

# October 16, 2003

**Members Present:** Edmund White, Katharine Leab, Bradford Sedito, Polly Roberts

**Alternates Present:** Todd Catlin, Georgia Middlebrook

**Guest:** Robert L. Fisher Jr., Esq., Mark Beckett, Reese Owens, Frank Dolen

Mr. White called the meeting to order at 7:30pm and read the legal notice for tonight's Public Hearings.

## **PUBLIC HEARING - CONTINUED**

Mr. White seated Katharine Leab, Bradford Sedito, Polly Roberts, himself and alternate Georgia Middlebrook.

**ZBA-0316, Request of Mark D. & Chris Adams Beckett, 23 Loomarwick Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback), 12.1.1 (wetlands setback), 12.1.2 (septic setback from watercourse), 17.4.a (increasing the nonconformity of a non conforming structure), to demolish an existing structure and erect a new four-bedroom house.** New correspondence received into record were a letter & computer photos dated October 3, 2003 from Roger Pratt, letter dated October 14, 2003 from Keara A. Bergin and Kevin J. Hayden, square footage calculations (3pages) dated October 16, 2003 from Brad Sedito and letter dated October 16, 2003 from Richard C. Kleinberg. Atty. Fisher began by making note that the legal notice for the Public Hearing is for a (4) bedroom house which has been downsized to a (3) bedroom house; he then went on to introduce Mark Beckett. Mr. Beckett told ZBA members that his family is a 5th generation of lake residents and feels they have been good stewards of the lake. He stated that their original residence was 11 Loomarwick/ 67 West Shore Road but that house was not a good "fit" for their family. The Beckett's sold this house to Bergin/Hayden, at the time they were selling they informed the Bergin/Hayden's that they would be rebuilding at 23 Loomarwick Road. At this point Mr. White read into record the letter dated October 14, 2003 from Ms. Bergin and Mr. Hayden. Mr. Beckett continued by saying that the Bergin/Hayden's would be the most affected land owners, of the proposed application and he has been in contact with them every step of the way. Mr. Beckett went on to state that the current plans are less ambitious than originally intended. After feedback from the neighbors and ZBA the project has been downsized considerably. He feels the plan before ZBA is appropriate. The proposed house is the same square footage as what is there now, it is not visible from the lake road and you can see over the house from Tinker Hill. Mr. Beckett submitted several photos taken this day of the property and went on to state that the structure that exists now is uninhabitable. He does not feel the proposed house will impact the property greatly, but will improve the wetlands setback and the septic. Mr. Beckett noted that he has seen improvements to properties right on the lake that have a larger impact than what he is proposing, he feels he has addressed the neighbors and boards concerns and also feels that the proposed house will be an improvement and contribution to the area. Atty. Fisher showed a picture and referenced the improvement of a house at 236 West Shore Road. Mr. White reminded Atty. Fisher that there would be an increase in both footprint and volume of the proposed structure. Atty. Fisher countered by stating that the proposed structure is smaller than the existing house and shed combined. At this point Mr. White presented Brad Sedito's square footage calculations which find the existing house smaller than presented to ZBA. Mr. Sedito was troubled by the calculations and footprint for the existing dwelling presented by Mr. Pratt at the prior meeting, Mr. Sedito and Mr. White visited the property and took measurements. Mr. White went on to say that the proposed house is much larger/taller than what exists, ZBA is being asked to aggregate coverage (existing house and shed = proposed house), the topography of the lot is tough with the wetlands. Atty. Fisher stated that without asking to vary the setbacks (wetlands, front and septic) the property could not be built on, the plan before the board is much smaller than the original, a much more sensibly sized house, the applicant has responded to concerns of the house not melting into the hillside, the site is not

out in the open and he is asking the board to find hardship in the setback lines. Atty. Fisher feels this is a modest house designed to work with the landscape and is less obtrusive than many houses along the lake. Mr. Beckett said it's his view that you want people to make improvements to property and there is a need to balance the needs of the community with useful improvements without prejudice to people with limited means. Mr. Beckett stated that they chose to sell their other house to make improvements to the present lot. The lot is wet, they are moving the house further away from the wetlands, and there may be further adjustments to the design due to the measurement discrepancies. Mr. White commented that the board needs to look at other options, try to balance the protection of the regulations and the hardship burden; a house could be rebuilt on the same footprint without added volume. Mr. White went on to state that what is proposed looks ominous, the lot is wet, small and hilly, if you want a larger house you could move to another spot. Ms. Roberts added that ZBA needs to look at how the improvements affect the land as opposed to the needs of the family. Mr. Beckett feels this will be a temporary disruption and in the long term not harmful. Ms. Roberts read into record a letter dated October 16, 2003 from Richard C. Kleinberg. Mr. Beckett stated that he intends to have an environmental engineer look at the property; he will address the runoff issue and the discrepancies in square footage. Members asked Mr. Beckett if he would rebuild on the site if he was denied the variances and live within the existing footprint. Mr. Beckett stated that his family is committed to the property and the lake. Mr. White asked for questions or comments from the public. Atty. Fisher stated at last month's meeting he would be agreeable to two continuances; this Public Hearing was continued to the November 20th meeting.

**ZBA-0320 Request of Valerie Curtin, 240 Baldwin Hill Road, for a variance from Zoning Regulations 11.6.1.c (setback), to construct a (2) car garage.** This application was withdrawn by a letter dated October 16, 2003 from authorized agent John Quist.

## **PUBLIC HEARING**

Mr. White seated Katharine Leab, Bradford Sedito, Polly Roberts, himself and alternate Todd Catlin.

**ZBA-0321 Request of Washington Club Inc., 8 Golf Course Road, for a variance from Zoning Regulations 17.5 (increasing the non conformity of a non conforming structure), to enlarge men's bathroom, extend covered porch and relocate bulletin board structure.** Reese Owens, architect was present as authorized agent to represent this application. Mr. Owens read his letter of request into the record and noted that Frank Dolen the contractor for the job was present. Mr. Owens used maps and photos to explain the proposed changes; he did note the site consists of approximately 130 acres. Mr. White felt the changes were practical, safer and addressed sanitary issues. Mr. White asked for comments or questions from the public.

**MOTION: to close ZBA-0321, Request of Washington Club Inc., 8 Golf Course Road, for a variance from Zoning Regulations 17.5 (increasing the non conformity of a non conforming structure), to enlarge men's bathroom, extend covered porch and relocate bulletin board structure, was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.**

## **MEETING**

Mr. Catlin felt the presentation was great and he has no problem with the application. Ms. Leab agreed. Mr. Sedito felt that they were modest requests, the application was well presented and the requests meet safety concerns. Ms. Roberts and Mr. White had nothing to add.

**MOTION: to approve ZBA-0321, Request of Washington Club Inc., 8 Golf Course Road, for a variance from Zoning Regulations 17.5 (increasing the non conformity of a non conforming structure), to enlarge men's bathroom, extend covered porch and relocate bulletin board structure,**

**by a 5-0 vote.**

**MOTION: to accept the minutes of the September 18, 2003 was made by Mr. Sedito, seconded by Mr. White, by a 5-0 vote.**

**Other Business**

Members discussed correspondence for the Sarjeant boathouse at 34 West Shore Road, the Rising residence at 191 West Shore Road and Feldman/Frater boathouse at 123 West Shore Road.

**MOTION: to adjourn the meeting was made by Mr. White at 9:05pm.**

Submitted subject to approval,

Pamela L. Osborne, Secretary