

**November 20, 2008**

**Present:** Polly Roberts, Brad Sedito, Katharine Leab, Todd Catlin, Randy Snook

**Alternates:** Roderick Wyant III, Georgia Middlebrook, Peter Bowman

**Absent:**

**Staff:** Shelley White

**Others:** Brian Neff, Alison Melahn, David Mastriani, Ryan & Beth Fowler, Addie Roberts, Tammy Zinick

Brad Sedito, Chairman called the meeting to order at 7:27pm.

## **PUBLIC HEARING**

7:27 pm

Mr. Sedito seated regular members, Polly Roberts, Katharine Leab, Todd Catlin, Randy Snook and himself.

### **ZBA-0836, Request of Jennifer Bol, 44 Slaughterhouse Road, for variance to Zoning Regulation 12.1.1 (wetland setback), to build a deck.**

Mr. Brian Neff, Engineer, was present to represent this application. Mr. Neff read the letter of explanation of hardship to the members of the ZBA. Mr. Sedito stated that Mr. Neff had received approval from Inlands/Wetlands. Mr. Snook asked for the size of the deck. Mr. Neff stated the proposed deck would be 9'4" by 22'8". Ms. Roberts referred back to the photos of the property and asked Mr. Neff to verify the location of the deck.

Motion: to close the public hearing to consider application ZBA-0826, Request of Jennifer Bol, 44 Slaughterhouse Road, petition for special exception, Zoning Regulation 17.4.a (increasing non conformity), 11.6.1 (front yard setback), to raise height of second floor and construct a deck, by Ms. Roberts, seconded by Mr. Snook, by a vote of 5-0.

## **MEETING**

Mr. Sedito stated the application was straightforward. Mr. Catlin stated he agrees with Inlands/Wetlands. Ms. Roberts stated the deck was reasonable in scope and modest. Mr. Snook, Mr. Sedito, and Ms. Leab agree and are in favor of this application.

Motion: to approve application ZBA-0836, Request of Jennifer Bol, 44 Slaughterhouse Road, for variance to Zoning Regulation 12.1.1 (wetland setback), to build a deck, by 5-0 vote.

7:38

## **PUBLIC HEARING CONTINUED**

Seated: Brad Sedito, Polly Roberts, Katharine Leab, Todd Catlin, Randy Snook

**ZBA-0828 Request of Mark & Linda Conlon, 6 Valley Road, application for variance, zoning**

**regulation 12.1.3 (watercourse setback for septic), 12.2.2 (Shepaug River setback), 11.6.1 (front yard setback, 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), for addition to existing barn and house and installation of new septic system.**

Ms. White presented a letter requesting an extension for this application from Ms. Conlon.

Motion: to continue application ZBA-0828, Request of Mark & Linda Conlon, 6 Valley Road, for variance, zoning regulation 12.1.3 (watercourse setback for septic), 12.2.2 (Shepaug River setback), 11.6.1 (front yard setback, 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), for addition to existing barn and house and installation of new septic system, by Todd Catlin, seconded by Kathy Leab, by 5-0 vote.

## **7:40 PUBLIC HEARING CONTINUED**

Seated: Brad Sedito, Polly Roberts, Katharine Leab, Todd Catlin, Randy Snook

**ZBA-0830, Request of Alison Melahn, 67 River Road, application for variance, Zoning Regulation 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), to construct 2nd story front shed dormer, rear shed overhang and garden shed. AND, ZBA-0831, Request of Alison Melahn, 67 River Road, petition for special exception, Zoning Regulation 11.6.1.b (interior lot setback) under section 17.5.a (granting a special exception), to add dormer and overhang to existing dwelling and construct a shed.**

Ms. Melahn and Mr. David Mastriani were present to represent this application. Ms. Melahn presented the elevation drawing for the proposed. Mr. Catlin noted that the shed could not be approved as a special exception. The Commissioners looked at the site plans and elevation drawings with Ms. Melahn. Mr. Sedito noted the back corner of the proposed rear shed overhang was in question at the October hearing. Mr. Catlin asked if both abutting neighbors had responded. Ms. White confirmed the return receipt cards from both neighbors had been received. Ms. Melahn presented specifications and drawings of the garden shed. Mr. Sedito asked if there were any comments or questions from the public.

