

# November 21, 2013

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

**Alternates:** Chip Wildman, Joan Kaplan

**Absent:** Kathy Leab, Todd Peterson

**Staff:** Mike Ajello

**Also Present:** Mr. Talbot, Architect, Mr. Monteleone, Mr. Teh

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

At the request of Mr. Monteleone, the second public hearing, ZBA-0957, was moved to the first hearing on the agenda.

## **PUBLIC HEARING**

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

ZBA – 0957 – Request of 223 Litchfield Turnpike, LLC, 223 Litchfield Turnpike, for Variance, Zoning Regulation Section(s) 12.1.1(Inland Wetlands Setback), to construct an addition and deck to the existing structure.

Peter Talbot Architect was present to represent 223 Litchfield Turnpike, LLC.

It was noted that the Land Use office received confirmation mailings of the neighbor notifications and in the file.

The Commission and Mr. Talbot looked at the Site Plan drawings titled “Community Table Wine Bar,” sheets SP-1 thru SP-3, by Peter Talbot Architects, dated October 24, 2013.

Mr. Talbot explained that 223 Litchfield Turnpike, LLC bought the piece of property across Wilbur Road to accommodate future septic capability and the property adjacent to the restaurant to allow more parking for the Community Table Restaurant. He stated that they are proposing an addition of a wine bar and deck to the existing structure and are seeking a variance for the Inland Wetlands Setback (Section 12.1.1). He said that other locations were considered but this was the most logical location. Mr. Talbot conformed that the Inland Wetlands Commission has approved the proposed plan and there are no issues with lot coverage. He indicated that the proposed lot coverage is calculated at 23.3%, which is under the allowable 25% in this Business District and there is adequate parking for what is being proposed.

Mr. Catlin asked if the parcels would be conjoined at a later date and would it not cause problems for any future sale of the restaurant if they were not combined.

Mr. Talbot stated that he has come to the ZBA for a variance from the wetlands setback and is not in the position to discuss this matter but understands Mr. Catlin’s concern.

Mr. Catlin asked if the deck would be a pervious surface.

Mr. Talbot stated that it would be mahogany decking so water would go through it and the deck would be used seasonally.

Mr. Talbot stated that this addition would assist in furthering the business in this district because the owners are finding that additional seating is necessary.

Mr. Catlin stated that this is a tricky lot and there are not a lot of options for expansion.

Mr. Talbot said that any expansion of the business would require some sort of variance.

Mr. Catlin stated that he knows that the parking issue is not part of the ZBA's purview.

Mr. Ajello explained the rights to the adjoining properties owned by 223 Litchfield Turnpike, LLC and how the parking satisfies the Special Permit requirements. He noted that the owners of the restaurant addressed previous issues and concerns with overflow parking by buying the adjacent property and taking reservations for the restaurant.

Mr. Talbot confirmed that the 23.3% lot coverage includes the proposed changes and is only for this parcel.

Mr. Talbot stated that they would be going to the Zoning Commission Meeting on Monday, November 25, 2013 for a Special Permit.

There were no further questions or comments.

Motion:

to close the Public Hearing for ZBA – 0957 – Request of 223 Litchfield Turnpike, LLC, 223 Litchfield Turnpike, for Variance, Zoning Regulation Section(s) 12.1.1(Inland Wetlands Setback), to construct an addition and deck to the existing structure, by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

## **MEETING**

Mr. Bowman stated that he sees that there is a need for the restaurant to expand and this is the only feasible location for an addition on this tough lot. Mr. Wyant stated that he agrees that this is the most logical location for the addition and is in favor of this application. Mr. Catlin stated that this is a classic land-based hardship and there is no other logical location for this addition. He noted that this is a thriving business and this is a modest expansion. Mr. Roberts stated that she feels the land-based hardship is clear with the constraints of the lot and she is pleased that the Inland Wetlands Commission has approved the proposed plan. Mr. Wildman stated that he agrees with the other commissioners.

Motion:

to approve ZBA –0957– Request of 223 Litchfield Turnpike, LLC, 223 Litchfield Turnpike, for Variance, Zoning Regulation Section(s) 12.1.1(Inland Wetlands Setback), to construct an addition and deck to the existing structure, as per drawings titled “Community Table Wine Bar” by Peter Talbot Architects, sheets SP-1, SP-2, SP-3, SP-4, LA-1, Soil & Erosion Control Plan, A-101, A-102, A-103, A-104 and other pertinent documents in the file, passed by 5-0 vote.

