

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

**MINUTES**

October 21, 2021

7:30 P.M. – Hybrid Meeting

**MEMBERS PRESENT:** Chairman Bowman, Mr. Wildman, Mr. Wyant, Mr. Horan

**ALTERNATES PRESENT:** Ms. Rebillard, Ms. Sweeney

**STAFF PRESENT:** Ms. Rill, Ms. Haverstock

**MEMBERS ABSENT:** Mr. Weber

**ALTERNATES ABSENT:** Mr. Sarjeant

**PUBLIC PRESENT:** Ms. Baker, Mr. May, Ms. Demiraj, Mr. Vorderwuelbecke, Mr. Martignetti, Ms. Martignetti, Mr. The, Mr. Ciarlone, Ms. Audet, Ms. Hartley, Other Members of the Public

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

**ZBA-1123: Request of Morgan Piper, LLC, 49 Ferry Bridge Road, for a Variance – Section 11.6.1.B – Minimum Setback and Yard Dimensions – to reduce setback requirements to work with existing structures:**

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

Mr. Vorderwuelbecke, representing the property owners, stated that his clients own a very narrow lot and were looking to update HVAC, to replace three air handling units, to move an existing propane tank underground, add a generator, a fence, driveway change, a stonewall and pool fencing from the main house to the pool, as well as move two garage doors to the front. His clients have removed the work to the pool house and terrace from the application.

The decibel level for the generator is 61dcb while operating and 57dcb for the test. The generator will be located 23 feet from the property line. The air conditioning units will be placed in a row.

**MOTION: To Close the Public Hearing for ZBA-1123: Request of Morgan Piper, LLC, 49 Ferry Bridge Road, for a Variance – Section 11.6.1.B – Minimum Setback and Yard Dimensions – to reduce setback requirements to work with existing structures. Motion made by Mr. Horan, seconded by Mr. Wyant, passed 5-0 vote.**

The Commissioner's agreed that the proposed were not intrusive and had very little to no impact on the neighboring properties.

**MOTION: To approve ZBA-1123: Request of Morgan Piper, LLC, 49 Ferry Bridge Road, for a Variance – Section 11.6.1.B – Minimum Setback and Yard Dimensions – to reduce setback requirements to work with existing structures –re-construct an existing garage within its existing footprint, to install a new generator and pad with stockade fencing, three new air-conditioning units, re-configure the driveway, a two-foot stonewall and pool fencing, as provided in the Site Plan titled, “Rock Gate Carriage House” dated 10-13-2021. Motion made by Mr. Wildman, seconded by Mr. Wyant, passed 5-0 vote.**

**ZBA-1124: Request of Martignetti, 10 Kirby Road, for a Variance – Section(s): 11.6.1: Minimum Setback and Yard Dimensions, and 12.14.2: Noise Generating Equipment – for air conditioning condensers:**

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

Mr. Martignetti, owner of 10 Kirby Road, stated that the proposed air conditioning condensers would be located 20 feet from the property line and there would be three condensers in total located in various locations close to the home.

The proposed condensers were approved by the Historic District Commission.

The Commission discussed the accuracy of the measurements provided by the applicant and whether or not there was a hardship.

A letter submitted on October 21, 2021 by Mr. Teh, neighboring property owner, had been received and considered by the Commission. Mr. Teh voiced concern over the locations of the condensers.

Chairman Bowman questioned if the three condensers could be merged to one larger unit and be located further from the property line with a buffer. Mr. Ciarlone, representing the property owner of 10 Kirby Road, explained that the unit would be excessive in size and need to produce more cooling capacity, which would make more noise.

The Commission expressed that the site plan was not accurate and an accurate survey would be preferred. Also, a land-based hardship had not been proven.

Chairman Bowman explained that the Applicant could request a vote based on what was submitted, could request a continuance, or withdraw the Application and re-apply. He added that if it were to go to a vote and were denied the Applicant would need to wait 60 days to resubmit. Mr. Martignetti decided to go ahead with a vote.

**MOTION: To close the Public Hearing for ZBA-1124: Request of Martignetti, 10 Kirby Road, for a Variance – Section(s): 11.6.1: Minimum Setback and Yard Dimensions, and 12.14.2: Noise Generating Equipment – for air conditioning condensers, by Mr. Horan, seconded by Mr. Wyant, passed 5-0 vote.**

Mr. Horan stated that without accurate measurements and no proven hardship, he would vote to deny the Application.

Mr. Wildman stated that the Commission turned down Applicants frequently for lack of accurate measurements, and this application was no exception.

Ms. Sweeney stated that the condenser located five feet from the property line was concerning to her and felt the other condensers could be relocated as well.

Mr. Wyant agreed with his colleagues and felt that accurate measurements would need to be provided.

Chairman Bowman agreed with everything stated, including the lack of accurate survey as well as hardship.

**MOTION: To deny ZBA-1124: Request of Martignetti, 10 Kirby Road, for a Variance – Section(s): 11.6.1: Minimum Setback and Yard Dimensions, and 12.14.2: Noise Generating Equipment – for air conditioning condensers, by Mr. Wyant, seconded by Mr. Wildman, denied by a vote of 5-0.**

**ZBA-1125: Request of May/Baker, 42 Wykeham Rd, for a Variance – Section 12.1.1: Wetlands and Watercourse Setbacks – for a generator:**

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

Ms. Baker, owner of the property, explained that the shape and position of their lot created a land-based hardship. One side of the property was located near a creek, and 85% of the property were effected by wetlands, making placement of the proposed generator difficult.

