

January 20, 2011

Present: Polly Roberts, Randolph Snook, Katharine Leab, Todd Catlin

Alternates: Roderick Wyant III

Absent: Peter Bowman, Todd Peterson

Staff: Shelley White, Mike Ajello

Guests: Reese Owens, Architect, Atty. Jim Kelly, Brian Neff, Engineer, Frank Dolen

Chairman Polly Roberts called the meeting to order at 7:35pm.

PUBLIC HEARING

Seated: Polly Roberts, Randy Snook, Todd Catlin, Peter Bowman, Rod Wyant, Alt.

ZBA-0880 – Request of Arthur O. Peterson, 41 Kirby Road, for Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to construct 30” x 64”, 27’ tall, brick faced chimney on West side of dwelling.

Mr. Brian Neff, Engineer and Mr. Frank Dolen were present to represent Mr. Peterson for this application. The Commissioners and Mr. Neff looked at the Property/Boundary Survey, prepared for Arthur O. Peterson and Valerie L Peterson, 41 Kirby Road, by T. Michael Alex, dated July 1999. Mr. Neff explained the unusual shape of the lot and explained that the house is within all the setbacks. Mr. Neff read Explanation of Request for Special Exception, dated December 22, 2010 submitted by Mr. Peterson (on file in Land Use Office). The Land Use Office received six out of seven return receipt postcards. Mr. Neff explained that the proposed chimney would allow for a fireplace in the living room and the existing chimney would be abandoned due to safety concerns. Mr. Dolen stated that the furnace was taken out and the dwelling uses electric heat. Ms. Roberts stated that the corner of the house is 5.22 feet and the basement hatchway is 5.36 feet from the rear property line. The proposed chimney would be 5.22 feet from the rear property line. Ms. White read a letter of support from Mr. & Mrs. Ruchman, neighbors of the applicant, dated January 6, 2011 (on file in the Land Use Office). Mr. Dolen submitted an photograph of the property. There were no further questions or comments.

Motion:

to close ZBA-0880 – Request of Arthur O. Peterson, 41 Kirby Road, for Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to construct 30” x 64”, 27’ tall, brick faced chimney on West side of dwelling,

by Mr. Snook, seconded by Mr. Wyant, by 5-0 vote.

MEETING

Mr. Snook stated that the lot is very irregular and he feels the proposed chimney is a modest proposal and he does not have any objections. Mr. Catlin stated that he thinks this is a reasonable proposal and that he visited the site and noted the existing chimney was rather “precarious looking.” Ms. Leab stated that it promotes continued use of the house, it’s modest and the existing chimney that will be abandoned addresses a safety issue. Mr. Wyant stated that he agreed with the other Commissioners and he supports this application because there is a safety issue with the existing chimney and the proposed chimney would make the house more operational.

Motion:

to approve ZBA-0880 – Request of Arthur O. Peterson, 41 Kirby Road, for Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to construct 30” x 64”, 27’ tall, brick faced chimney on West side of dwelling, passed by 5-0 vote.

PUBLIC HEARING

Seated: Polly Roberts, Randy Snook, Peter Bowman, Rod Wyant, Alt, Todd Peterson, Alt.

ZBA-0881 – Request of Spring Hill Farms, LLC, 69 Whittlesey Road, for Variance, Zoning Regulation(s) 12.1(Wetlands and Watercourse Setbacks), and 17.4 (Nonconforming structures) to construct a 21’ x 39’ barn on existing foundation with addition of covered entry that is 46’ from the Shepaug River.