Motion: to close the public hearing to consider application ZBA-0830, Request of Alison Melahn, 67 River Road, application for variance, Zoning Regulation 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), to construct 2nd story front shed dormer, rear shed overhang and garden shed, by Randy Snook, seconded by Todd Catlin, by 5-0 vote.

Motion: to close the public hearing for ZBA-0831, Request of Alison Melahn, 67 River Road, petition for special exception, Zoning Regulation 11.6.1.b (interior lot setback) under section 17.5.a (granting a special exception), to add dormer and overhang to existing dwelling, by Randy Snook, seconded by Todd Catlin, by 5-0 vote.

## **MEETING**

Mr. Snook stated he did not have any concerns regarding the construction and location of the garden shed and the proposed shed dormer and rear overhang were reasonable in scope and he is in favor of this application. Mr. Catlin stated there is a land-based hardship. Ms. Roberts agrees with Mr. Catlin and believes the shed and the additions to the house will not disturb the watercourse. Ms. Leab agrees and stated it will make the house 'less strange'. Mr. Sedito stated he agrees with the others and is in favor of this application.

Motion: to approve application ZBA-0830, Request of Alison Melahn, 67 River Road, application for

variance, Zoning Regulation 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), to construct 2nd story front shed dormer, rear shed overhang and garden shed, by 5-0 vote.

Motion: to approve application ZBA-0831, Request of Alison Melahn, 67 River Road, petition for special exception, Zoning Regulation 11.6.1.b (interior lot setback) under section 17.5.a (granting a special exception), to add dormer and overhang to existing dwelling, by 5-0 vote.

7:58 pm

## **PUBLIC HEARING**

Seated: Brad Sedito, Polly Roberts, Katharine Leab, Todd Catlin, Randy Snook

### **ZBA-0832, Request of Ryan Fowler, 24 School Street, petition for special exception, Zoning Regulation 11.6.1.c (front yard setback), under 17.5.a.1 (setbacks for a non conforming structure), to reconstruct dwelling.**

Mr. & Mrs. Fowler were present to represent this application. Mr. Fowler explained that he is trying to rebuild his house that burnt down previously this year. Mr. Fowler explained the proposed house will not be built in the same manner, it will have a different footprint and the volume of the house will be decrease from 2150 sq. ft. to 1600 sq. ft. The Commissioners and Mr. Fowler looked at the proposed site plan. Mr. Sedito stated the site plan shows the proposed and existing footprints are significantly different. Ms. Roberts asked if the corner of the house closest to Washington Primary would be the same. Mr. Fowler confirmed. Mr. Snook stated the stone wall on the architectural renderings is not on the site plan. Mr. Fowler stated the wall was proposed and was not included on the site plan for that reason. Mr. Sedito stated the ZBA needs to approve a specific site plan. Mr. Bowman asked what was holding up the side of the house where the proposed wall was indicated on the renderings. Mr. Fowler stated the stone wall is part of the foundation. Ms. Leab explained the ZBA needs to know whether or not this wall is part of the house. Mr. Catlin agreed the information was not exact enough. The Commissioners stated the proposed stone wall is a significant element of the structure and the scale of the wall was overpowering and fortress-like. Mr. Catlin questioned if this should be a special exception. Mr. Sedito stated the architectural style was not in keeping with the neighborhood. Addie Roberts, neighbor to the Fowlers, stated that she has seen the plans and does not have a problem with the proposed house. She feels the area is not 'pristine' or designated as a Historical District and respects the Fowlers want to build a 'green' home. Mr. Catlin and Mr. Bowman stated the proposed house is very well designed. There was extensive discussion among the Commissioners as to whether this application could pass as a special exception and if it would be beneficial for Mr. Fowler to apply for a variance. Mr. Sedito questioned the hardship. Ms. Leab stated that it would be hard to build the house as it was because people live differently these days. The ZBA told Mr. Fowler he could adjust the design of the proposed house so that it was not within the setbacks or he could withdraw his application for a special exception and come back to ZBA with a variance and a more specific site plan. Mr. Fowler submitted a request for withdrawal.

