

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, Connecticut 06794
ZONING BOARD OF APPEALS REGULAR MEETING
MINUTES
April 14, 2022

MEMBERS PRESENT: Chair Bowman, Mr. Wyant, Mr. Horan, Mr. Wildman, Mr. Weber

MEMBERS ABSENT:

ALTERNATES PRESENT: Ms. Rebillard, Ms. Sweeney

ALTERNATES ABSENT: Mr. Sarjeant

STAFF PRESENT: Ms. Rill, Ms. Haverstock

PUBLIC PRESENT: R. Averill, P. Duncan, C. Roddick, R. McMackin-Roddick, E. LaBella, D. LaBella, C. LaBella, J. Adams, H. Ali, R. Hackney, M. Gorra, K. Feldman, S. Lewis, J. Restrepo, E. Bowen, Other Members of the Public

Chairman Bowman called the meeting to order at 7:31pm.

PUBLIC HEARING(S):

ZBA-1135: Request of Genest, 240 Baldwin Hill Rd., for a Variance from Section 11.6.1.C – Minimum Setback and Yard Dimensions – for propane tanks and a generator:

This Application has been withdrawn.

ZBA-1136: Request of Duncan, 15 New Preston Hill Road, for a Variance from Section 11.6.1 – Minimum Setback and Yard Dimensions – to demolish and replace a structure (shop):

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

Mr. Duncan, owner of 15 New Preston Hill Road, explained that the current shop is deteriorating due to water damage. The current structure is 185 square feet and in an “L” shape. Mr. Duncan is proposing a reduction of 169 square feet with also a reduction of height. The “L” section of the shed will be removed and the proposed structure will now be square. There is no running water or septic system, only electricity. A variance is requested for an increase in the setback – from 16-feet to 25 feet. The current square footage was 1104 square feet and the proposed is 1062 square feet which would decrease the overall lot coverage.

The Commission acknowledged a letter submitted by Ms. Adams of 13 New Preston Hill Road and addressed her concerns.

With no further questions, the Commission agreed to close the Public Hearing.

MOTION: To close the Public Hearing in the matter of ZBA-1136: Request of Duncan, 15 New Preston Hill Road, for a Variance from Section 11.6.1 – Minimum Setback and Yard Dimensions – to demolish and replace a structure (shop), by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.

The Commission agreed that Mr. Duncan would be reducing the non-conformity, making the structure more compliant.

MOTION: To approve the request of Duncan, 15 New Preston Hill Road, for a Variance from Section 11.6.1 – Minimum Setback and Yard Dimensions – to demolish and replace a structure (shop), as shown in the drawing attached to the Application, by Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.

ZBA-1137: Request of Bowen, 121 West Shore Rd., for a Variance from Section 11.5 – Maximum Lot Coverage – and 11.5.1 – Maximum Lot Coverage - Residential – for propane tanks and a generator:

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

Mr. Bowen, owner of 121 West Shore Road, explained that he was proposing the installation of an emergency generator and one additional propane tank in case of power outages. The total increase of lot coverage would be .2%.

Ms. Feldman, owner of a neighboring property, questioned if the air condenser and a retaining wall were included on the survey.

The survey provided by the applicant did not include the air conditioning unit or a schedule of coverage. The Commission asked that Mr. Bowen request that his surveyor add the air conditioning unit along with a schedule of what is included as lot coverage. The Commission would also like clarification regarding West Shore Road and if it is included as coverage. They would also like the specs of the generator, including the decibel level.

MOTION: To continue the Public Hearing in the matter of ZBA-1137: Request of Bowen, 121 West Shore Rd., for a Variance from Section 11.5 – Maximum Lot Coverage – and 11.5.1 – Maximum Lot Coverage - Residential – for propane tanks and a generator, for the May 12, 2022 Washington Zoning Board of Appeals meeting, at 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall as well as via Zoom Video Conference. Motion made by Mr. Wyant, seconded Mr. Horan, passed 5-0 vote.

ZBA-1138 – Request of LaBella, 130 Kinney Hill Rd – for a Variance – Section: 12.5.2 – Accessory Structures – for a storage barn:

Chairman Bowman recused himself from this Public Hearing. Mr. Wildman will be seated as Chair. Ms. Rebillard will be seated.

Mr. LaBella, owner of 130 Kinney Hill Road, stated that he was proposing to build a storage barn for his equipment as well as plumbing and heating supplies for his business. His property is a 5.21-acre lot and is located on a dead-end road. The proposed barn would be greater than 75% of the ground floor area of the primary structure – which is against the Washington Zoning Regulations. Mr. LaBella explained that the main structure's ground floor area measures at a little over 1600 square feet including the garage. Based on current regulations, Mr. LaBella explained that his property size would allow for a much larger main structure, therefore allowing a larger accessory structure. Mr. LaBella explained that if he were to build numerous structures on his property – which would be allowed according to the regulations and his lot size, it would not be aesthetically appealing for the neighborhood. The proposed structure would be a three-bay garage built in to the slope.