Ms. Hartley, neighboring property owner, asked for confirmation that the proposed location of the generator was within the regulations. The Commission confirmed this to be true.

Mr. May and Ms. Baker explained that the placement of the generator was decided based on the location of the propane tanks – which needed to be at least 10-feet away from each other. The Commission questioned if the property owners had been seen by Inland Wetlands. Ms. Baker stated that Land Use did not believe they needed Wetlands due to no land disturbance.

The Commission informed the property owners that they could avoid the 50-foot setback if they were to re-locate the generator a few feet over to the West – approximately 38-feet from the center of the creek.

Ms. Baker and Mr. May stated they did not object and agreed to do so.

**MOTION: To close the Public Hearing for ZBA-1125: Request of May/Baker, 42 Wykeham Rd, for a Variance – Section 12.1.1: Wetlands and Watercourse Setbacks – for a generator, by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.**

The Commission agreed that the location out of the setback was preferred, was pleased with the distance to wetlands, and was satisfied with the stone wall area used as a noise buffer.

**MOTION: To approve ZBA-1125: Request of May/Baker, 42 Wykeham Rd, for a Variance – Section 12.1.1: Wetlands and Watercourse Setbacks – for a generator that will be located approximately 37 feet from the center of the creek beyond the 50-foot setback. Motion made by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.**

**ZBA-1126: Request of 75 Green Hill, LLC – Special Exception – 17.5 – Special Exceptions for Nonconforming Structures – for a deck, patio, walkways and to expand garage:**

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

Ms. Demiraj, owner of 75 Green Hill Road, explained that the proposed stonewall will act as a buffer located in front of the home, measuring 80' x 18" and will be 10-feet from the main road.

The sidewalks will connect the front porch entrance with the front, side and back entrance, and will be made of bluestone set on stone dust.

The deck and patio would be located to the rear of the home and not visible from the road. The Deck would be 16-feet by 16-feet and made of wood, the patio would be 16-feet by 18-feet and made of blue stone.

The proposed garage will be in the exact location of the current garage, but expanded to two bays.

The Historic Commission approved the wall, sidewalks, patio and deck, but did not approve the garage as of yet, but Ms. Demiraj believed they would at their upcoming meeting.

The Commission was concerned that the site plan was not accurate, and were looking for the percentage of lot coverage. All of the proposed items would be considered lot coverage, including the driveway.

The Commission encouraged Ms. Demiraj to have an updated survey or site plan of the property completed with dimensions, measurements and lot coverage included.

Ms. Demiraj requested a continuance.

**MOTION: To Continue ZBA-1126: Request of 75 Green Hill, LLC – Special Exception – 17.5 – Special Exceptions for Nonconforming Structures – for a deck, patio, walkways and to expand garage, by Mr. Wyant, seconded by Mr. Horan, passed 5-0 vote.**

**ZBA-1129: Request of Stone Hill Orchard, LLC, 88 Kielwasser Rd., for a Special Exception – Section 12.14 – Noise Generating Equipment – for re-location of pool filter and addition of a pool heater:**

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

Ms. Audet, representative for the property owner, stated that the existing pool filter is located in a barn, and the applicant was proposing to relocate this and the addition of a pool heater. Current regulations call for noise generating equipment to be located 50-feet away from the adjacent property line, so they were asking for a Special Exception to relocate the equipment 100-feet away. This proposed location would also be further from the neighboring property line.

Mr. Sachs, neighboring property owner, submitted an email to Ms. Rill that she read to the Commission for their consideration. The email states that Mr. Sachs approves of the location.

**MOTION: To close the Public Hearing for ZBA-1129: Request of Stone Hill Orchard, LLC, 88 Kielwasser Rd., for a Special Exception – Section 12.14 – Noise Generating Equipment – for re-location of pool filter and addition of a pool heater, by Mr. Wyant, seconded by Mr. Horan, passed 5-0 vote.**

The Commission agreed that this location was best supported the application.

**MOTION: To Approve ZBA-1129: Request of Stone Hill Orchard, LLC, 88 Kielwasser Rd., for a Special Exception – Section 12.14 – Noise Generating Equipment – for re-location of pool filter and addition of a**

pool heater – to be located 100-feet from the pool and no closer than 50-feet from the adjacent property line, by Chairman Bowman, seconded by Mr. Wyant, passed 5-0 vote.

**CONSIDERATION OF MINUTES:**

**MOTION:** To approve the September 16, 2021 Washington ZBA Regular Meeting Minutes as well as the September 23, 2021 Special Meeting Minutes as submitted, by Ms. Rebillard, seconded by Mr. Horan, passed 5-0 vote.

**ADJOURNMENT:**

**MOTION:** To adjourn the October 21, 2021 Washington Zoning Board of Appeals meeting at 9:46pm. Motion made by Mr. Wildman, seconded by Mr. Wyant, passed unanimously.

The recording of this evenings meeting can be found here:

[https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/EUBKNL\\_flkVJu0Zj\\_7TbgmIBKZaPymgvZ12OsaeXQBJYsw?e=7vIwCq](https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EUBKNL_flkVJu0Zj_7TbgmIBKZaPymgvZ12OsaeXQBJYsw?e=7vIwCq)

**Respectfully Submitted,**

*Tammy Rill*

**Tammy Rill**

**Land Use Clerk**

**Town of Washington**

**October 25, 2021**