8:45

## **PUBLIC HEARING**

Seated: Brad Sedito, Polly Roberts, Katharine Leab, Todd Catlin, Randy Snook

### **ZBA-0834, Request of Michael Goedhuis, 27 South Street, petition for special exception, Zoning Regulation, 12.14.1, 12.14.3 (noise generating equipment), to install a generator.**

Kurt St. John of Powerhouse was present to represent this application. The Commissioners examined and discussed the site plans and specifications of the generator to be installed. Ms. Roberts stated there was quite a distance to the next neighbor's house. Mr. Sedito stated the sound to South Street would be buffered as the generator would be behind the garage. Mr. Snook stated he had no problem with the location of the generator but would suggest the ZBA to require a stockade fence around three sides of the generator, noting the fourth wall would be the garage. Mr. St. John stated that would not be a problem.

Motion: to close the public hearing for ZBA-0834, Request of Michael Goedhuis, 27 South Street, petition for special exception, Zoning Regulation, 12.14.1, 12.14.3 (noise generating equipment), to install a generator, by Todd Catlin, seconded by Polly Roberts, by 5-0 vote.

## **MEETING**

Mr. Catlin stated he had no problem with this application as long as the stockade fence was installed around the generator. Mr. Sedito agreed with Mr. Catlin and stated the fence should be 6ft. tall which would help with the noise. All other Commissioners were in agreement.

Motion: to approve application ZBA-0834, Request of Michael Goedhuis, 27 South Street, petition for special exception, Zoning Regulation, 12.14.1, 12.14.3 (noise generating equipment), to install a generator, by 5-0 vote.

8:55

## **PUBLIC HEARING**

Seated: Brad Sedito, Polly Roberts, Katharine Leab, Todd Catlin, Randy Snook

**ZBA-0835, Request of Dane & Karen Buell, 3 Findlay Road, application for variance, Zoning Regulation 12.1.2 (Aspetuck River setbacks), 12.1.3 (watercourse setback for septic), 17.4.a (increasing non conformity), to expand kitchen, construct addition and increase septic system.**

Ms. Tammy Zinick from Permit Me Please was present to represent the Buells for this application. Ms. Zinick presented signed letters from the surrounding neighbors. The ZBA and Ms. Zinick examined the site plan. Mr. Catlin asked if there were any floor plans or elevation drawings. Ms. Zinick stated they were not available for this hearing. Ms. Roberts stated the septic and site plan need to be clarified and the application needs a proper, stamped A-2 survey. Mr. Sedito stated the ZBA needs elevation drawings, floor plans, a proper, stamped A-2 survey showing existing river and watercourses, driveway, septic existing and proposed structures.

Motion: to continue application ZBA-0835, Request of Dane & Karen Buell, 3 Findlay Road, application for variance, Zoning Regulation 12.1.2 (Aspetuck River setbacks), 12.1.3 (watercourse setback for septic), 17.4.a (increasing non conformity), to expand kitchen, construct addition and increase septic system, by Mr. Catlin, seconded by Mr. Snook, by 5-0 vote.

9:25

## **OTHER BUSINESS**

Mr. Sedito reviewed an invoice from Town Counsel.

Motion: to adjourn at 9:30 pm by Mr. Snook, seconded by Mr. Catlin, by a 5-0 vote.

FILED SUBJECT TO APPROVAL:  
Shelley White, Land Use Clerk