Zoning Board of Appeals

MINUTES

Public Hearing – Regular Meeting

November 19, 2015

7:30 p.m. Main Level Meeting Room

MEMBERS PRESENT: Mr. Bowman, Mr. Catlin, Mr. Peterson,

 Ms. Roberts, Mr. Wyant

ALTERNATES PRESENT: Ms. Kaplan, Mr. Wildman

STAFF PRESENT: Mr. Ajello, Mrs. Pennell

ALSO PRESENT: Mr. Bennett, Mr. Hamilton, Mr. Becker,

 Mr. Smith, Mr. Sherwood, Ms. Andrews,

 Mr. Zekas

 Ms. Roberts, Chairman, called the Public Hearing to order at

 7:35 p.m.

PUBLIC HEARING:

Seated: Roberts, Bowman, Catlin, Peterson, Wyant

MOTION: To accept the minutes from the September 17, 2015

 meeting as submitted, by Ms. Roberts, seconded by

 by Mr. Peterson and passed 5-0.

MOTION: To accept the minutes from the October 15, 2015

 meeting as submitted, by Mr. Roberts, seconded by

 Catlin and passed 5-0.

Ms. Roberts noted for the record that ZBA-0998 Continuance for Request of Anderson/92 Bell Hill Rd. for Special Exception for Expansion of a Nonconforming Dwelling, Zoning Regulation(s) 17.5.A.1.a(Special Exception for Non-Conforming Structures)to raise a roof had been withdrawn, as they chose to have their frontage on Judea Cemetery and therefore the addition they were requesting a special exception for is now in compliance.

**ZBA-1001 Request of Douglas Hamilton, 199 West Shore Road, Request for Variance, Zoning Regulation Section 11.6. (Road Setback: 35) and Section 11.5.1A (Lot Coverage .16 Additional/25.74%):**

Mr. Hamilton stated he wished to explain to the Board the reasons for the building of the Portico. One of them being for the protection for the door, sill and hardware. Mr. Hamilton stated that without the portico protection, the door will not have warranty protection. He stated the door is exposed to the south and direct sunlight and this will cause degradation to this door. Mr. Hamilton stated without this portico, there would be a slip hazard, as snow and ice would build up. Mr. Hamilton stated that the request to have this portico extend as far as it does is to protect the stairs. With regards to lighting requirements, Mr. Hamilton stated that this portico would soften the lighting and make it less visible to the community. He also felt this portico would enhance the appearance of the building.

Mr. Catlin asked what the building is used for. Mr. Hamilton stated it used to gather in and enjoy the lake. Mr. Joseph Bennett Jr., Mr. Hamilton’s partner in this project handling the construction details, clarified the measurements of the roof line, roof drip line and the height of the posts. Mr. Bennett stated there are three steps down with a 4’ x 7’ door. Mr. Bennett explained that they leveled the front ground area for drainage to function better. Mr. Catlin asked why the portico needs to be 8’ deep. Mr. Hamilton said if it were any less, it would not protect the steps or the door. Mr. Catlin proposed the question of installing brackets to support the portico rather than the pillars to decrease this significant addition to this building. Mr. Bennett stated he thought of this idea himself, but the problem is the brackets would be in the way when stepping down to access the lower level. Mr. Catlin explained that he understands the desire to protect the steps, but questions how necessary it is to cover all the steps and feels the 8’ is excessive.

Mr. Hamilton offered to do a mock up for the board so that they can come out and get a better idea of what the portico would look like. Ms. Roberts and Mr. Catlin stated they support this and feels it is a good idea. Ms. Roberts also requested that Mr. Hamilton provide more coherent drawings with accurate dimensions. Mr. Hamilton and Mr. Bennett will provide this. Mr. Hamilton will have the mock up ready for the Board to look at the week of November 29, 2015.

**MOTION:** To continue ZBA-1001 submitted by Mr. Hamilton/199 West Shore Road; Request for Variance, Zoning Regulation Section 11.6. (Road Setback: 35) and Section 11.5.1A (Lot Coverage .16 Additional/25.74%) to December 17, 2015. By Ms. Roberts, seconded by Mr. Peterson, passed 5-0.

Ms. Roberts noted for the record that ZBA-1002/Request of Ben Nickoll, 213 & 214 West Shore Road, Request for Special Exception from Section 17.5 AI (permitting a non-conforming single family historical dwelling to be enlarged) to raise the roof by 5’-3/4”, had been withdrawn. Mr. Ajello explained to the Board that this is a temporary withdrawal as there was an LLC that did not get on the legal posting.

**ZBA-1003- Request of The Gunnery, 99 Green Hill Road, Request for Variance from Section 11.5.1.c (Replacement of Butler Dormitory with Graham House).**

Seated: Roberts, Catlin, Bowman, Peterson, Wildman

Mr. Peter Becker, Head of School at the Gunnery, explained the plan to replace Butler Dormitory with what will become Graham House. Mr. Becker gave the history of initial requests dating back to 2006 to replace the first of three dorms that were built in the 1960’s. This request for Graham House will be the second request. Mr. Becker stated these two dorms remaining are in serious need of repair and poorly constructed. Graham House will be housing 22 female students. Mr. Becker emphasized that the intent of this project is to provide better quality residential living to the students. He noted that they are not increasing the enrollment or staff at the school. Mr. Becker further stated that Butler Dormitory is energy inefficient in all ways, old and tired, it is not handicap accessible and does not fit the character of the campus, the town of Washington or the neighborhood in general. Mr. Becker stated the dorm will be ADA compliant, fire code compliant and much more energy efficient. Mr. Becker informed the Board that this dorm will have three faculty apartments and this is important as their goal is to have faculty living on campus, connected to dorms and this policy is essential for their mission.

