

TOWN OF WASHINGTON  
Bryan Memorial Town Hall  
Post Office Box 383  
Washington Depot, Connecticut 06794  
Zoning Board of Appeals Regular Meeting

**MINUTES**

May 13, 2021

7:30 P.M. – Meeting Via Zoom Conference

**MEMBERS PRESENT:** Chairman Bowman, Mr. Wildman, Mr. Wyant, Mr. Weber, Mr. Horan (arrived at 7:50pm)

**ALTERNATES PRESENT:** Ms. Rebillard, Mr. Gunnip, Mr. Sarjeant

**STAFF PRESENT:** Ms. Rill, Mr. Tsacoyannis

**PUBLIC PRESENT:** Mr. Harris, Ms. Baker, Ms. Braverman, Mr. Dodge, Ms. Hartley-Urquhart, Mr. Pushlar, Ms. Branson

Chairman Bowman called the meeting to order at 7:30pm.

**ZBA-1115 (Cont.): Request of Beck, 4 Perkins Road, for a Variance – Section(s): 12.1.1 – Wetlands and Watercourses Setbacks, 11.5.1.A – Maximum Lot Coverage, and 11.6.1 – Minimum Setback and Yard Dimensions – for reconstruction of a single-family dwelling (24sec.):**

This Application has been withdrawn.

**ZBA-1116: Request of Hartley-Urquhart – 44 Wykeham Road – for a Variance – Section(s): 11.6.1 – Minimum Setback and Yard Dimensions – for two air conditioning units and an emergency electric generator (1min 20sec.):**

Seated for this Public Hearing will be Chairman Bowman, Mr. Wyant, Mr. Weber, Mr. Wildman and Ms. Rebillard.

Ms. Hartley-Urquhart, owner of 44 Wykeham Road, stated that she is requesting an emergency generator and two air conditioning units for her home. She explained that her property is complicated in that there are three other homes that are relatively close to one another. The generator has a sound enclosure and would also be surrounded by a fence to help contain the noise. Chairman Bowman questioned why the air conditioning units were located near the front of the home. Ms. Hartley-Urquhart explained that because of the layout of the property and regulations regarding placement near doors and windows, this was best place for their location. Chairman Bowman asked why the air conditioning units could not be placed where the generator would be placed. Ms. Hartley-Urquhart stated that this area was already somewhat

crammed and there would not be enough room. She stated that her Engineer, Mr. Neff, had reviewed all possible areas for location of the generator as well as the air-conditioning units, had he had recommended the proposed locations the only areas possible.

The Board questioned the decibel levels for the air conditioning condensers. Ms. Hartley-Urquhart did not know the answer to this. Mr. Weber searched online to find the decibel level, but was not sure exactly which model would be used from the four listed in the Application.

Ms. Hartley-Urquhart stated that her HVAC Contractor as well and Mr. Neff has both assured her the condensers were “whisper quiet”. She questioned what the Board would deem as an acceptable decibel level for the condensers. She explained that she wished to comply with the town regulations, and was willing to do whatever they suggested.

Chairman Bowman stated that he felt that the less objectionable location would be behind the home, out of sight. Ms. Hartley- Urquhart explained that she was told they would not be able to place the condensers here, but was willing to have her contractor look once again.

**\*\* Mr. Horan arrived at 7:50pm**

Mr. Wildman stated that he was looking at the Washington Zoning Regulations and explained that Section 12.14.4 which states that under a Special Exception the sound level at the nearest property line will be no higher than 50 decibels.

Ms. Hartley-Urquhart stated that she would like the Board to suggest what is acceptable so that she can move forward.

Chairman Bowman stated that he would be comfortable separating the generator application from the condenser application so that she could receive an answer at this evenings meeting. He explained that he would rather wait to vote on the condensers until more information was provided.

Mr. Dodge, neighbor to 44 Wykeham Road, stated that he was concerned with the location of the generator with it being at the closest point to his home. He stated that his children’s bedrooms as well as the master bedroom are all in this general location, and he was concerned about the noise. Mr. Dodge also pointed out Section 12.14.4 stated that the noise would be no louder than 50 decibels to the nearest property line, and that in generator-mode, the decibel was rated at 69 decibels. Mr. Dodge also questioned that accuracy of the survey submitted.

Ms. Hartley-Urquhart stated that she often heard Mr. Dodge’s generator running, and was simply asking for the exact same thing. Mr. Dodge explained that his 16kw generator was tucked back as far as possible in the back to protect his neighbors, and was hoping for the same courtesy. Ms. Hartley-Urquhart stated that financially, she could not afford to run the lines away from the home.

**\*\* Mr. Neff, Ms. Hartley-Urquhart’s engineer, joined the meeting at 8:09pm**

Mr. Neff explained that the generator was close to the home and was 22 inches off of the building, and was within the minimum setback. Mr. Dodge expressed concern over an HVAC intake that would require the generator to come out further than requested. Ms. Hartley-Urquhart explained that this was not actually an intake, but an exhaust to ventilate a crawl space.

Mr. Neff went on to explain that the proposed location of the generator met all of the legal requirements regarding placement. Mr. Neff added that moving the location of the generator to well behind the home would be costly and complicated, as there would need to be a path shoveled to in the winter for maintenance, and the area itself had a lot of ledge.

Ms. Braverman, neighbor to 44 Wykeham Road, stated that financial hardship and difficult maintenance were not considered hardships when applying for a Variance and hoped the Board would consider this. She was also concerned about the number of propane tanks needed, as there were currently some on the property, and that the fence that was proposed to surround the generator would lift the sound up, and her home was uphill from 44 Wykeham Road. Ms. Braverman asked that the Board do a Site Visit to the properties so that they could see what her concerns were in person.

