

# January 17, 2013

**Present:** Polly Roberts, Todd Catlin, Kathy Leab, Peter Bowman, Rod Wyant

**Alternates:** Chip Wildman

**Absent:** Joan Kaplan, Todd Peterson

**Staff:** Shelley White, Mike Ajello

**Also Present:** Mr. Harris, Mr. Studer, Mr. Mose, Architect, Mr. Szymanski, P.E. Mr. Kleinberg, Mr. Cavallero

Ms. Roberts, Chair, called the meeting to order at 7:30 pm.

Seated: Polly Roberts, Todd Catlin, Kathy Leab, Peter Bowman, Rod Wyant

## **PUBLIC HEARING** -Continued

ZBA – 0937 – Request of Studer Design Associates (Harris), 193 West Shore Drive, for Variance, Zoning Regulation Section(s) 11.5.1(Increase in Lot Coverage), 11.6.1 (Side & Front Yard Setbacks), 17.4 (Increasing Nonconforming Structure), to demolish and rebuild residence.

Mr. Studer, Architect, Mr. Mose, Architect and Mr. Harris, property owner, were present to present this application. Mr. Harris stated that they have taken the Commission's comments into consideration and have revised the proposed plan. Mr. Studer noted that the revised proposed plan indicates a reduction in volume but the footprint and setbacks remain the same as the plans previously viewed by the Commission at the December 20, 2012 regular meeting of the ZBA (drawing(s) titled Layout and Grading Plan, project: New Residence, 193 West Shore Road, New Preston, CT, by Studer Design Associates, Inc., revision dated November 14, 2012, sheet LA-1). He stated that these revised plans show a decrease in the existing Nonconformity.

Mr. Studer summarized the main points of the proposed plan that were discussed at last month's meeting. The Commissioners looked at the revised proposed elevation drawings for Harris Residence, prepared for Mr. John Harris by J. Mose Architect, Drawing number PR-2 with a revision date of January 7, 2013. It was noted that the revised height of the roof peak is 33-feet measured from the average grade.

Mr. Mose stated that they have reduced the scale by compressing the overall mass of the roofline about 3.5-feet and explained how the interior ceiling height and the pitch of the roof were adjusted. He noted that the proposed house steps itself back with the grade of the property and that the gable lines have been reduced.

Mr. Studer stated that the average grade plane was calculated by averaging out the measurements around the total perimeter of the house. He discussed other pertinent changes that were made to the plan in order to reduce bulk such as decreasing the second floor ceiling height from 8' 4" to 8'. He noted that the windows in the attic are essentially decorative and are a foot above the finished floor of the attic and that the only place someone would be able to stand in the attic is along the ridge.

There was a brief discussion regarding the front porch roofline. The Commissioners looked at the floor plan drawings for Harris Residence, prepared for Mr. John Harris by J. Mose Architect,

Drawing number PR-1 with a revision date of January 7, 2013. They compared the previous elevations to the revised elevations (sheet PR-2) and discussed the recalculated average grade.

Mr. Studer stated that the proposed garage floor would be 2 feet higher than the road and discussed the view from the road and the proposed landscaping.

Mr. Studer addressed Section 11.5.1 (Lot Coverage) regarding this application. He stated that this is an existing nonconforming use and any change in the nonconformity must come before the ZBA. He noted that they are not increasing the existing nonconformity; they are decreasing the lot coverage but are still over the allowable lot coverage. Mr. Studer stated that they have primarily stayed within the existing footprint except for a slight shift, which makes the proposed house more in compliance with this zone.

Mr. Studer noted that Mr. Harris does not have any plans to install a generator on the site.

Mr. Cavallero and Mr. Kleinberg, neighbors, were present. Mr. Cavallero feels that this proposed plan is an “amazing improvement” to what exists today.

There was a brief discussion regarding the height of other houses on the road.

There was a brief discussion regarding the proposed plantings.

There were no further questions or comments.

Motion:

to close the Public Hearing for ZBA – 0937 – Request of Studer Design Associates (Harris), 193 West Shore Drive, for Variance, Zoning Regulation Section(s) 11.5.1 (Increase in Lot Coverage), 11.6.1 (Side & Front Yard Setbacks), 17.4 (Increasing Nonconforming Structure), to demolish and rebuild residence,

by Mr. Catlin, seconded by Ms. Leab, passed by 5-0 vote.

## **MEETING**

Mr. Catlin stated that he appreciates the amount of work that went into rethinking the plans to reduce the volume of the house and feels that significant improvements were made with the revised proposed plan. He noted that if the lot were 2 feet wider it would not be considered an interior lot and would conform to the setbacks and he is glad that they have made it less nonconforming. He stated that he is pleased that the neighbor directly behind Mr. Harris's property approves of the proposed plans.

Mr. Wyant stated that he approves this revised plan and thanked the applicant for their efforts to decrease the volume of the house.

