TOWN OF WASHINGTON

 Bryan Memorial Town Hall

 Post Office Box 383

 Washington Depot, Connecticut 06794

 ZONING BOARD OF APPEALS REGULAR MEETING

  **MINUTES**

 August 17, 2023

**MEMBERS PRESENT:**  Chair Bowman, Mr. Wyant, Mr. Wildman

**MEMBERS ABSENT**: Mr. Horan, Mr. Weber

**ALTERNATES PRESENT:**  Ms. Sweeney, Ms. Rebillard

**ALTERNATES ABSENT**: Mr. Sarjeant

**STAFF PRESENT:** A. Larson, M. Haverstock

**PUBLIC PRESENT**: Susan Baker, Craig Ciarlone, Sam Dodge, Cherise Hutchings, Kathleen King

The meeting was called to Order at 7:32pm.

**Public Hearing with Deliberation to Follow:**

Chair Bowman, Mr. Wildman, Mr. Wyant, Ms. Sweeney, and Ms. Rebillard were seated for all matters.

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

Chair Bowman indicated that pursuant to a discussion with Ashley Westfall of High Wire Electric, agent of the applicant, the request will be withdrawn. The contractor was able to work within the zoning guidelines to install the generator and is no longer in need of a variance. Confirmation email to follow.

**ZBA-1156: Request of Picott, 20 New Preston Hill Road, for a Special Exception – 12.14.4 – Noise Generating Equipment – for pool equipment:**

Craig Ciarlone, representing the property owner, stated that the pool equipment (pump and heater) is located within 50-feet of the property line, but does not create a noise disturbance even at this proximity. Mr. Ciarlone used a digital decibel reading device to determine the actual sound level generated by the equipment at three locations on the property line. At 41-feet and ten inches, the point at which the property line is closest to the noise generating pool equipment (point “A” on the submitted survey), the reader indicated a sound level of 47.3 dB.

Mr. Ciarlone supplemented the record, submitting product information for the pool equipment that indicates the decibel level for the installed equipment at 12-feet is 54.7 dB. Chair Bowman asked for clarification as to whether this is the start-up sound level or the running sound level. Mr. Ciarlone stated that the pump is variable speed and that the manufacturer’s specifications list the maximum decibel level, not necessarily the start-up noise level.

There was some discussion on how sound levels are measured. Chair Bowman indicated that the most important consideration was the loudest listed noise level, not the concomitant sounds.

Ms. Sweeney inquired as to why the equipment could not be located 9-feet further away from the property line. Mr. Ciarlone responded that the configuration is already in place, and that the request was made because they believe they are compliant with the requirements of a special exception.

Kathleen King, neighbor on New Preston Hill Road, asked for clarification regarding the request. Chair Bowman and explained that the current regulations limit noise to 50 dB at 12-feet, and the equipment under review generates less noise than that at the property lines.

Cherise Hutchings (18 New Preston Hill Rd) commented that, as the closest neighbor who would be most affected by noise generating equipment, she does not notice the sound of the currently installed pool pump and heater.

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

**MOTION: To close the Public Hearing in the matter of** **ZBA-1156: Request of Picott, 20 New Preston Hill Road, for a Special Exception – 12.14.4 – Noise Generating Equipment – for pool equipment, by Mr. Wyant, seconded Chair Bowman, approved unanimously.**

No further discussion was had by the board before making the motion to approve.

**MOTION: To approve ZBA-1156: Request of Picott, 20 New Preston Hill Road, for a Special Exception – 12.14.4 – Noise Generating Equipment – for pool equipment, as shown in the map titled, “Property/Boundary Survey”, dated May 2011, revised 8/12/21, prepared for Andrea N. Picott, by Chair Bowman, seconded by Ms. Rebillard, approved unanimously.**

**ZBA-1157: Request of Dodge/Braverman, 48 Wykeham Road, for a Variance – 11.6 – Minimum Setback and Yard Dimensions – for placement of two condensers:**

Property owner, Sam Dodge, stated that he is requesting a variance to install two condensers for heat pumps on their inland non-conforming lot within 20-feet of the property line. Mr. Dodge received estimates for the work from three different contractors, all who indicated that the proposed location is the best position for the condensers due to installation guidelines, and the surrounding ledge rock.

Chair Bowman asked if this would be the only heat source for the house. Mr. Dodge indicated that they currently have a steam heater in the 200-year-old home, but are hoping to use the proposed heat-pump as the sole heating method for the purposes of energy- and cost-efficiency.

Chair Bowman read aloud a letter written by the attorney for Mr. Dodge’s neighbor, Lucy Hartley-Urquhart (44 Wykeham Road). Ms. Hartley-Urquhart objects to the current application for a variance, saying that the installation of condenser units at the proposed location would cause her home to be adversely and irreparably harmed, and that there are more suitable locations for the units on the applicant’s property, specifically behind their barn. The letter goes on to state that because Ms. Hartley-Urquhart’s previous application for a variance was denied by the board, the Dodge/Braverman request should also be denied.

Neighbor Susan Baker (42 Wykeham Road) urged the board to characterize the letter from Ms. Hartley-Urqhart’s attorney as retaliatory in nature, a reaction to the situation in which Ms. Baker had objected to Ms. Hartley-Urquhart’s previous request for a variance to place her own condenser units within property set-backs.

Chair Bowman responded by saying that, in the interest of fairness and having all objections fully heard, he conducted a special review of Ms. Hartley-Urquhart’s previous application, comparing it to and the application currently under consideration. He visited the location, observed surrounding ledge rock, and evaluated the buildable area at the site in terms of zoning and mechanical considerations.

Chair Bowman determined that the previously denied application would have been more objectionable than the current proposal, that the Dodge/Braverman proposal is the most considerate of all possibilities and the only sensible location for the proposed equipment. Ms. Rebillard indicated that the noise level of the condensers at the property line would be well below the 50 dB limit at the property line, and that Ms. Hartley-Urquhart’s home would not be irreparably harmed by approving the current request.

**MOTION: To close the Public Hearing in the matter of ZBA-1157: Request of Dodge/Braverman, 48 Wykeham Road, for a Variance – 11.6 – Minimum Setback and Yard Dimensions – for placement of two condensers, by Mr. Wyant, seconded by Ms. Rebillard, approved unanimously.**

The board discussed the request. Mr. Wildman and Mr. Wyant had no issues with approving a variance. Ms. Sweeney indicated that the proposal seems to fit the exceptions. Ms. Rebillard stated that she feels the property owner looked at many options, and was diligent to consider alternatives before settling on the current proposal. Chair Bowman agreed, saying it was the only reasonable place to locate the equipment and that the impact on neighbors would be of minimal to no effect.

**MOTION: To approve ZBA-1157: Request of Dodge/Braverman, 48 Wykeham Road, for a Variance – 11.6 – Minimum Setback and Yard Dimensions – for placement of two condensers, as show on the map titled, “Zoning Location Survey”, prepared for Amanda C. Braverman Samuel F. Dodge, dated May 2019, by Chair Bowman, seconded by Ms. Rebillard, approved unanimously.**

**Consideration of the Minutes:**

Meeting minutes for July 20, 2023 are approved.

**MOTION: To approve the July 20, 2023 Meeting Minutes as submitted, by Mr. Horan, seconded by Mr. Wyant, approved unanimously.**

**Adjournment:**

**MOTION: To adjourn the August 17, 2023 Washington Zoning Board of Appeals meeting at 8:01pm, by Mr. Wyant, seconded by Ms. Rebillard, approved unanimously.**

Respectfully Submitted,

Addison Larson

Zoning Board of Appeals Clerk

August 19, 2023

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