TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

Zoning Board of Appeals Regular Meeting

**MINUTES**

February 18, 2021

7:30 PM- Virtual Meeting Via Zoom

Present: Chairman Bowman, Mr. Wildman, Mr. Wyant, Mr. Horan, Mr. Weber

Alternates Present: Ms. Rebillard. Mr. Sarjeant, Mr. Gunnip

Staff Present: Ms. Rill, Mr. Tsacoyannis

Public Present: Ms. Mennillo, Mr. Virbickas, Mr. Vikstrom

Chairman Bowman called the meeting to order at 7:32pm.

**ZBA-1104, Request of Rabin, LLC, 7 Old Litchfield Road, for a Variance – Section(s): 11.6 – Minimum Setback and Yard Dimensions, and 12.1.1-Wetlands and Watercourse Setbacks:**

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

Ms. Menillo, representing the property owner, explained that she had followed the requirements that the Board had made at the December 17, 2020 meeting and had done her best to comply, providing a copy of a survey with the location of the propane tanks. Chairman Bowman noted that the tanks are approximately 28 feet from the Wetlands edge.

Ms. Mennillo explained that the tanks would be located in a nook of the outside of the home that was suited best for delivery purposes while complying with Washington’s requirements.

With no further questions from the Commissioner’s, Chairman Bowman requested a Motion to close the Public Hearing.

**MOTION: To close the Public Hearing for ZBA-1104, Request of Rabin, LLC, 7 Old Litchfield Road, for a Variance – Section(s): 11.6 – Minimum Setback and Yard Dimensions, and 12.1.1-Wetlands and Watercourse Setbacks, by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.**

The Commissioner’s agreed that this was the best possible location for the propane tanks and noted that this was already approved by the Inland Wetlands Commission.

**MOTION: To approve ZBA-1104, Request of Rabin, LLC,7 Old Litchfield Road, for a Variance – Section(s): 11.6 – Minimum Setback and Yard Dimensions, and 12.1.1-Wetlands and Watercourse Setbacks – for two propane tanks, no closer than 28 feet to the Wetlands, as noted on the Site Plan dated February 18, 2021. Motion made by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.**

**ZBA-1108: Request of Lake Waramaug, LLC, 182 East Shore Rd, for a Variance – Section 11.4.5 – Minimum Lot Width and Frontage – for a driveway:**

The property owner has withdrawn this Application.

**ZBA-1110: Request of SMF Universal, LLC, 9 Main St, for a Variance – Section(s): 11.5.2 – Maximum Lot Coverage, and 11.6.1 – Minimum Setback and Yard Dimensions – for a new deck and new trash/recycling enclosure:**

Chairman Bowman, Mr. Wildman, Mr. Wyant, Mr. Weber, and Mr. Gunnip.

Mr. Virbickas of Artel Engineering, representing the property owner, explained that his clients owned a bakery/deli that was located in New Preston at the triangle of Main Street, Route 45 and Route 202. Due to Covid-19, his clients would like to have outdoor dining accessible however, due to the size of the property his clients were requesting a Variance to build a deck located centrally to the property. They are proposing a 30’ x 60’ - 1800 square foot deck. Also, they are requesting to add an enclosure for their garbage and recycling receptacles at the edge of the paved driveway.

Mr. Gunnip questioned the grade of the porch. Mr. Virbickas stated that the proposed deck on the South West (Route 45) side would go from ground level to approximately 11 feet high, and on the Eastern side would be 15-16 feet above the grade. Chairman Bowman questioned if the structure would ever be enclosed. Mr. Virbickas stated that this was not the intention of the property owner. Chairman Bowman pointed out that because this is a business, the proposed deck would fall under the International Building Code, and would be classified as an assembly area for a business, therefore there would be occupancy regulations. Due to the size of the proposed deck, this would allow for more than 50 people, which means that the deck needs to be handicap accessible with two forms of egress. Mr. Virbickas confirmed that there are a few points of egress as well as a handicap ramp. Chairman Bowman suggested speaking to the Building Inspector.

Ms. Rebillard questioned parking, noting that the property is not very large. Mr. Virbickas stated that his client also owned property across the street, so they would be using that lot as well for parking. Chairman Bowman noted the per Town of Washington Regulations, there would need to be 6 parking spaces per 1000 square feet. Chairman Bowman suggested the owners provide a parking plan to the Board. He noted that with the area being so small it did not seem safe, which raised the issue of the trash enclosure along the side of the street.

The Board encouraged Mr. Virbickas to provide lot coverage calculations, a deck design with elevations, a parking layout, as well as a landscape plan that includes a buffer. They also suggested revisiting the location of the trash enclosure for safety purposes.

**MOTION: To grant a Continuance to ZBA-1110: Request of SMF Universal, LLC, 9 Main St, for a Variance – Section(s): 11.5.2 – Maximum Lot Coverage, and 11.6.1 – Minimum Setback and Yard Dimensions – for a new deck and new trash/recycling enclosure, for the March 18, 2021 Washington Zoning Board of Appeals meeting, at 7:30pm via Zoom Video Conference. Motion made by Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.**

**CONSIDERATOIN OF THE MINUTES:**

Chairman Bowman wished to make the following changes;

*Ms. Brandon explained that their lot was an odd shaped site, and because of this, they were requesting a Variance so that they could add an addition to their home while meeting the required setback criteria.*

*Chairman Bowman questioned if the applicant was requesting a side yard setback variance or a variance from the requirements of the minimum frontage. He explained* ***that if the Board granted a side yard Variance that is specific to their proposed addition, the Variance would be for the addition only****.* ***If they were requesting a variance from the requirements of the minimum frontage and were granted a Variance to reduce the minimum frontage from 200 feet to 198.57 feet, they would be considered a “normal lot”, and may avoid the need for variances in the future.***

***The original minutes indicated that granting front yard width variance would avoid the need for variances in the future… that is not really the case. Granting the variance for min front yard width revises the dimensional requirements for this lot from those of an interior lot to a “normal” lot but does not automatically avoid the need for any future variances. Future variances could be required for many reasons (including side yard backs).***

*~~Chairman Bowman explained that if the Board granted a Variance that is specific to their proposed addition, that the Variance would be for the addition only. If they granted a Variance for the minimum frontage from 200 feet to 198.57 feet, they would be considered a “normal lot”, and would not need a Variance in the future.~~*

*Ms. Brandon stated that this seemed like a better solution, not only for her, but for any future owners of the property.*

**MOTION: To approve the January 21, 2021 Meeting Minutes as amended, by Mr. Weber, seconded by Mr. Wyant, passed 5-0 vote.**

**OTHER BUSINESS:**

Chairman Bowman informed the Board that Mr. Ryder of 57 Flirtation Avenue filed an appeal with the Court over the Zoning Board of Appeals denial of his application. Chairman Bowman noted that he had not heard of this appeal until Attorney Zizka contacted him. This concerned the Board members and Chairman Bowman and Mr. Sarjeant stated that they would follow up with First Selectman Brinton to discuss the lack of Communication.

**MOTION: To adjourn the February 18, 2021 Washington Zoning Board of Appeals Meeting at 8:32pm, by Mr. Weber, seconded by Mr. Wyant, passed 5-0 vote.**

Respectfully Submitted,

Tammy Rill

Land Use Clerk

February 19, 2021