roberts welcomed Todd Catlin as a regular member of the Zoning Board of Appeals.

PUBLIC HEARING CONTIUNED

Ms. Roberts seated Bradford Sedito, Randolph Snook, Todd Catlin, herself and alternate Georgia Middlebrook.

ZBA-0616 Request of Frank & Debbie Tomczyk, 39 River Road, a petition for Special Exception for expansion of nonconforming dwelling. Sandy Bruens and Robert L. Fisher Jr., Esq. were present to represent this application. The applicant submitted a revised floor plan which moves the proposed addition further from the south property line. Mr. Bruens submitted a revised survey which shows the proposed addition 6.03' from the property line and a revised sketch of the west side of the structure. Atty. Fisher hopes this change will satisfy members concern with the proposed addition being to close to the property line. The original proposal was 3.57' from the property line and the existing porch is at 5.91' from the property line. Referring to the Zoning Regulations under 17.5c Ms. Roberts stated that granting this special exception promotes housing choice and economic diversity in housing for moderate income households and she appreciates the applicant revising their plans to address the side yard set back concerns. Ms. Roberts asked for comments or questions from the public. Atty. Fisher reminded members that the neighbor on the south side (Dennis Hussey) was in favor of the proposed additions.

MOTION: to close ZBA-0616 Request of Frank & Debbie Tomczyk, 39 River Road, a petition for Special Exception for expansion of nonconforming dwelling was made by Mr. Sedito, seconded by Mr. Snook by a 5-0 vote.

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Mr. Sedito is in favor of granting this special exception now that the applicant is not increasing the nonconformity of the side yard setback, this type of application is what a special exception is for. Mr. Sedito understands the desire for increased kitchen space and feels the proposed porch is a reasonable request. Mr. Snook agrees and also appreciates the applicant's revised plans to relocate the proposed addition further from the side setback. Mr. Catlin and Ms. Middlebrook were in agreement as was Ms. Roberts.

MOTION: to approve ZBA-0616 Request of Frank & Debbie Tomczyk, 39 River Road, a petition for Special Exception for expansion of nonconforming dwelling as per survey map dated August 2006 revised 11/15/2006 by T. Michael Alex, land surveyor received 11/16/2006 and on file by a vote of 5-0.

PUBLIC HEARING

Ms. Roberts seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Todd Catlin,

and herself.

ZBA-0624 Request of Robert M. Levande and Andrea Brown, 88 Baldwin Hill Road, a 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. Robert Levande was present to represent his application. Mr. Levande began by stating he would like to install a stand by generator 150' from his house. Mr. Levande went on to say that logic suggests two locations for the proposed generator, on the northwest side of his house or next to an existing pool shed which is his proposed location. He feels that placing the generator on the northwest side of his house would be closer to Baldwin Hill Road, the wetlands and the Salem Church (which is his closest neighbor). He stated that the Salem Church is approximately 250' from him. Mr. Leddy is his closest neighbor; the proposed generator placed by the pool shed would be 300' from the property line and 500' from the Leddy residence. Mr. Levande stated he phoned Mr. Leddy to explain his proposal and Mr. Leddy had no problem with the proposed location. Mr. Levande described the generator as operating at 71 1/2 db on full load and 54db at weekly exercise. Mr. Catlin asked if the generator could go inside the shed with the pool equipment. Mr. Levande stated that there was no room. Mr. Levande stated that C&D Custom from Woodbury would be installing the generator. Ms. Roberts asked for comments or questions from the public.

MOTION: to close ZBA-0624 Request of Robert M. Levande and Andrea Brown, 88 Baldwin Hill Road, a 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. Sedito, seconded by Katharine Leab, by a 5-0 vote.

MEETING

Mr. Snook stated that the db level at 225' would be 50-52dbs which is not objectionable. Mr. Sedito felt that placing the generator in the proposed location would have less of an impact on the closest neighbor than placing it within 25' of the house. Mr. Catlin agrees that the proposed location will have less of an impact on the Salem Church. Ms. Leab agrees, as does Ms. Roberts who added that behind the proposed location is a heavily wooded area.

MOTION: to approve ZBA-0624 Request of Robert M. Levande and Andrea Brown, 88 Baldwin Hill Road, a 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 map on file labeled Exhibit A by a vote of 5-0.

PUBLIC HEARING CONTINUED

Ms. Roberts seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Todd Catlin, and herself.

ZBA-0621 Request of Roberta J. Smith, 31 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback), 11.5.1 (lot coverage) and 12.1.2 (setback from East Aspetuck River), to build a garage on existing foundation. Roberta Smith, John Watson and Brian Neff were present to represent this application.

Ms. Roberts began by asking if the proposed garage site is on an existing foundation, Ms. Smith answered that a portion of it is. Ms. Smith submitted a map showing the original boundaries of lots 8, 9 & 11 as marked by Brian Neff, P.E., the proposed garage is located on lot 9. Brian Neff also submitted a proposed garage section. Mr. Snook confirmed that the proposed garage is not in the state right-of-way