Atty. Kelly and Mr. Owens, Architect, were present to represent Spring Hill Farms LLC for this application. Mr. Owen stated that this proposed structure would be used to process grapes for making wine. He stated that the proposed wine room would house three tanks and other equipment that would be needed for the wine making process. There will also be a bathroom for the farm crew. The Commission and Mr. Owen looked at the drawing titled, Partial Site Plan, Plans and Elevations with a revision date of 1/7/11, by Halper Owens Architects LLC. Mr. Owens stated that if they were to build the wine room on the other side of the existing shed it would be closer to the wetlands and the Agricultural Conservation Easement. Atty. Kelly stated that all of the existing structures were conforming when they were built but are now nonconforming due to revisions in the Zoning Regulations. The existing concrete pad was used for two silos that have been removed. The property owners have had the concrete pad restored. There was a brief discussion regarding the location of the septic system. Mr. Kelly stated that the 2-step entrance and access ramp are the only expansions of the nonconformity but otherwise the proposed wine room will be built on the existing foundation. There was a brief discussion regarding the Department of Agriculture and that the Conservation Easement indicated on the site plan is actually an Agricultural Easement. Mr. Catlin asked why the wine room could not be put in one of the other existing buildings. Atty. Kelly explained how the other barns were being used and that the outbuildings were originally placed in this area because it was not a suitable area for planting. Mr. Owen stated that the wine making process requires an environment with a micro-managed temperature and a separate mechanical system. He stated that they plan to have a high efficiency furnace in the storage loft of the wine room. The Inland Wetlands Commission approved the proposed plan. Ms. White read the section of the I/W Regular Meeting Minutes of January 13, 2011 regarding Spring Hill Farm LLC. Mr. Catlin asked what would prevent this building from becoming a cottage. Atty. Kelly stated that there is a principle structure on the lot and any one of the out buildings could become a detached apartment but that is not the intent of the property owner. The Commission discussed the possibility of a farm stand or some commercial activity. There was a brief discussion regarding the adjoining property. Atty. Kelly and Mr. Owens submitted photos of the property. Atty. Kelly discussed section 17.4 Non conforming Structures in the Zoning Regulations. There were no further comments or questions.

Motion:

to close ZBA-0881 – Request of Spring Hill Farms, LLC, 69 Whittlesey Road, for Variance, Zoning Regulation(s) 12.1(Wetlands and Watercourse Setbacks), and 17.4 (Nonconforming structures) to construct a 21’ x 39’ barn on existing foundation with addition of covered entry that is 46’ from the Shepaug River,
by Mr. Snook, seconded by Mr. Wyant, by 5-0 vote.

MEETING

Mr. Catlin stated that he would have liked to see the concrete pad before it was fixed. He stated that the building will be located within the area of the other out buildings and it is a modest increase with the entry and the ramp. He stated that he always has concerns that something like this could turn into something commercial. He feels that there is a hardship because of the regulation change and that he is in favor of this application. Ms. Leab stated that she agrees with Mr. Catlin and that the proposed building is sensibly located among the other out buildings. She stated that the land is unique and she does agree that there is a land-based hardship. Mr. Wyant stated that he feels the proposed plan is well designed and believes the building is sited in an appropriate location and that he supports this application. Mr. Snook stated that he has concerns that eventually there will be commercial activity at this location. He stated that he was not entirely satisfied but he would vote in favor of this application. Ms. Roberts stated that the Agricultural Easement restricts where this building could be located and that the proposed area is the only place that it could go. She stated that the footprint of the existing concrete pad would slightly increase because of the addition of a covered entryway and a ramp but the proposed building is modest at approximately 800 sq. ft., it continues the agricultural use and she is in favor of this application.

Motion:

to approve ZBA-0881 – Request of Spring Hill Farms, LLC, 69 Whittlesey Road, for Variance, Zoning Regulation(s) 12.1(Wetlands and Watercourse Setbacks), and 17.4 (Nonconforming structures) to construct a 21' x 39' barn on existing foundation with addition of covered entry that is 46' from the Shepaug River, passed by 5-0 vote.

Consideration of the Minutes

The minutes of December 16, 2010 were considered.

Correction:

Under Public Hearing ZBA-0878, page 1, 5th sentence should read: Mr. Washington stated that when the units are moved the larger unit will produce 48 decibels at the property line and the two smaller...

Motion:

to approve the minutes of the December 16, 2010 regular meeting of the Washington Zoning Board of Appeals as amended,
by Ms. Roberts, seconded by Ms. Leab, by 5-0 vote.

Other Business/Discretion of the Chair

Discussion of Noise Generating Equipment

Mr. Ajello, ZEO, discussed some issues he has experienced when advising property owners that are installing noise generating equipment. The Commission and Mr. Ajello discussed possible revisions to Section 12.14 Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment in the Zoning Regulations. Mr. Snook stated that in section 12.14.1 the word 'generators' should be deleted. The Commission and Mr. Ajello agreed to see how the existing regulations work and make revisions if necessary.

Connecticut Bar Association Education & Training

Ms. Roberts stated that there would be a seminar at Wesleyan University on Saturday, March 12, 2011, 8:30am-4:30pm for Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions.

Letter From Ms. Hill Dated 1/13/2011

Ms. Roberts read the letter dated 1/13/2011 from Ms. Hill, Land Use Administer to Mr. Robert Winston of the Tulip Tree Collection. The Commission briefly discussed ZBA-0324 and ZBA-0326.

Motion:

to adjourn at 9:15 pm,

by Ms. Roberts, seconded by Ms. Leab.

Submitted Subject to Approval,

Shelley White, Land Use Clerk