Mr. Bowman agreed with the other Commissioners and stated that the revised plan shows a notable improvement.

Mr. Leab agrees and feels that the proposed plan is very respectful to the topography of the property and Lake Waramaug.

Ms. Roberts stated that the hardship is a typically small lot on the Lake and she feels that the applicant has done a nice job of stepping the house back.

Motion:

to approve ZBA – 0937 – Request of Studer Design Associates (Harris), 193 West Shore Drive, for a Variance to Zoning Regulation Section(s) 11.5.1(Increase in Lot Coverage), 11.6.1 (Side & Front Yard Setbacks), 17.4 (Increasing Nonconforming Structure), to demolish and rebuild residence per Site Coverage Plan by Studer Design Associates, Inc, sheet LA-3, dated 11-9-2012, and elevation drawings titled Harris Residence by Mose Associates Architects PC, sheet PR-2 with a revision date of 1-7-2013 and other pertinent documents per file, passed by 5-0 vote.

## **PUBLIC HEARING – Continued**

ZBA – 0938– Request of Sen, 116 Shearer Road, for Variance, Zoning Regulation Section(s) 11.6 (Yard Setback), to add two 20' x 28' patios.

Mr. Szymanski was present to represent the property owners for this application. He stated that he discussed the proposed plan with the property owners after the last meeting in December and they have decided that remove the proposed patio on the north side of the house from the application and are proposing a walkway constructed of field stone set in grass from the main parking area to the main entrance. Mr. Szymanski stated that the proposed patio would be approximately 1.5' above the existing grade and there would be two steps down to the patio out of the existing French door. He noted that the hardship is that the house is within the front setback.

There was a brief discussion regarding the knee wall on the proposed patio and surrounding plantings. Mr. Szymanski noted that the structure, including the knee wall would not exceed 2.5" above the existing grade.

Mr. Szymanski and the Commissioners discussed setting the proposed patio back 1 foot from the façade of the house. He indicated this changed (signed and dated) on the map titled B-100a Sanitary Disposal System Plan for Proposed Patio, prepared for Sumit Roy & Reemah Sen, by Arthur H. Howland & Associates, sheet SDP-1 with a revision date of 1-17-13.

There were no further questions or comments.

Motion:

to close the Public Hearing for ZBA – 0938– Request of Sen, 116 Shearer Road, for Variance, Zoning Regulation Section(s) 11.6 (Yard Setback), to add two 20' x 28' patios, by, seconded by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

## **MEETING**

Ms. Leab feels that the revisions make this application reasonable and she supports this application.

Mr. Bowman stated that removing the north patio makes this application more palatable.

Ms. Roberts stated that the hardship is that part of this property is an antique house and is set close to the road and it makes sense to have the patio off the side with the French doors accessing it.

Mr. Wyant agrees with the other Commissioners and feels the revised plan is better and he supports it.

Mr. Catlin agrees that there is a land-based hardship being an old house located close to the road. He is pleased that the patio has been set back 1 foot and feels the proposed plantings would break up the line of the length of the patio.

Motion:

to approve ZBA – 0938– Request of Sen, 116 Shearer Road, for a Variance to Zoning Regulation Section(s) 11.6 (Yard Setback), to add one 20' x 28' patio, per the B100a Sanitary Disposal System Plan Proposed Patio (with hand drawn revisions by P. Szymanski dated 1-17-2013) by Arthur H. Howland & Associates, sheet SDP.1 with a revision date of 1-17-2013 and all other pertinent documents per file, passed by 5-0 vote.

## **PUBLIC HEARING**

Seated: Roberts, Catlin, Bowman, Wyant, Wildman

ZBA – 0939– Request of Keating, 68 West Shore Drive, for Variance, Zoning Regulation Section(s)11.6(Setbacks), 12.1.2 (Wetlands Watercourse Setback), 17.3.a (Expansion of Non Conforming use), 17.4.a (Expansion of Non Conforming Structure), to add 59 sq. ft. to existing deck.

Ms. Roberts stated that there was a clerical error regarding the property number on the last application. Mr. Szymanski, present to represent the property owners, stated that there were two addresses on the field card and the wrong deck was applied for under the wrong address. He stated that everything remains the same except they notified additional neighbors.

Motion:

to close the Public Hearing for ZBA – 0939– Request of Keating, 68 West Shore Drive, for Variance, Zoning Regulation Section(s)11.6(Setbacks), 12.1.2 (Wetlands Watercourse Setback), 17.3.a (Expansion of Non Conforming use), 17.4.a (Expansion of Non Conforming Structure), to add 59 sq. ft. to existing deck, by Ms. Leab seconded by Mr. Wyant, passed by 5-0 vote

## **MEETING**

Ms. Roberts read the following statement from Town Counsel:

Motion:

This amended and corrected variance is applicable to the properties located in the Town of Washington and commonly referred to as 67 West Shore Road and 68 West Shore Road, which properties are more particularly described in deeds recorded in the Town of Washington land records at Volume 203 and Page 217 and Volume 203, Page 217 respectively and

Whereas, on Thursday, November 15, 2012 the Washington Zoning Board of Appeals approved variance ZBA-0931, which variance has been filed upon the land records in the Town of Washington in Volume 203, Page 217; the variance granted on November 15, 2012, however, incorrectly stated the address of the property to which the variance applied as 67 West Shore Road.

