

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, Connecticut 06794
Zoning Board of Appeals Regular Meeting
MINUTES
May 28, 2020

7:30 PM- Virtual Meeting Via Zoom

Present: Chairman Bowman, Mr. Wildman, Mr. Wyant, Mr. Horan, Mr. Weber
Alternates Present: Mr. Gunnip, Ms. Rebillard. Mr. Sarjeant
Staff Present: Ms. Rill, Mr. Tsacoyannis
Public Present: Ms. Mudge, Ms. Westfall, Mr. Preece, Mr. Tobin

The meeting was called to order at 7:35pm.

Chairman Bowman seated himself, Mr. Wildman, Mr. Wyant, Mr. Horan and Mr. Weber for this Public Hearing.

ZBA-1093, Request of Donovan, 127 West Shore Road, for a Variance from Section(s): 11.6.1 – Minimum Setback and Yard Dimensions, and 12.1.1 – Wetlands and Watercourse Setbacks – for a boat house:

Mr. Tobin, representing the property owners of 127 West Shore Road, explained that since the April meeting, the size of the shed (which is now a boat house), has been reduced to an 8' by 6' structure in the same location as the prior proposed shed. A revised site plan was submitted with new setback dimensions listed as 10.09ft from the nearest corner to the water, 7.13ft from the northern corner of the shed to the side yard, and 10.23ft to West Shore Road. The height of the structure has also decreased to 8' 10". Mr. Tobin stated that the Washington Inland Wetlands Commission had visited the site last week, and expressed that there shall be no soil disturbance to the area, therefore Mr. Tobin would be placing the structure on four 4'x4' posts, sitting on grade, that will act as the foundation. Chairman Bowman questioned whether the posts would be pressure treated or not. Mr. Tobin responded that they would be. Mr. Tobin went on to explain that the boat house would have wood shingle siding and roof made of cedar that will match the home. It would not have electricity, water or windows, and would be strictly be used as storage.

MOTION: To close the Public Hearing in the matter of ZBA-1093, Request of Donovan, 127 West Shore Road, for a Variance from Section(s): 11.6.1 – Minimum Setback and Yard Dimensions, and 12.1.1 – Wetlands and Watercourse Setbacks – for a boat house.

Chairman Bowman asked the Board for their thoughts on the Application.

Mr. Wildman stated that this was definitely a boat house and had no problem with the application.

Mr. Horan agreed, stating that this was a modest boat house.

Mr. Wyant also agreed with the previous statements.

Mr. Weber stated that this was considered a permitted use that was not obtrusive in any way.

Chairman Bowman agreed with the Board, stating that the boat house was consistent with the architecture on Lake Waramaug and considered it to be discreet, yet useful.

MOTION: To approve ZBA-1093, Request of Donovan, 127 West Shore Road, for a Variance from Section(s): 11.6.1 – Minimum Setback and Yard Dimensions, and 12.1.1 – Wetlands and Watercourse Setback – for a boat house, as shown on the drawing titled, “Zoning Location Survey Map Prepared for Michael and Ashleigh Donovan”, dated March 2020, with a revision date of April 22, 2020, prepared by T. Michael Alex, Licensed Land Surveyor. Approval granted for the following reasons; 1.) This is a non-obtrusive, modest boathouse. 2.) Boat house is consistent with the architecture on Lake Waramaug, and 3.) the design is discreet, yet useful. By Mr. Wyant, seconded by Mr. Horan, passed 5-0 vote.

ZBA-1094, Request of Frontier Communications, 8 Calhoun Street, for a Variance from Section(s): 11.6.1.A – Minimum Setback and Yard Dimensions – for an above ground fuel tank:

Seated for the Public Hearing is Chairman Bowman, Mr. Wildman, Mr. Horan, Mr. Wyant and Mr. Weber.

Mr. Preece, representing the property owners of 8 Calhoun Street, stated that he had been issued a Zoning Permit for the tank, which has now been installed. Mr. Preece explained that he was then told that the tank did not meet the minimum setback requirement off of Calhoun Street. The current tank replaced an old fuel tank that had been buried underground. Mr. Preece went on to explain that Connecticut’s DEEP were not in favor of buried tanks anymore, which is why they made the change to an above ground tank. They also added a concrete pad and a taller fence at the request of Zoning Enforcement. Mr. Preece explained that the tank was placed in the front yard because it has to be within a minimum distance to the generator so that the fuel system works properly. Mr. Preece added that the setback requirement for the property is 50 feet, and the fence was placed at 33.8 feet.

Chairman Bowman stated that he had visited the property earlier in the day, and wished to add for the record that the fuel tank sits on an 8-foot by 12-foot concrete slab.

Mr. Weber questioned whether or not the height of the fence was or should be a concern. Chairman Bowman stated that this was more of a Building Department issue.

With no other comments or questions, Chairman Bowman requested a motion to close the Public Hearing.

MOTION: To close the Public Hearing in the matter of ZBA-1094, Request of Frontier Communications, 8 Calhoun Street, for a Variance from Section(s): 11.6.1.A – Minimum Setback and Yard Dimensions – for an above ground fuel tank.

Chairman Bowman asked the Board members for their thoughts on the Application.

Mr. Wildman stated that this was a land-based hardship, and felt that there was no other logical placement for the tank.

Mr. Horan stated that he had no objection.