## **PUBLIC HEARING**

Seated: Roberts, Catlin, Wyant, Bowman, Kaplan, Alt.

ZBA – 0956 – Request of Monteleone(Teh), 8 Kirby Road, for Variance, Zoning Regulation Section(s) 11.6.1(Setbacks), install 3 a/c compressors.

Mr. Monteleone, agent, and Mr. Teh, property owner, were present to present this application.

Mr. Teh submitted photos of the property and stated that this is considered an interior lot. He noted that they have considered other locations for the a/c compressors and have applied to ZBA previously but withdrew their application. He consulted with Mr. Monteleone and the HVAC contractor and feels that this is the most logical and sensitive location.

The commissioners looked at the photographs of the property and the proposed location of the a/c compressors.

Mr. Teh noted that they feel that this proposed location is more favorable because of the distance and the presence of vegetation, which is likely to decrease the dBA level. He stated that the photo facing north shows the gravel area in which they are proposing to locate the a/c compressors (all photos on file in the Land Use Office). He noted that the land-based hardship comes from the nature and age of the property and he feels it is relevant to mention that this is a reasonable use of this property.

It was confirmed that the neighbor notifications were sent out. Mr. Ajello stated that the neighbor at 16 Kirby Road called him to say that he has no concerns about the proposed location for the a/c compressors.

Mr. Teh confirmed that there would be 2 “18” Unit Models and 1 “36” Unit Models.

Mr. Roberts pointed out that the spec sheets indicate that the smaller units’ dBA level is rated at 75 and the larger unit is rated at 76. Mr. Teh confirmed this.

Mr. Catlin stated that that is higher than most generators and asked if there was any effort made to find quieter units..

Mr. Teh stated that his HVAC contractor recommended these units and the Historic District Commission has approved the proposed plan with the condition that the units be surrounded by lattice. He noted that he is considering planting some evergreens to block the compressors from sight. Mr. Teh referred to the photo of the front of the house and indicated the location of bedrooms and where window air-conditioning units would have to be located. He feels that they would be unsightly. He noted that since the purchase of the house they have been restoring it close to its original form and the last thing that they would want to do is put window units in.

Mr. Catlin asked for the measurement of the wall that the units would be installed next to.

Mr. Monteleone stated that it is 28 feet long. The first of the units would be 5 feet in from the back corner.

Ms. Roberts calculated that the run of units would be a total of 9 feet. She stated that the ZBA requires a plot plan that indicates exact measurements for the location of the proposed structures.

There was a brief discussion regarding the location of the units according to the documents included in the file.

Mr. Bowman stated that the Commission would like to see a plan that is accurate and shows the end of the building, with measurements of the exact location of the units with their bases, as well as, taking into consideration the distance from the building.

Ms. Roberts asked the commissioners would like to continue this public hearing or vote on it, subject to the submission of detailed, accurate plans.

Mr. Bowman stated that he would feel better seeing an accurate plan first.

Mr. Catlin confirmed that the Commission requires a specific plan for the record.

Ms. Roberts requested that a clear, to scale plan, with all dimensions be submitted.

The Commission also requested that the noise rating get double-checked.

There were no further questions of comments.

Motion:

to continue the Public Hearing for ZBA – 0956 – Request of Monteleone(Teh), 8 Kirby Road, for Variance, Zoning Regulation Section(s) 11.6.1(Setbacks), install 3 a/c compressors, by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

## **OTHER BUSINESS**

### Consideration of the Minutes:

The Commission considered the Minutes of the October 17, 2013 regular Meeting of the Zoning Board of Appeals. Corrections: Pg 2, under Seated should read: Roberts, Leab, Wyant, Bowman, Kaplan, Alt.

Motion:

to approve the Zoning Board of Appeals Regular Meeting Minutes of October 17, 2013 as amended, by Mr. Wyant, seconded by Ms. Roberts, passed by 5-0 vote.

## **Adjournment:**

Motion: to adjourn at 8:25 pm, by Ms. Roberts.

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,  
Shelley White, Land Use Clerk