TOWN OF WASHINGTON

BRYAN MEMORIAL TOWN HALL

**POST OFFICE BOX 383**

**WASHINGTON DEPOT, CT 06794**

**ZONING BOARD OF APPEALS**

**MINUTES**

**April 16, 2015**

**Members Present:** Ms.Roberts, Mr. Catlin, Mr. Bowman, Mr.Wyant, Ms. Leab

Members Absent:

Alternates Present: Mr. Peterson, Mr. Wildman

Alternates Absent: Ms. Kaplan

**Staff:** Ms. Nelson. Mr. Ajello

**Others:** Mr. Mack, Mr. Spath Mr. & Mrs. Provey

**ZBA-0983**- Request of John Michael Haight – 45 Old North Road, for Variance, Zoning Regulation Section(s) 12.1.1 (Wetlands & Watercourses Setback) to demolish and construct a house with a two-car garage.

Ms. Roberts, Chairman, called the public hearing to order at 7:30 pm.

**Seated:** Roberts, Catlin, Bowman, Wyant, Leab

Mr. Mack from Stuart Somers Co., LLC. represented John Michael Haight at the public hearing. Included with the application was a letter of authorization and mail notification had been received. The existing house has been demolished. A previous application was approved for a one-car garage. The owner now wants a two-car garage so because this is a proposed change to the previously approved site plan, a new application was submitted. Mr. Spath also from Stuart Somers Co., LLC. showed the proposed structure on map S/1 Site Plan, Assessor’s Map 8, Block 5, Lot 14, dated 8/.22/14, revised to 2/19/15 by Stuart Somers Co., LLC. and map 1/1 Data Accumulation Plan Depicting Existing Conditions, Assessor’s Map 8, Block 5, Lot 4, dated 7/17/14 by Stuart Somers Co., LLC. The revision to the proposed plan is to move the house back for a two-car garage. The architect said he needed about 6.5’ more for the garage. Pushing the proposed house back increases the setback from the wetlands to over 50.5’, while the garage setback from another wetlands of 20’ shall remain the same. The septic tank will be relocated. The house, garage and driveway grades all remain the same.

**Motion:** to close the Public Hearing for **ZBA – 0983 –** Request of John Michael Haight – 45 Old North Road, for Variance, Zoning Regulation Section(s) 12.1.1 (Wetlands & Watercourses Setback) to demolish and construct a house with a two-car garage By Ms. Roberts, seconded by Mr. Wyant, passed 5 - 0.

Deliberation and Action on **ZBA-0983**:

Ms. Leab spoke in favor of this application. She said it was a small and reasonable change. Mr. Bowman agreed saying the change was reasonable. Ms. Roberts had no objections and said the hardship is topographical. Mr. Wyant was in favor and agreed with the previous comments. Mr. Catlin did not have any issues with the application saying the applicants have made an effort to make it further conforming.

**Motion:** to approve **ZBA – 0983 –** Request of John Michael Haight – 45 Old North Road,

for Variance, Zoning Regulation Section(s) 12.1.1 (Wetlands & Watercourses

Setback) to demolish and construct a house with a two-car garage passed 5 - 0.

**ZBA-0984-** Request of Francis and Julie Dolen/ 217 Sabbaday Lane, for Variance, Zoning

Regulation Section(s) 11.6.1.B (Minimum Setback and Yard Dimensions) to build a garage.

Ms. Roberts called the public hearing to order.

Mr. Ajello mentioned he had received a call from Mr. Dolan and he had a medical emergency and might not be able to make the public hearing. The commission decided to go on to the next applicant.

**ZBA-0985-**Request of Roger Provey/ 9 Sandstrom Road, for Special Exception for Expansion of a Nonconforming Dwelling, Zoning Regulation(s) 17.5 (Special Exception for Nonconforming Structures) to build (remodel) a house.

Ms. Roberts called the public hearing to order.