Mr. Weber stated that they had made the best of a difficult circumstance and he had no objection.

Mr. Wyant agreed with his colleagues and stated that he was in favor.

Chairman Bowman agreed with the other Commissioners, stating that there was no other possible location for the tank, and stressed the importance of the generator working properly, especially in emergency situations.

MOTION: To approve ZBA-1094, Request of Frontier Communications, 8 Calhoun Street, for a Variance from Section(s): 11.6.1.A – Minimum Setback and Yard Dimensions – for an above ground fuel tank, concrete slab and fence, for the following reasons; 1.) A land-based hardship with no other possible location for the tank. By Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.

ZBA-1095, Request of Glover, 63 Wykeham Road, for a Variance from Section(s): 11.6 –Minimum Setback and Yard Dimensions, and 12.1.1 – Wetlands and Watercourse Setbacks – for a generator:

Ms. Westfall, representing the property owners at 63 Wykeham Road, explained that the lot is a non-conforming and that the proposed location is the most sensible. The generator would be placed 18” away from the home, and there would be no carbon monoxide issues or concerns. Ms. Westfall stated that they had received Health and Inland Wetlands approval.

Mr. Wildman questioned how the generator would be fueled. Ms. Westfall explained that it would be propane fueled, and that there were already existing tanks on the property.

MOTION: To close the Public Hearing in the matter of ZBA-1095, Request of Glover, 63 Wykeham Road, for a Variance from Section(s): 11.6 –Minimum Setback and Yard Dimensions, and 12.1.1 – Wetlands and Watercourse Setbacks – for a generator.

Chairman Bowman asked the Commissioners for their thoughts on the Application.

Mr. Wyant felt that the application was well presented and all of his questions were answered.

Mr. Horan stated that he approved of the Application.

Mr. Weber stated that he had no issues with the Application.

Mr. Wildman stated that he was okay with the Application and the specs provided.

Chairman Bowman agreed with the Commissioners and supported the Application.

MOTION: To approve ZBA-1095, Request of Glover, 63 Wykeham Road, for a Variance from Section(s): 11.6 –Minimum Setback and Yard Dimensions, and 12.1.1 – Wetlands and Watercourse Setbacks – for a generator, for the following reasons; 1.) Health and The Inland Wetlands Commission granted approval, 2.) The specs for the generator were acceptable as submitted, by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.

ZBA-1096, Request of Mudge, 240 Woodbury Road, for a Variance from Section(s): 11.6 – Minimum Setback and Yard Dimensions – for a privacy fence:

Mr. Horan stated that he would be recusing himself from this Public Hearing.

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

Ms. Mudge, property owner stated that she would like to install a privacy fence along part of her property, including near the street, because she has two small children and her house is located close to a very busy main road. Ms. Mudge explained that the fence would be six feet high and pressure treated, and that the company she had hired to install the fence had made sure that the fence did not block the line of oncoming traffic.

Mr. Weber questioned the proximity of what appeared to be an existing white picket fence in photographs provided by Ms. Mudge. Ms. Mudge explained that she would be taking that fence down and possibly relocating it to another area in the rear of the home. Mr. Weber questioned if the new fence would be placed in the exact same location as the picket fence. Ms. Mudge explained that the new fence would be pushed back a few feet from the location of the current picket fence. Mr. Gunnip asked if the location of the fence would be directly on the property line. Ms. Mudge explained that it would be on the property line on the south side, behind the current stone wall.

Chairman Bowman stated that he had a few concerns regarding the application. First, there was no survey submitted showing exactly where the property boundaries were, nor the exact location and layout of the fence. Chairman Bowman also voiced concern over the height of the

fence, as well as the grade. Mr. Gunnip agreed, stating that it is important to establish the property line. Mr. Weber questioned the reasoning behind wanting a six-foot fence rather than a four-foot fence – explaining that, in accordance with the Washington Zoning Regulations, a four-foot fence would not require approval. Ms. Mudge explained that the six-foot fence was to reduce the noise from Woodbury Road, (also known as Route 47), as well as to obtain some privacy. The Commission agreed that a survey would be needed to proceed. Chairman Bowman explained that Ms. Mudge had the option of asking for a continuance until the June 18, 2020 Zoning Board of Appeals meeting, she could withdraw the Application completely or the Board could vote now, but it seemed unlikely to pass at this time. Ms. Mudge asked for a continuance.

MOTION: To grant a continuance until the June 18, 2020 Washington Zoning Board of Appeals meeting in the matter of ZBA-1096, Request of Mudge, 240 Woodbury Road, for a Variance from Section(s): 11.6 – Minimum Setback and Yard Dimensions – for a privacy fence, for the following reasons; 1.) The Board would like the applicant to provide an accurate survey, drawn to scale, with the property line established as well as the exact location of the wall. By Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.

CONSIDERATION OF THE MINUTES:

Ms. Rill informed the Commissioners that in the April 16, 2020 meeting minutes, she had mistakenly omitted Mr. Sarjeant. Mr. Sarjeant *was* present for the April 16, 2020 meeting.

MOTION: To approve the April 16, 2020 Washington Zoning Board of Appeals meeting minutes with corrections, by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.

MOTION: To adjourn the May 28, 2020 Washington Zoning Board of Appeals meeting at 8:44pm, by Chairman Bowman, seconded by Mr. Wyant, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Land Use Clerk

May 29, 2020