and went on to say that upon visiting the site he observed that the driveway is not a consistent width. Mr. Sedito asked about locating the garage nearer to the house. Ms. Smith stated that the septic is located in the only open area near the house. Ms. Roberts suggested moving the garage to the north for better entry and referenced a letter dated November 16, 2006 from Michael A. Zizka Esq. regarding the deed restricted lot issue, which states that local land use agencies do not have the power to decide questions of legal title. Ms. Smith stated that she purchased lots 8, 11 & 13 from the New Preston Women's Club which refer to conditions and restrictions from the U-L Land Company. Members were given copies of assessors map 11-5 showing lots 8, 9, 11, 13 & 14 and copies of the deeds (Vol. 161, 77, 137 & 195) which are the lots owned by Ms. Smith. Mr. Woodruff voiced his concerns with the safety of backing out of the garage into the driveway. Mr. Snook agreed with Ms. Roberts that moving the proposed garage to the north would be better but went on to say that in all fairness it is not a great burden to go slow to allow backing out of the garage. Mr. Catlin agreed stating that there is a courtesy that comes with a shared driveway. Mr. Sedito interjected that the further from the driveway the proposed garage is located the safer. Ms. Smith said she has no problem moving the garage north as suggested but doesn't know if the garage can be built on parcel 11. Mr. Snook noted that it is Ms. Smith's responsibility to determine if she can build on parcel 11. David Plourde came forward with a copy of Vol. 171 of the Town land records which he states show public access is allowed and went on to reference problems he has had with the applicant, he feels Ms. Smith is pushing the boundaries of the property. Mr. Woodruff asked about proof of hardship. Mr. Watson addressed the hardship issue by stating the property is unusual and unique with the river running through and contours he feels the proposed location is the most suitable. Mr. Catlin asked if the corner of the garage could be moved out of the driveway, Mr. Snook felt access to the garage was a problem as well. Ms. Roberts agreed the proposed garage is not a good situation. Brian Neff suggested entering the garage from the north, having access across lot 11. Mr. Catlin suggested reducing the width to have the corner of the garage off the driveway or widening the driveway in that area.

MOTION: to continue ZBA-0621 Request of Roberta J. Smith, 31 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback), 11.5.1 (lot coverage) and 12.1.2 (setback from East Aspetuck River), to build a garage on existing foundation was made by Ms. Roberts, seconded by Mr. Snook by a 5-0 vote.

PUBLIC HEARING CONTINUED

Ms. Roberts seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Todd Catlin, and herself.

ZBA-062 Request of Roberta J. Smith, 35 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (rear yard setback and 12.1.2 (setback from East Aspetuck River), to build a greenhouse roof on existing foundation. Roberta Smith, John Watson and Brian Neff were present to represent this application. Mr. Watson referred to the property as being narrow and unique. Brian Neff submitted a proposed greenhouse section and explained the construction. Mr. Neff stated that they will not utilize existing walls, the proposed greenhouse will have wood walls, a timber roof and glass panel front door. The stone will remain as it exists; the proposed greenhouse will measure 11'10" deep x 24' width. The A-2 survey shows that the proposed greenhouse will be built 5.99' from the property line. Mr. Woodruff felt that the proposed greenhouse was a safety issue being right on the driveway and made of glass. Mr. Snook noted that the proposed doesn't diminish the driveway. At present the proposed location is a barbeque area. Ms. Roberts agrees with the hardship issues, the proximity to the water, and the width of the land and went on to reference the guidelines for a variance application, she felt the proposed doesn't seem like a good idea. Mr. Watson feels the proposed greenhouse is in harmony with the property, they are trying to improve the property. Ms. Middlebrook has been to the site and states it is a difficult location. It was determined that it is 15' from the house to the facade of the proposed greenhouse. Ms. Leab is concerned with the proposed overhead door; she's not convinced it is necessary.

MOTION: to close ZBA-062 Request of Roberta J. Smith, 35 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (rear yard setback and 12.1.2 (setback from East Aspetuck River), to build a greenhouse roof on existing foundation was made by Mr. Sedito, seconded by Mr. Snook voted down 1-4.

Mr. Sedito voted to close.

Ms. Leab, Mr. Snook, Ms. Roberts, Mr. Catlin voted against closing.

Mr. Watson asked for a continuance, so they can come back with better plans. Mr. Sedito expressed that ZBA rarely grants a variance when a neighbor objects; this is close to the property line. Mr. Snook agrees he would find it difficult to approve a potting shed. Mr. Catlin has no problem with this request, he has visited the site, there are no lot coverage issues, it will be built within an existing structure, it's a tricky site, and he believes the hardship is with the land, it's a modest request. Mr. Catlin went on to say that he can see the applicants rights and privileges as well as Mr. Woodruff's. In closing Ms. Smith stated that the door to the greenhouse will be a garage door with a pedestrian access. Members requested elevations and a total picture of the proposed greenhouse/potting shed.

MOTION: to continue ZBA-0622 Request of Roberta J. Smith, 35 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (rear yard setback and 12.1.2 (setback from East Aspetuck River), to build a greenhouse roof on existing foundation was made by Mr. Catlin, seconded by Ms. Leab by a 4-1 vote.

Ms. Leab, Mr. Snook, Ms. Roberts, Mr. Catlin voted to continue.

Mr. Sedito voted against continuing.

MOTION: to accept the minutes of the October 26, 2006 meeting of the Washington Zoning Board of Appeals as submitted was made by Mr. Catlin, seconded by Ms. Leab by a 5-0 vote.

MOTION: to elect Bradford Sedito as Chairman of the Washington Zoning Board of Appeals was made by Ms. Roberts, seconded by Ms. Leab by a 5-0 vote.

Motion: to elect Polly Roberts as Vice-Chairperson of the Washington Zoning Board of Appeals was made by Mr. Sedito, seconded by Mr. Catlin, by a 5-0 vote.

The November 16, 2006 meeting of the Zoning Board of Appeals was adjourned at 9:45pm.

Submitted subject to approval,

Pamela L Osborne, Secretary