

February 20, 2014

Present: Roberts, Catlin, Leab, Wyant, Bowman, Wildman, Alt., Peterson, Alt., Kaplan, Alt.

Staff: Ajello, White

Others: Atty. Fisher, Mrs. Lloyd, Mr. Sabin, Landscape Architect, Mr. Luntz, Architect, Mr. Sabin, Ms. Luntz

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

Continued

PUBLIC HEARING

Seated: Roberts, Catlin, Bowman, Wyant, 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.

Ms. Roberts read the section of the November 21, 2013 Regular Meeting Minutes of the Zoning Board of Appeals, which indicated what the Commission had requested of Mr. Teh.

The commissioners looked at the drawing titled "Air Condenser Location, Teh Residence - 8 Kirby Road, Washington, CT." as well as the drawing titled "8 Kirby Rd. Rear Elevation."

Mr. Catlin noted that the drawing indicates the proposed unit-Model #18, which has a dBA of 69 and two units-Model #36 with a dBA of 70. Ms. Roberts stated that the applicant had previously reported that the dBA levels were 75 and 76 dBA and this is a marginal improvement. In his letter addressed to the ZBA dated February 10, 2014 (on file in the Land Use Office) Mr. Teh he states "the sound power levels are likely to be significantly lower during normal operation."

The commissioners discussed the dimensions of the units and their location to the side of the house and studied the drawings.

There were no further questions or comments.

Motion:

to close 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 Mr. Catlin, seconded by Mr. Wyant, passed by 5-0 vote.

MEETING

Mr. Catlin stated that the applicant submitted the information that the Commission had asked him to send in. He feels that this is the most sensible location for the 3 air conditioning compressors; the applicant has made an effort to disguise them and reduce the noise footprint of the units. Mr. Wyant agrees with Mr. Catlin and feels the applicant has provided the data that the Commission needs and he supports the application. Mr. Bowman would have preferred to see a survey of the property for accuracy; he is not sure that this is the only location for the a/c units, and he is concerned about the dBA levels in such a tight neighborhood. Ms. Kaplan stated that the proposed plan seems to comply with the regulations but she is worried about the sightlines and having been

a previous resident of The Green, she is worried about the sound level for the neighboring houses, church and nursery school.

There were no further comments.

Motion:

to deny 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 3-2 vote.

Bowman and Kaplan voted against this application.

PUBLIC HEARING

Seated: Roberts, Catlin, Bowman, Wyant, Leab

ZBA - 0957- Request of Lloyd, 149 Whittlesey Road, for Variance, Zoning Regulation Section(s) 12.1.1 & 12.1.2 (Inland Wetlands Setbacks), to construct house and driveway to replace existing structures.

Atty. Fisher and Mrs. Lloyd were present to discuss this application. Atty. Fisher noted that the only variances required are for the setback requirements from the Shepaug and the Bantam Rivers and the Inland Wetlands Commission has approved this plan. He stated that the existing house is at or very close to the floodplain level and was flooded so the Lloyds are proposing to rebuild an elevated house.

Ms. Lloyd stated that they did not build the proposed house that they received a variance for in 2006.

Mr. Sabin and the commissioners looked at the drawing titled "Residence Reconstruction," prepared for Lloyd, 149 Whittlesey Road, by Dirk Sabin, sheet LAPL1, dated 1-16-14. He noted that the proposed setback from the Shepaug River is 20 feet and the proposed setback from the Bantam River is 88 feet.

Mr. Luntz, Architect, explained the proposed and existing house coverage calculations.

It was the consensus of the commissioners that this application must be treated as a separate application and it cannot be compared to what was approved in 2006.

Mr. Luntz discussed the drawing titled "Ground Floor Construction Plan" prepared for Lloyd by Resolution: 4 Architecture, dated 1-15-14, sheet A1.11. He confirmed that flood vents have been incorporated into the plan so that floodwaters would not be impeded by the structure.

The commissioners looked at the drawings titled "Main Floor Construction Plan" and "Upper Floor Construction Plan" prepared for Lloyd by Resolution: 4 Architecture, dated 1-15-14, sheets A1.12 & A1.13.

The commissioners looked at the elevation drawings titled "Exterior Elevations" sheets A2.00 & A2.10.