The Commission clarified that if Mr. LaBella were to have a 3,200 square foot house, the accessory structure would be allowed. They also discussed the properties surrounding Mr. LaBella's, which included two open fields and his parents' home. The Commission discussed the use of the proposed structure in a residential zone and the overall intent of the Zoning regulation 12.5.2.

With no further questions, the Commission decided to close the Public Hearing.

MOTION: To close the Public Hearing in the matter of ZBA-1138 – Request of LaBella, 130 Kinney Hill Rd – for a Variance – Section: 12.5.2 – Accessory Structures – for a storage barn, by Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.

Ms. Rebillard reasoned that if the main structure was larger, the proposed would be allowed and felt that the way the regulations are written is what was preventing the proposed from being built.

The Commission agreed with Ms. Rebillard, noting that while the size of the proposed was an issue in accordance with the regulations, they were not overall concerned due to the locality of the property.

MOTION: To approve ZBA-1138 – Request of LaBella, 130 Kinney Hill Rd – for a Variance – Section: 12.5.2 – Accessory Structures – for a storage barn, by Mr. Wyant, seconded by Ms. Rebillard, passed 5-0 vote.

ZBA-1139: Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Variance – Section(s): 7.5 – Maximum Lot Coverage, and 11.5.2 – Maximum Lot Coverage – Business Districts – for additional parking:

Chairman Bowman, Mr. Wildman, Mr. Horan, Mr. Wyant and Mr. Weber will be seated for this Public Hearing.

Ms. Micoli of Artel Engineering, representative for the owner of 124 New Milford Turnpike, stated that the 2.74-acre parcel is located in the B-1 New Preston Business District. The owner is proposing to add parking spaces for what will be retail/office space with two rental units above. The current parking area can fit approximately six vehicles, but due to the lot's triangular shape, the parking area is awkward. The owner is proposing 13 parking spaces, allowing for additional parking for other businesses in the New Preston Village. Ms. Micoli added that they would be improving the walkway behind the property that leads to 9 Main – a café located behind the property. The total lot coverage for the area will be 61.05%, but with the installation of pervious pavement, the lot coverage total would be 39.94%. Ms. Haverstock clarified that in accordance with the regulations, pervious pavement would also count as lot coverage.

The applicant has not received Health Department approval to date, so Ms. Micoli was presenting the application as a draft and would come back with final plans once approved by Health.

Chairman Bowman clarified that the Commission could not come to a decision without Health approval.

MOTION: To Continue the Public Hearing in the matter of ZBA-1139- Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Variance – Section(s): 7.5 – Maximum Lot Coverage, and 11.5.2 – Maximum Lot Coverage – Business Districts – for additional parking, for the May 12, 2022 Washington Zoning Board of Appeals meeting, at 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall as well as via Zoom Video Conference. Motion made by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.

ZBA-1140- Request of McMackin-Roddick – 10 New Preston Hill Rd. – for a Variance – Section 11.6 – Minimum Setback and Yard Dimensions – to enlarge and enclose an entryway:

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

Ms. McMackin-Roddick, owner of the property, stated that she was proposing the enclosure of a current awning area, making it a mudroom. The existing awning measures five feet seven inches and the applicant is proposing six feet, six inches. The width is currently eleven feet and two inches and the applicants are proposing seventeen feet wide.

MOTION: To close the Public Hearing in the matter of ZBA-1140- Request of McMackin-Roddick – 10 New Preston Hill Rd. – for a Variance – Section 11.6 – Minimum Setback and Yard Dimensions – to enlarge and enclose an entryway, by Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.

The Commission agreed that the proposed was modest and straightforward.

MOTION: To approve ZBA-1140- Request of McMackin-Roddick – 10 New Preston Hill Rd. – for a Variance – Section 11.6 – Minimum Setback and Yard Dimensions – to enlarge and enclose an entryway, by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.

CONSIDERATION OF THE MINUTES:

MOTION: To approve the February 17, 2022 Meeting Minutes as submitted, by Mr. Weber, seconded by Mr. Wyant, passed 5-0 vote.

ADJOURNMENT:

MOTION: To adjourn the April 14, 2022 Washington Zoning Board of Appeals meeting at 9:30pm, by Ms. Rebillard, seconded by Mr. Weber, passed 5-0 vote.

To listen to this meeting recording, please click here:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EVOTY6_Jh5hNoOFtwZofpJIBU1SpG19yfXYxxibbEBb8mA?e=X947nJ

Respectfully Submitted,

Tammy Rill
Land Use Clerk
April 20, 2022