**ZONING BOARD OF APPEALS**

MINUTES

Public Hearing – Regular Meeting

**January 19, 2017**

7:30 P.M. Main Level Meeting Room

**MEMBERS PRESENT:** Mr. Catlin, Ms. Roberts, Mr. Bowman, Mr. Wyant,

Mr. Peterson

**ALTERNATES PRESENT:** Mr. Wildman, Ms. Kaplan

**ALTERNATES ABSENT:** Mr. Horan

**STAFF PRESENT:** Mr. Ajello, Ms. Pennell

**OTHERS PRESENT:**  Mr. Eliot Johnson

**PUBLIC HEARING:**

Mr. Catlin called the meeting to order at 7:30 p.m.

Seated: Mr. Catlin, Ms. Roberts, Mr. Bowman, Mr. Wyant, Mr. Peterson

**ZBA-1025: Request of Keith Angell/47 West Shore Road/Request for Variance from**

**Section 11.6.1.C - Minimum Front and Rear Yard Setbacks:**

Mr. Jim Ross was present representing applicant, Mr. Keith Angell. Mr. Ross explained that the applicant is requesting to have this shed due to theft of items and as a result would like them secured in this shed. He explained that the “Buffer Zone”, which is unique on the lake, brings high traffic and thus, creates the security risk. Mr. Ross noted that Mr. Angell has had several items stolen.

Mr. Catlin asked when the shed was put there, as the proposed shed is already in place. Mr. Ross stated a couple of months. Mr. Ajello stated that this new storage shed was put up in 2015. Mr. Ross stated applicant originally had a pressure treated storage bin, which was put in place in 2010, and it deteriorated, replacing it with the shed that is currently there.

Mr. Catlin asked when the rip rap and level area was put in place. Mr. Ajello believed that the rip rap was installed in 2010 prior to the pressure treated shed that was put in.

Mr. Catlin then read a letter submitted with this application from Mr. Angell. In this letter, Mr. Angell is requesting to add stone to the existing rip rap next to the dock to “fashion a relatively flat stone patio area”. Mr. Angell further states that this will not disturb the existing grass bank or rip rap and be added on top of the existing rip rap, roughly 8’ wide by 24’ long. Mr. Catlin asked Mr. Ajello if he knew when this patio was put in place. Mr. Ajello could not recall exact date as it was done quite a few years ago.

Mr. Catlin stated with regard to adding all this surface stone to create the patio in a highly regulated area is something out of the ZBA’s area and more for Inland and Wetlands to review. Mr. Ajello stated that this may be something that the applicant needs to go back to Inland Wetlands to request a revision. Photos, some undated and others dated 11-02-15, were provided by Mr. Angell with this application which showed the concrete pad and the newly installed shed already in place, but the 8’ x 24’ patio was not installed.

Mr. Catlin made a suggestion to the applicant that he continue the application and go to the Inland Wetlands Commission to have them review this request. Mr. Catlin did not feel comfortable moving forward with this application unless the Wetlands Commission reviewed the patio. Mr. Ross was in agreement with this request.

**MOTION:** To continue the Public Hearing for ZBA-1025/Request of Keith Angell/47 West Shore Road/Request for Variance from Section 11.6.1.C - Minimum Front and Rear Yard Setbacks. By Mr. Catlin, seconded by Ms. Roberts, passed 5-0 vote.

**ZBA-1026: Request of Ann and Ed Bowen/121 West Shore Road/Request for Special Exception from 17.5 – Non Conforming Structure:**

Mr. Eliot Johnson of West Mountain Builders was present representing applicant. Mr. Johnson had 11 page of drawings dated 12-26-15 prepared by West Mountain Builders which showed existing floor plans, roof plan, existing elevations, proposed 2nd floor plan, proposed north, east and west elevations. Mr. Johnson noted that the interior of this home is not complete, but exterior is fairly complete.

Mr. Johnson indicated that the ZBA had recently granted a Special Exception and since then, the client had decided they wanted to make an additional alteration. Mr. Johnson stated the applicant would like to remove the second floor half bathroom and extend the existing first floor to a second floor, on the rear of the house. Mr. Johnson clarified that the front of the home will stay the same. With regard to the back of the home, the main ridge will remain the same and exterior walls will be raised to add a second story. He noted that there is no increase to the footprint or lot coverage and Health Department approval has been obtained.

Mr. Catlin inquired as to the aesthetics of the home after renovation. Mr. Johnson stated there will be no changes and the renovations will include keeping the same siding, color and current shingles will be used.

Mr. Catlin asked if there were any questions from Board members or public. No questions were noted.

**MOTION:** To close the Public Hearing for ZBA-1026/Request of Ann and Ed Bowen/121 West Shore Road/Request for Special Exception from 17.5 – Non Conforming Structure. By Mr. Wyant, seconded by Ms. Roberts, passed 5-0 vote.

Mr. Bowmen stated he is in favor of this application. He stated it request and allows for the second floor to be more usable. He also feels this is keeping within the guidelines of a Special Exception. Ms. Roberts agreed, stating it is a modest increase and appreciates the increase is in the rear of the home. She stated it is well within 17.5 regulation and overall, it will improve the look of the home. Mr. Peterson stated that it will be a more cohesive home. He agreed with members comments and supports this application. Mr. Wyant felt this was a well done design and follows the guidelines of the special exception. He supports this application. Mr. Catlin stated this application meets the requirements of 17.5 special exception. He feels the enlargement is reasonable and within the scope of the architectural style of the home. Mr. Catlin supports this application.

**MOTION:** To approve ZBA-1026/Request of Ann and Ed Bowen/121 West Shore Road/Request for Special Exception from 17.5 – Non Conforming Structure, to construct a second floor addition per plans by West Mountain Builders dated 12-26-16, subject to the following conditions: Any change to the approved site plan will void the special exception. Passed by a 5-0 vote.

**OTHER BUSINESS:**

Board members that attended the Special Inland Wetlands meeting that was held earlier in the evening discussed their impressions of the meeting. Presenting at this meeting was Tom McGowan, Lake Waramaug Task Force and Sean Hayden, Northwest Conservation District and Robert Kortmann. The discussion was in regard to the Lake Waramaug watershed and water quality impacts from development.

Mr. Bowman stated discussion included the idea of increasing the setback from the lake. He felt good points were made with regard to the culverts that run below the setback area but directly do in fact dump into the lake. Mr. Ajello discussed the culverts already being regulated. He stated that Inland Wetlands regulations give them freedom to extend their jurisdiction to conditions that may threaten the watercourse due to certain situations, such as steep slopes and poor soil. Mr. Catlin questioned how these matters come to the attention of Inland Wetlands. Mr. Ajello replied that often individuals will come into his office to discuss their situations and may then be directed to do an Inland Wetlands application, as well Mr. Ajello himself doing inspections. Members continued their discussion on the issues covered at this meeting. They noted the importance of educating individuals on these matters, as well as the having good construction management before, during and after a project.

**MOTION:** To accept the December 15, 2016 meeting minutes as amended. By Mr. Catlin, seconded by Ms. Roberts, passed 5-0 vote.

It was noted that on page 4, third paragraph down last sentence which states, “Mr. Bowman does not support the generation portion of this application.”, should read, “Mr. Bowman does not support the generator portion of this application.”

**ADJOURNMENT:**

**MOTION:** To adjourn the meeting at 8:25 p.m. By Ms. Roberts, seconded by Mr. Wyant. Passed 5-0 vote.

Submitted by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Donna Pennell, Land Use Clerk

 January 25, 2017