Mr. Luntz, Mr. Sabin and the commissioners discussed the architectural plans at length.

Atty. Fisher addressed the land-based hardship for this application. He stated that this property is unique because of the confluence of the Bantam and Shepaug Rivers and it is in a floodplain and this proposed plan addresses the issue of flooding by building it above the floodplain level. Atty. Fisher feels the size, location of the existing house and the rivers create the hardship. He stated that this is a modular home.

Mr. Sabin confirmed that the Health Department and the Inland Wetlands Commission have approved the septic system and pointed out the building compliant area on the drawing titled "Residence Reconstruction." Mr. Catlin noted that the compliant area is very limited and a large portion of this area contains the septic system.

There was a brief discussion as to why the house could not be built in the compliant area.

Atty. Fisher stated that the land-based hardship for this application is virtually identical to the approved variance of 2006 for this property. Ms. Lloyd noted that this is a more environmentally friendly design.

Mr. Catlin stated that he feels that there is a real land-based hardship and the proposed plan is thoughtfully designed.

Ms. Roberts agreed with Mr. Catlin and stated that the proposed house is essentially in the same location as the existing house.

Mr. Sabin explained the reconfiguration of the driveway and the setbacks. He stated that the proposed driveway would be further from the Shepaug River than the existing driveway.

There was a brief discussion regarding the alluvial soils in the floodplain, in which the entire property is located.

Motion:

to close ZBA - 0957- Request of Lloyd, 149 Whittlesey Road, for Variance, Zoning Regulation Section(s) 12.1.1 & 12.1.2 (Inland Wetlands Setbacks), to construct house and driveway to replace existing structures,
by Mr. Catlin, seconded by Mr. Wyant, passed by 5-0 vote.

MEETING

Ms. Leab feels that this proposed plan is and excellent solution for such a difficult site as well as addressing the land-based hardship. Mr. Bowman stated that he agrees with Ms. Leab. Ms. Roberts stated that this is a totally unique site in the Town with the confluence of the two rivers, the applicant has done a sensitive job designing the house and she is in favor of this application. Mr. Wyant stated that he would support this application and feels that the plan is well thought out. Mr. Catlin feels that there is a clear hardship with the two rivers along this site and the Inland Wetlands Commission has approved this plan so he is satisfied. Mr. Catlin feels that this is a reasonable plan that allows the property owner to use their property.

Motion:

as a condition of approval, the variance granted on September 21, 2006 by the Zoning Board of Appeals, ZBA-0618, request of Michael A. & Jill F Lloyd, 149 Whittlesey Road, for a variance from Zoning Regulations 12.1.1, 12.1.2 (Wetlands/Watercourse Setbacks) to demolish existing house

and construct new house as per plans submitted by DiBiase Filkoff Architects dated 15 May, is vacated and to approve ZBA - 0957- Request of Lloyd, 149 Whittlesey Road, for Variance, Zoning Regulation Section(s) 12.1.1 & 12.1.2 (Inland Wetlands Setbacks), to construct house and driveway to replace existing structures as per plans titled "Residence Reconstruction" prepared for Lloyd, 149 Whittlesey Road, by Dirk Sabin, sheet LAPL1, dated 1-16-14 and all other pertinent documents in the file, passed by 5-0 vote.

OTHER BUSINESS

Consideration of the Minutes:

Seated: Catlin, Wyant, Leab

The Commission considered the Special Meeting Minutes of January 16, 2013.

Motion:

to approve the Zoning Board of Appeals Special Meeting Minutes of January 16, 2013 and as submitted, by Mr. Catlin, seconded by Mr. Wyant, passed by 3-0 vote.

Revision of the Zoning Regulations:

Mr. Ajello informed the ZBA that there is a public hearing scheduled for regularly scheduled Zoning Meeting on Monday, February 24, 2014 at 7:30pm to consider the first phase of revisions to Sections 1-12 Zoning Regulations.

Ms. White will forward a copy of the revisions to all ZBA members via email and they are to forward any questions to Ms. Hill for discussion at the regularly scheduled Zoning Meeting on Monday.

Adjournment:

Motion:

to adjourn at 8:55 pm, by Ms. Roberts

Submitted Subject to Approval,
Shelley White, Land Use Clerk