Mr. Neff pointed out that when the power goes out, everyone that owns a generator in that area will come on at the same time. He added that the maintenance run that occurs weekly could possibly be scheduled at the same time as the neighbors.

Ms. Hartley-Urquhart stated that she would like to discuss her options for the condensers with Mr. Neff. Chairman Bowman suggested she receive the make and model of them from her mechanical contractor so that she could find the decibel level prior to next month's meeting.

Ms. Hartley-Urquhart requested to split the application so that a decision could be made on the generator at this meeting, and the condensers could be decided upon at June's meeting.

**MOTION: To close the Public Hearing in the matter of ZBA:1116 – Request of Hartley-Urquhart, 44 Wykeham Road, for a Variance from Section 11.6.1 – Minimum Setback and Yard Dimensions - for an emergency generator. Motion made by Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.**

Chairman Bowman asked the Board for their thoughts on the generator.

Mr. Wildman stated that if the power goes out now, it could be for several days and a generator has become important for this area. He said he will support the generator.

Mr. Wyant stated that he was in support of the generator.

Mr. Weber stated that he was not comfortable with the generator, because the decibel level of this model was well over 50 at 7 meters, which is the distance to the property line.

Ms. Rebillard stated that she felt the location of the generator would be better in the back of the home.

Chairman Bowman stated that he agreed with everything that had been said so far. He added that if the generator was placed in the buildable area, there would not be a restriction of where it could be placed,

which could make the situation worse for the neighbors. Chairman Bowman stated that he would be in favor of the generator.

Chairman Bowman asked the Board to vote.

Mr. Wildman, Mr. Wyant and Chairman Bowman voted in favor.

Mr. Weber and Ms. Rebillard voted no.

With four votes needed for approval, the request was denied.

**MOTION: To deny ZBA:1116 – Request of Hartley-Urquhart, 44 Wykeham Road, for a Variance from Section 11.6.1 – Minimum Setback and Yard Dimensions – for an emergency generator. With four votes needed for approval, the Application was denied with a 3-0-2 vote.**

**ZBA-1117: Request of Harris – 181 West Shore Road– for a Variance – Section(s): 11.6.1 – Minimum Setback and Yard Dimensions – for a shed (1hr. 16min 51sec.):**

Seated for this Public Hearing is Chairman Bowman, Mr. Wildman, Mr. Wyant, Mr. Horan and Mr. Weber.

Mr. Pushlar, Landscape Architect for the property owner, stated that his client owned 181 West Shore Road and would like to place an 8’ by 10’ shed that is 9 feet tall within a 40’ setback. The shed would be used to store paddleboards, life jackets, and other things associated with Lake life. Mr. Pushlar stated that the Application received Inland Wetlands approval.

Chairman Bowman questioned what the hardship would be for needing the shed. Mr. Pushlar stated that it would be a safety issue due to having to cross the street with arms full of various equipment.

Chairman Bowman questioned if there would need to be regrading in order to install the shed. Mr. Pushlar explained that there would be some regrading as well as an addition of retaining walls.

Chairman Bowman stated that he had visited the site earlier in the day and had several concerns regarding the lake views as well as setback to the Lake. He added that the shed seemed more like a convenience than a hardship. Mr. Pushlar argued that safety was the hardship.

Mr. Harris, owner of 181 West Shore Road, stated that this home was actually for a client of his, and the buyer had two small children. The idea was that if they had a place to store their lake equipment, they would not need to carry items back and forth from the home, and the items would be stored safely and securely.

Mr. Horan stated that the shed seemed to be more of a convenience than a necessity, and the Board needed to make a decision for a Variance based on a hardship.

**MOTION: To close the Public Hearing in the matter of ZBA:1117 – Request of Harris, 181 West Shore Road, for a Variance from Section 11.6.1 – Minimum Setback and Yard Dimensions – for a storage shed. Motion made by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.**

Chairman Bowman asked the Board for their thoughts on the shed.

Mr. Wyant stated that he was struggling with a decision, understanding the need for storage, however could not see a hardship.

Mr. Weber agreed, stating a smaller footprint, size and height would make more sense to him.

Mr. Horan agreed, stating there was not a hardship.

Mr. Wildman agreed.

Chairman Bowman stated that the proposed location was unfavorable, as well as the size of the shed being too large. He asked the Board members to vote.

Mr. Wildman, Mr. Wyant, Mr. Weber, Mr. Horan and Chairman Bowman all voted to deny the Application.

**MOTION: To deny ZBA:1117 – Request of Harris, 181 West Shore Road, for a Variance – Section 11.6.1 – Minimum Setback and Yard Dimensions – for a storage shed. Denied unanimously.**

**CONSIDERATION OF THE MINUTES (1hr.43min29sec.):**

**MOTION: To accept the April 22, 2021 Washington Zoning Board of Appeals Meeting Minutes as submitted, by Mr. Weber, seconded by Mr. Wyant, passed 5-0 vote.**

**ADJOURNMENT:**

**MOTION: To adjourn the May 13, 2021 Washington Zoning Board of Appeals Meeting at 9:17pm, by Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.**

**Respectfully Submitted,**

**Tammy Rill**

**Land Use Clerk**

**Town of Washington**

**May 18, 2021**

To listen to this meeting's recording, click here:

[https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/ESFO7OvCY4dElJvPPKn0Y\\_gBFS5nY6FJXHmI53uHRFIUhQ?e=Pw2xgD](https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/ESFO7OvCY4dElJvPPKn0Y_gBFS5nY6FJXHmI53uHRFIUhQ?e=Pw2xgD)

