

TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

ZONING BOARD OF APPEALS REGULAR MEETING

MINUTES

July 20, 2023

MEMBERS PRESENT: Chair Bowman, Mr. Wyant, Mr. Wildman, Mr. Horan, Mr. Weber

MEMBERS ABSENT: None

ALTERNATES PRESENT: Ms. Sweeney, Mr. Sarjeant, Ms. Rebillard

ALTERNATES ABSENT: None

STAFF PRESENT: T. Rill, A. Larson

PUBLIC PRESENT: P. Szymanski, D. Dobson

The meeting was called to Order at 7:33pm.

Public Hearing with Deliberation to Follow:

ZBA-1152: Request of Glantz, 7 Senff Rd., for a Variance – Section 12.14.2.A – Noise Generating Equipment – for a generator:

The applicant has requested a Continuance for the August 17, 2023 Zoning Board of Appeals meeting.

ZBA-1153: Request of Gavin Kovacs Trust, 202 Wykeham Rd., for a Special Exception – 12.14.1 – Noise Generating Equipment – for pool equipment:

Chair Bowman, Mr. Wildman, Mr. Horan, Mr. Wyant and Mr. Weber were seated.

Devin Dobson, representative for Litchfield County Pools, stated that the pool equipment is in place, located 65-feet from the pool, and approximately 300-feet from the property line. The equipment is currently behind a patio and the property owners intend to provide landscaping to screen it for aesthetic purposes. Mr. Dobson stated that there is no noise generated past 40 feet with this pump.

Chair Bowman pointed out that while the equipment location may be 300-feet from the rear property line, looking at the site-map, it appeared to be closer to the side property. Mr. Dobson conceded that the equipment was indeed about 170-feet from the side property line. Chair Bowman used a scale to determine that the actual distance was about 185-feet from the side property line. Mr. Dobson pointed out that it was about 20-feet further away from the property line than the existing generator.

The board reviewed the sound information and Chair Bowman asked whether the pump was the only noise-generating equipment. Mr. Dobson stated that this was true, and that the pool was of a moderate size with no spa, air blower, or jets.

Chair Bowman and Mr. Weber verified that the current regulations limit noise to 55 dB at 12-feet and that the equipment under review generates 24 dB at 12-feet.

Chair Bowman asked Mr. Dobson to explain how the pump rpm setting would affect the decibel level. Mr. Dobson stated that the current setting (1,000 rpm) was appropriate for the size of the pool, and that the installed equipment is designed to run for longer periods of time at a lower rpm than a traditional pump. Mr. Dobson went on to say that, if the rpm were to be increased to the subsequent setting, it would generate 41 dB at 12-feet.

With no further comments/questions from the board or the public, Chair Bowman requested a motion to close the Public Hearing.

MOTION: To close the Public Hearing in the matter of ZBA-1153: Request of Gavin Kovacs Trust, 202 Wykeham Rd., for a Special Exception – 12.14.1 – Noise Generating Equipment – for pool equipment, by Mr. Wyant, seconded Mr. Wildman, approved 5-0 vote.

The board discussed the current standard (12.14.1) in relation to the low decibel levels generated by modern pool equipment, and agreed that there was no problem with the special exception under review.

MOTION: To approve ZBA-1153: Request of Gavin Kovacs Trust, 202 Wykeham Rd., for a Special Exception – 12.14.1 – Noise Generating Equipment – for pool equipment, as shown in the map titled, “Improvement Location Survey prepared for Gavin Kovacs Trust”, dated 10/4/2018, revised May 22, 2023, Sheet ILS.1, prepared by Arthur H. Howland & Associates, Mr. Wyant, seconded by Mr. Weber, approved unanimously.

ZBA-1154: Request of BCLC, LLC, 217 West Shore Rd., for Special Exception – 12.14.4 – Noise Generating Equipment – for pool equipment:

Chair Bowman, Mr. Wildman, Mr. Horan, Mr. Wyant and Mr. Weber were seated.

Paul Szymanski of Arthur Howland & Associates, representing the property owner BCLC LLC, stated that there is an existing pool on the east side of the property about 56-feet from the side property line. The noise generating pool equipment is located 65-feet from the pool within a 12-foot high, walled utility structure. The structure which houses the pool equipment is located 96-feet from the closest property line.

Referring to the submitted record, Mr. Szymanski stated that at 1,000 rpm the pool equipment generates 30.3 dB at 12-feet.

Chair Bowman asked for a more precise location of the equipment. Mr. Szymanski indicated that it is on the interior easterly wall of the utility structure and submitted for the record a signed site map with the exact location drawn by hand. Chair Bowman requested a motion to close the Public Hearing.

MOTION: To close the Public Hearing in the matter of ZBA-1154: Request of BCLC, LLC, 217 West Shore Rd., for Special Exception – 12.14.4 – Noise Generating Equipment – for pool equipment, by Mr. Wyant, seconded by Mr. Weber, approved unanimously.

The board discussed the matter. Mr. Weber stated that accounting for the worst-case scenario, his calculations indicate a decibel level far below the standard of 55 db at 12-ft. Chair Bowman added that the enclosure would further mitigate noise generation at the site. Mr. Wildman agreed that the enclosure was a mitigating factor. There was no disagreement among board members.

MOTION: To approve ZBA-1154: Request of BCLC, LLC, 217 West Shore Rd., for Special Exception – 12.14.4 – Noise Generating Equipment – for pool equipment, as show on the map titled, “Improvement Location Survey”, prepared for BCLC, LLC, 217 West Shore Road & Portion of 220 West Shore Road”, dated May 18, 2023, Sheet ILS.1, by Arthur H. Howland & Associates, signed by P. Szymanski on 7-20-2023. Motion made by Mr. Wyant, seconded by Mr. Horan, approved unanimously.

Consideration of the Minutes:

Meeting minutes for June 15, 2023 are outstanding.

MOTION: To approve the June 15, 2023 Meeting Minutes as submitted, by Mr. Horan, seconded by Mr. Wyant, approved unanimously.

Other Business:

Chair Bowman presented a letter written by the Washington Board of Selectmen - James Brinton, Jay Hublebank, and Dean Sarjeant - regarding expectations and standards of behavior at public meetings, calling for respectful and meaningful discourse.

Adjournment:

MOTION: To adjourn the July 20, 2023 Washington Zoning Board of Appeals meeting at 7:56pm, by Mr. Weber, seconded by Mr. Wyant, approved unanimously.

Meeting Recording can be found here:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EWZ-16NfLqJHh8Nf54D-pocB9suAw1jV8QC0AEiHJcVMqw?e=a8Feib

Respectfully Submitted,

Addison Larson

Zoning Board of Appeals Clerk

July 27, 2023