**Seated:** Roberts, Catlin, Bowman, Wyant, Leab

Mr. Provey commented that the application was not to build a house but to remodel it with

additions. He said they were going to remove the roof and build off the existing foundation. They

are going to build up to create a second floor and they propose to expand the foundation. Mr.

Provey showed the commissioners sketched elevations, no date, no signature. The commissioners

compared these to A-03 and A-04 proposed South and East Elevations and proposed North and West Elevations by Designs by Artisans, LLC. dated 3/26/15 and 01/31/15. Ms. Roberts said the proposed structure looked more massive in the drawings by Designs By Artisans, LLC. and she mentioned that the proposed house doesn't fit in the neighborhood. Ms. Roberts went on to say the purpose of the regulations to make sure any proposed changes are in keeping with the neighborhood and it’s surroundings. Mr. Provey mentioned that it was bigger than some of the neighboring houses. Mr. Catlin read one of the regulations 17.5.C.2 and there was a discussion about elevations. Mr. Wyant asked if the adjoining property owners had been heard from. Mr. Provey could not supply proof of mailing and this is one of the requirements of the application. Without this information the public hearing cannot proceed. Ms. Roberts encouraged the applicant to rethink the attic area and reduce the volume of the proposed building. Ms. Roberts commended Mr. Provey on his use of the current footprint and his design sensibility but she didn’t like the verticality and volume of the proposed structure and wanted him to bring the roof line down. Mr. Catlin brought up the issue of lot coverage. The proposed lot coverage is going from 26% to 29.2%. Part of the lot coverage is due to Sandstrom Road cutting through the property. Mr. Provey submitted a letter to the commissioners dated 6/15/98 to Jeffrey Fleet from Alan Chapin, First Selectman. When the road is removed from the equation the lot coverage is reduced to 17%. There seems to be a question if Sandstrom Road is a town road. Mr. Catlin encouraged Mr. Provey to also apply for a variance for lot coverage. Mr. Bowman said that a request for a variance would make everything clear that the hardship would be the road running through the property. The commissioners urged Mr. Provey to also seek a variance for lot coverage along with the Special Exception.

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**Motion:** to continue the Public Hearing for **ZBA – 0985** –Request of Roger Provey –

9 Sandstrom Road, for Special Exception for Expansion of a Nonconforming Dwelling, Zoning Regulation(s) 17.5 (Special Exception for Nonconforming Structures) to remodel a house, by Mr. Catlin, seconded by Mr. Wyant,

passed 5 -0.

**Motion:** to continue the Public Hearing for **ZBA-0984** – Request of Frank and Julie Dolen, 217 Sabbaday Lane, for Variance, Zoning Regulation Section(s) 11.6.1.B (Minimum Setback and Yard Dimensions) to build a garage by Ms. Roberts, seconded by Mr. Wyant, passed 5 – 0 vote.

**Other Business**

The February 19, 2015 minutes were not considered at this time.

Ms. Roberts mentioned Mr. Ajello had passed out some updated regulations at the last meeting. Ms. Roberts has been working with Mrs. Hill to obtain more of the updates of the regulations.

Also the online version of the applications needed to be updated to correct the state fee and an email line was added. “Certificate of mailing” is being used instead of “Certified Mail”. Both contain the same information but the certificate of mailing is cheaper for the applicant. Ms. Roberts also proposed to clarify some of the “Guidelines”. She proposed deleting a phrase form the Guidelines for Special Exception “An approved Special Exception not put into effect within one year becomes null and void.” A brief discussion followed and it was decided to omit this line. Ms. Leab discussed the possibility of violations that would be put on the land records similar to what is done by the Historic Committee. Mr. Ajello said this is already done to some extent for inland wetlands and sometimes in zoning. Mr. Ajello said that a notice or flag can be filed on the land records if there is a violation.

**Motion:** to adjourn at 8:50 pm, by Ms. Roberts passed by 5 - 0 vote.

**Submitted Subject to Approval**,

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Linda Nelson, Land Use Clerk

**A recording of the meeting is available in the Land Use Office.**