

August 15, 2013

Present: Polly Roberts, Kathy Leab, Peter Bowman, Rod Wyant

Alternates: Todd Peterson, Chip Wildman

Absent: Todd Catlin, Joan Kaplan, Alt.

Staff: Mike Ajello, Amber Lamothe

Also Present: Mr. Studer, Architect, Mr. Harris, Mr. Martin, Architect, Mrs. Beck, Mr. Rising, Ms. Von Horn, residents

Ms. Roberts, Chair, called the meeting to order at 7:32 pm.

Seated: Roberts, Catlin, Leab, Wyant, Peterson, Alt.

PUBLIC HEARING ZBA – 0949 – Request of Teh, 8 Kirby Road, for Variance, Zoning Regulations Section(s) 11.6.1. (Min. Setback Requirements) for installation of 3 a/c compressors.
Ms. Roberts read the letter addressed to the Zoning Board of Appeals from Mr. Teh, dated August 14, 2013, withdrawing this application.

PUBLIC HEARING Seated: Roberts, Leab, Wyant, Bowman, Peterson, Alt.

ZBA – 0950 – Request of Harris, 193 West Shore Road, for Variance, Zoning Regulations 11.6.1 (Front, Side & Rear Setbacks), 11.5.1.a (Lot Coverage), 12.1.1(Wetlands/Watercourse Setback), to build an 8x12 storage boat house.

Mr. Harris and Mr. Studer, Architect, were present to discuss this application. He stated that his hardship is that the state highway dissects his property and he would like to build a storage shed on the lakeside parcel of his property. He noted that there was a preexisting structure where he is proposing this shed and after speaking with a neighbor they redesigned the structure to 7' 6" high to reduce the visual impact. Mr. Harris stated that the proposed shed would be 1 foot above the centerline of the road.

Mr. Studer stated that this proposed structure is more of a storage shed than a boat house and would be used to house cushions, life jackets, etc. as an alternative to carrying cumbersome items across the road from the house. He submitted drawings titled Proposed Shed Plans & Proposed Shed Elevations by Studer Design prepared for Harris Residence, sheets 1 and 2, dated 8-13-13 (on file in the Land Use Office). He noted that these updated plans are relocating the shed but not changing the lot coverage. Mr. Studer indicated and discussed the modifications made on the plan and elevation drawings in the design of the shed.

Mr. Studer and the commissioners looked at the Shed Cross Section included in the drawing titled Proposed Shed by Studer Design prepared for New Residence, dated 8-14-13. This drawing shows the difference in the original proposed structure and the current proposed structure (on file in the Land Use Office). Mr. Studer discussed the location of the proposed shed and the viewshed from West Shore Road.

Ms. Roberts noted that they have received a letter from The Lake Waramaug Association Lake Waramaug Task Force addressed to the Zoning Board of Appeals, regarding ZBA-0950 Harris & ZBA-0951 Beck, dated August 15, 2013 (on file in the Land Use Office). She read the general comments and the section pertaining to the Harris application.

Ms. Roberts stated that the proposed lawn troubled her because of the chemicals used to maintain lawns are bad for the hydrology of the lake and the task force encourages property owners to plant a buffer along the shore line that would encourage the health of the lake.

Ms. Roberts asked if anyone from the public had any comments.

Mr. Rising, neighbor to the applicant, stated that he had a picture of the previous structure and is concerned because it was a dock/deck type structure and not a building. He said that he was also concerned with the proposed location of the shed.

Ms. Von Horn stated that she supports The Lake Waramaug Association's suggestion for a natural planting buffer rather than a lawn and feels that there smaller alternatives that can be used for storage.

Mr. Bowman stated that he would have rather had the modified plans before he made the site visit to the property and that this is essentially a new proposal. He feels that moving the proposed structure away from the lake is beneficial but he has concerns with proposed wall and the runoff that could occur. He added that he is troubled by the size of the structure and concerned about the runoff into the lake from the proposed lawn.

Mr. Harris stated that he had considered other options but would like to store larger items such as lawn furniture and a grill. He feels that the proposed structure is designed in conjunction with the house, accessible without having to cross the road and would keep area along the lake neat and uncluttered.

Mr. Bowman stated that he likes the design and the idea but feels that it is taller than it needs to be and the dormer could be more discreet.

Ms. Roberts stated that she is troubled by the idea of a building being located in the proposed area because of extra runoff from the roof surface and the view of the lake.

Mr. Harris asked if the commission would be open to an alternative plan and suggested that he could stake out the alternative plan and have the commissioners see it before the next meeting.

Ms. Roberts stated that an alternative design would be favorable and that she would like to see it less as a walk in building and more of a storage shed.

There was a brief discussion regarding the proposed retaining wall. Ms. Roberts stated that she was not in favor of the proposed wall. Mr. Studer explained how the design of the wall actually helps reduce the velocity of the runoff.

Mr. Studer asked if gravel is calculated as lot coverage.

Ms. Roberts responded that it is permeable and is not calculated as lot coverage unless it is used as a drivable surface.

Mr. Ajello confirmed that gravel is not calculated as lot coverage unless it is used as a driveway or parking area. He stated that vehicles could compact the gravel.

Mr. Ajello addressed the proposed retaining wall and the level area that it creates. He stated that this type of terracing often provides more infiltration and slows the sheet flow of the water.

Mr. Studer stated that they could bring back a plan that would considerably reduce the proposed lawn, include proposed plantings for a buffer as well as address the size of the proposed structure.

There were no further comments.