At its meeting held on January 17, 2013, the Washington Board of Appeals took the following action to rescind the variance granted on November 15, 2012 with respect to 67 West Shore

Road, which Variance was filed upon the land records of the Town of Washington in Volume 203, Page 217, and to substitute this amended and corrected variance for 68 West Shore Road as follows:

APPROVED: ZBA – 0939 – Amended Variance for Keating, 68 West Shore Road for variance, Zoning Regulation Section(s) 11.6 (Setbacks), 12.1.2 (Wetlands and Watercourse Setback), 17.3.a (Expansion of Non Conforming Use) and 17.4.a (Expansion of Non Conforming Structure to extend existing deck, per Proposed Site Development Plan by Arthur H. Howland & Associates, PC, sheet SD.1 with a revision date of 12-11-2012 and all pertinent documents per file, passed by 5-0 vote.

## **PUBLIC HEARING**

Seated: Roberts, Leab, Bowman, Wyant, Wildman

ZBA – 0940– Request of Catlin, 41 East Street, for Special Exception, Zoning Regulation Section(s) 12.14 (Noise Generating Equipment), to install generator more than 25' from building principally served.

Mr. Catlin, property owner was present. He submitted photos of the proposed location for the generator. The Commissioners and Mr. Catlin looked at the map titled Property/Boundary Survey, prepared for Todd Catlin, by T. Michael Alex, with a revision date of 12-18-12. Mr. Catlin explained that his property is very rocky and when he installed the air-conditioning system he had wiring put in for a generator but feels that this location would be too close to the house. He explained the topography of the property and stated the he feels the proposed location next to the electrical panel is the most logical. Mr. Catlin estimated the distance from the unit to his closest neighbors as approximately 1800' to the west and approximately 950' to the east. The Commissioners looked at a aerial photo of the properties (on file in the Land Use Office). Mr. Catlin stated that he spoke to the neighbors and neither had objections to the proposed location for the generator. He went over the spec. sheet and discussed the decibel levels (on file in the Land Use Office).

Mr. Catlin stated that he has a land-based hardship because of the property being mostly rock and he feels that this is the best location for the generator.

There were no further questions or comments

Motion:

to close the Public Hearing for ZBA – 0940– Request of Catlin, 41 East Street, for Special Exception, Zoning Regulation Section(s) 12.14 (Noise Generating Equipment), to install generator more than 25' from building principally served, by Ms. Leab, seconded by Mr. Wyant, passed by 5-0 vote.

## **MEETING**

Mr. Wildman stated that he is in favor of this application. He stated that he has the same generator, which is very quiet, and with the distance between the neighbors they most likely would not hear anything.

Ms. Leab stated that this property is all ledge and feels that this is the most logical location for the generator.

Mr. Bowman stated that he feels that this is the most reasonable location and agrees that the originally planned location that was close to the house is not a good idea.

Ms. Roberts agrees that this is the most logical place to locate the generator due to the rocky terrain and the proximity to the electric panel.

Mr. Wyant agreed with the other Commissioners.

Motion:

to approve ZBA – 0940– Request of Catlin, 41 East Street, for a Special Exception, Zoning Regulation Section(s) 12.14 (Noise Generating Equipment), to install generator more than 25' from building principally served per map titled Property/Boundary Survey, prepared for Todd Catlin, by T. Michael Alex, with a revision date of 12-18-12 and all pertinent documents per file, passed by 5-0 vote.

## **OTHER BUSINESS**

Seated: Roberts, Catlin, Leab Bowman, Wyant

### **Consideration of the Minutes:**

The Commission considered the Minutes of the December 20, 2012 regular Meeting of the Zoning Board of Appeals.

Corrections:

Pg. 4 under Other Discussions: Delete 2nd sentence beginning with “She stated that Mr. Catlin...”  
Ms. Roberts stated that Ms. Hill, Land Use Administrator responded to the property owner.

Motion:

to approve the Zoning Board of Appeals Regular Meeting Minutes of December 20, 2012 and as amended,  
by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

### **Other Discussions:**

Mr. Ajello. ZEO, stated that he met with the Building Official regarding the suggested regulation changes regarding generators.

### **Adjournment:**

Motion:

to adjourn at 8:55 pm,  
by Ms. Roberts, seconded by Ms. Leab, passed by 5-0 vote.

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,  
Shelley White, Land Use Clerk