Mr. Becker stated they have done a fair amount of outreach to neighbors to be sure they are comfortable with this project. He noted there is only one neighbor who can actually see this dorm. This neighbor being Mr. and Mrs. Eugene Kohn. A letter dated November 9, 2015 from Mr. Kohn to the Gunnery (which was provided for the file) states their full support of this application.

Mr. Becker then introduced Mr. Curt Smith, Licensed Land Surveyor

and owner of Smith & Company out of Woodbury, CT. Mr. Smith gave an overview of the property, (referencing map dated 9-21-15 with site plans of Graham House Dormitory). Mr. Becker noted that all of the property is in the Washington Historical District and the Historical District has given approval for this project. Mr. Becker stated there are no inland/wetlands or water courses on the property. Mr. Becker pointed out what will be removed which includes walkways, rear parking, patio in back and the building itself. Mr. Becker stated there would be a 1900 sq. ft. impervious coverage .2% of the 21.7 acres(25.7% coverage increase to 25.9%). Mr. Becker stated the plan meets zoning requirements. Mr. Becker noted the two ADA compliant entries to the proposed building. The plan includes six new parking spaces as there will be three faculty residences in the building. Mr. Becker went on to explain the excavation process, less than an acre being disturbed. Mr. Becker explained the water and septic system and how it will tie into the current system.

Mr. Catlin posed the question of the sidewalk being removed and where the students would be walking. Mr. Becker stated there is not a lot of traffic in this location and explained where the students walk. Mr. Becker commented that this was also to keep the coverage down.

Mr. Becker then introduced Lee Sherwood, architect. Mr. Sherwood explained the project referencing drawings A1, A4, A5, A.6, A.7, A.8, and A.9. Mr. Sherwood explained the spaces for faculty and for the students that will be in Graham House, as well as describing the outdoor space. Mr. Sherwood noted that meeting ADA requirements actually requires adding space.

Discussion continued on the specifics to the architect of Graham House and how it will fit into the existing surroundings. Mr. Sherwood clarified the plans for the three faculty apartments and their layout. Mr. Sherwood again noted there will be 11 dorm rooms with 22 beds.

Mr. Bowman asked if there was an elevator in the plan. Mr. Sherwood stated there is not and it is not an ADA requirement for this building.

Ms. Mary Jo Andrews from the law firm of Shipman and Goodwin of Hartford, CT, representing the Gunnery, spoke next. Ms. Andrews read aloud the letter addressed to the Gunnery dated November 9, 2015 from Mr. Kohn, neighbor to the Gunnery, which stated his full support of this application. Ms. Andrews stated that due to conditions effecting this parcel and zoning district, a literal enforcement of the regulations would result in hardship and exceptional difficulty for the Gunnery, which is a small school that has occupied this parcel for decades. Ms. Andrews noted it is in a residential zone and subject to very restrictive residential coverage requirements. Ms. Andrews stated this burden for this restrictive coverage regulation has a harsher impact on the Gunnery’s parcel vs other residential lots in the area. Ms. Andrews pointed out the necessity for the Gunnery to have parking lots, inter connected walkways, many buildings, and things that are not normally needed on residential parcels. Ms. Andrews further stated that the strict enforcement of the coverage regulation would create an extreme hardship and would prevent the Gunnery from remaining viable. Ms. Andrews stated that the variance is in harmony with the town’s plan of conservation, as well with the historic district. She stated the purpose of this variance is to replace a dorm and not to grow the school. Ms. Andrews stated she believes this application meets the variance standards.

Ms. Roberts asked if there were any further questions. None noted.

**MOTION**: To close the Public Hearing to consider the ZBA-1003 submitted by The Gunnery, 99 Green Hill Road, Request for Variance from Section 11.5.1.c, Lot Coverage, (Replacement of Dormitory). By Mr. Catlin, seconded by Ms. Roberts, passed 5-0.

Ms. Robert as for the Board’s thoughts on the application. Mr. Bowman stated that he supports the plan, but does feel it could be better. Mr. Catlin stated he is in support of this plan and believes that there is a land based hardship. Mr. Peterson generally supports the plan and feels it has been well presented. Mr. Wildman also supports the plan and is in favor of it. Mr. Roberts agrees with the members and understands the hardship. Ms. Roberts appreciates the effort from all to keep the scope of this down to .2% and is pleased that the neighbors are in support.

**MOTION**: To approve ZBA-1003 submitted by The Gunnery/99 Green

Hill Road/Request for Variance from Section 11.5.1.c, Lot

 average, (Replacement of Dormitory) based on all plans presented

 at the meeting. By Ms. Roberts, passed 5-0.

**Other Business:**

Ms. Roberts stated the Board is still trying to get Atty. Ziska in to speak with the Board. Ms. Roberts asked the Board to email her dates they are available for a 6-8 p.m. session after the first of the year. Ms. Roberts would also like Board Members to have concrete questions they have prepared for this meeting.

**MOTION**: To adjourn the meeting. By Ms. Roberts.

Ms. Roberts adjourned the meeting at 8:45 p.m.

**SUBMITTED SUBJECT TO APPROVAL**

BY\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Donna Pennell, Land Use Clerk