Motion: to continue the Public Hearing for ZBA – 0950 – Request of Harris, 193 West Shore Road, for Variance, Zoning Regulations 11.6.1 (Front, Side & Rear Setbacks), 11.5.1.a (Lot Coverage), 12.1.1(Wetlands/Watercourse Setback), to build an 8x12 storage boat house, by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

PUBLIC HEARING Seated: Roberts, Leab, Wyant, Bowman, Wildman, Alt.

ZBA –0951 – Request of Beck, 3 Perkins Road, for Variance, Zoning Regulations 11.6.1(Yard Setbacks), 12.1.1.b (Wetlands/Watercourse Setback), 11.5.1.a (Lot Coverage), 17.4(Non-conforming Structures) to renovate existing boat house.

Mr. Brown from Peter Talbot Architects and Ms. Beck were present to discuss this application. Mr. Brown stated that the existing structure has experienced flooding over the years and is deteriorating so they would like to raise the structure. He noted that the land-based hardship is that the existing structure is a tenth of a foot above the floodplain. Mr. Brown noted that the existing setbacks (11.6.1 - Yard Setbacks) are non-conforming and with the lot size being approximately 27 feet wide and 55 feet deep it is considered an interior lot that requires a 75 foot front yard setback and 50 foot rear and side yard setbacks. He stated that they are proposing to remove the existing chimney and storage shed to make the setbacks less non-conforming. He indicated that the existing setback from the lake shore (12.1.1.b - Wetlands/Watercourse Setback) would not change and the setback on the east side would be made less non-conforming by removing the existing structure and providing storage under the proposed raised structure. Mr. Brown indicated that the lot coverage (Section 11.5.1.a - Max. Lot Coverage) would be reduced from 53.54% to 50.91% with the proposed structure.

Ms. Roberts noted that in the legal notice published in Voices on August 4& 11, Section 15.5.1.a was listed as part of this variance request and it should have been listed as Section 11.5.1.a for Maximum Lot Coverage.

Mr. Brown addressed the request to vary Section 17.4 – Non-Conforming Structures. He noted that the existing structure is non-conforming and is deteriorating due to flooding and age and raising the structure 6 feet would allow for a 5 foot crawl space underneath, allow easier access to the site and prevent flooding of the building. He stated that raising the structure would allow for storage underneath and therefore eliminating the need for an additional storage shed thus decreasing the lot coverage.

Mr. Brown confirmed that the Inland Wetlands Commission has approved this proposed plan.

The commissioners looked at the maps titled Existing Site Plan & Existing Conditions prepared for Beck by Peter Talbot Architects, sheets EX-1 & EX-2 dated July 9, 2013. Mr. Brown pointed out the 100-year flood plain mark in comparison to the existing decking.

The commissioners and Mr. Brown looked at the maps titled Site Plan, Floor Plans & Sections & Elevations prepared for Beck by Peter Talbot Architects, sheets DD-100, DD-101 & DD-102 dated July 9, 2013. Mr. Brown explained the floor plan and the construction of the floor of the storage area underneath. Ms. Beck stated that the slatted floor would allow the water to flow in, out and through the floor if needed.

The commissioners and Mr. Brown discussed the Sections & Elevations sheet DD-102.

Ms. Roberts read the section pertaining to this application in the letter from The Lake Waramaug Association Lake Waramaug Task Force addressed to the Zoning Board of Appeals, regarding ZBA-0950 Harris & ZBA-0951 Beck, dated August 15, 2013 (on file in the Land Use Office).

Ms. Beck stated that the existing roof obstructs the view to the lake and she feels that raising the building and putting in windows and glass would create transparency through the structure. She added that she was not opposed to eliminating the cupola.

There was a brief discussion on how the existing structure is used. Ms. Beck stated that they use the deck and the dock but the building is used mostly for storage because the carpet is moldy and the drywall is rotted and falling apart. She stated that they would like to be able to use the interior as living space and have the ability to store equipment underneath.

Ms. Roberts responded that by raising the structure by the proposed amount is effectively creating a two-storey structure.

There was a brief discussion regarding exterior stairs.

Ms. Roberts asked if there were any public comments.

Mr. Rising stated that he feels the structure is fine but the height is questionable.

Mr. Harris feels that it is great that the building is being renovated and feels that the height would somewhat obscure the view to the lake from his property. He stated that his main concern is the windows on the east side, which would be looking down onto his garden and he would like the windows removed or some evergreen trees planted for screening the view into his property.

Ms. Van Horn, from West Shore Road, suggested that the upper level be made into a deck.

There was a brief discussion regarding possible modifications to the plan.

Ms. Beck stated that they have considered lowering the proposed structure.

Ms. Roberts stated that the existing building can be looked over to view the lake from the road and the proposed building is substantially taller and would obstruct the view.

Mr. Brown asked that the public hearing be continued in order to present a revised plan to the ZBA at their next meeting on September 19, 2013.

Motion:

to continue the Public Hearing for ZBA –0951 – Request of Beck, 3 Perkins Road, for Variance, Zoning Regulations 11.6.1(Yard Setbacks), 12.1.1.b (Wetlands/Watercourse Setback), 11.5.1.a (Lot Coverage), 17.4(Non-conforming Structures) to renovate existing boat house, by Mr. Wyant, seconded by Ms. Roberts, passed by 5-0 vote.

OTHER BUSINESS

Consideration of the Minutes:

The Commission considered the Minutes of the June 20, 2013 regular Meeting of the Zoning Board of Appeals.

Corrections:

Ms. Roberts noted that Mr. Catlin (not present) wanted it noted that he objected to the planned use of English Ivy on the Ingrassia site on East Shore Road.

Motion:

to approve the Zoning Board of Appeals Regular Meeting Minutes of June 20, 2013 as amended, by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

Adjournment:

Motion:

to adjourn at 8:45 pm, by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,
Shelley White, Land Use Clerk