

MINUTES
WESTON BUILDING BOARD OF APPEALS

THURSDAY, JUNE 11, 2015

The meeting was called to order at 7:35 p.m.

PRESENT: Board Members – David Coprio, Linda Roig, Jon Rogers and Bob Soloff; and Marion Nelson and Rack Gleason.

Re: Complaint of Marion Nelson
29 Cartbridge Road, Weston CT 06883

Mrs. Nelson explained to the Board that she first tried to get a variance to build a deck at the front of the house and part of this variance was to also rebuild the front stairs. This application was denied. After other meetings with the ZBA, they indicated that they would approve rebuilding the front stairs (not the deck) pending approval of final drawings. Mrs. Nelson said that the drawings will be submitted later this month.

Since the existing stairs were unsafe, Mrs. Nelson stated that she decided to remove them and move forward and put in a retaining wall and prepare the property for future terracing because of the very steep grade at the front of the house. She explained, in detail, the steep grade at the front of the house, the grade of the property on either side of the house and what her final plan would be with respect to the front stairs of the house and terracing and landscaping of the property. The retaining wall is constructed of cement blocks at this time and after grading is finished, Mrs. Nelson said that her plan is to face the wall with stone.

Mr. Gleason was asked by Board members what prompted him to stop at the property where the work was being done. He said that he was driving by the property and noticed that there was digging activity at the front of the house. He had issued a permit for interior work but not for exterior work. He stopped at the house to see what was happening. Mr. Gleason stated that it is not unusual for him to stop at properties when he sees work being done that a permit has not been issued for. After inspecting what was being done, he felt that the cement block wall was a foundation or could be a foundation and since no permit had been issued for this type of work, he issued a Cease and Desist Order.

Mrs. Nelson said that she tried to explain to Mr. Gleason at that time and on other occasions, that this was not a foundation but a retaining wall and that no permit was required for a retaining wall. Mr. Gleason agreed that a permit is not necessary for a retaining wall within certain parameters but he still felt that this was or could be a foundation. Thereafter, Mrs. Nelson explained that she gave a hand drawn sketch to Mr. Gleason in order to try to make him understand what her intention was. Mr. Gleason stated that his opinion did not change. He still felt that it was a foundation or that it could be a foundation and declined to lift the Order. He told Mrs. Nelson, that because she still did not have Zoning approval for the front stairs, and that he felt that the cement block wall is or could be a foundation that the matter could be zoning

issue. Mr. Gleason also stated, more than once, that ZBA approval for the front stairs is still pending.

Board members questioned Mrs. Nelson on many points as she was describing her property and explaining her final landscape plan. Board members also reviewed photographs that Mr. Gleason had taken of the site work which prompted many questions from Board members.

Some of the questions and concerns of the Board members that were asked of Mrs. Nelson are:

- Whether or not the wall would be attached to the house which appeared might be the case in the photographs;
- Would the retaining walls be a foundation/footing for the landing and/or the stairs;
- Why was cement block used and not some other material;
- Was a slab going to be poured for the landing;
- What would be the size of the landing;
- How would the landing for the stairs be constructed and out of what material; would it be poured concrete or wood;
- Height of the landing;
- How the stairs would come off the landing on either side;
- Number of risers in the stairs and where the steps will end at grade level;
- What would support the stairs – foundation or footings;
- Would the retaining walls tie into the landing/stairs.
- What type of material (fill or gravel) would be filled within the walls.

Mrs. Nelson answered the questions and time and again said that the walls were just retaining walls and would ultimately be part of the terracing and landscaping at the front of the house only. At this time, she does not have any formal drawings of what it will finally look like but just some rough sketches and a “picture in her head”. Mr. Rogers asked Mrs. Nelson if the zoning application had shown the retaining walls. She said that it had not.

Mr. Coprio and Mr. Rogers said they understood why Mr. Gleason thought that the cement structure, as pictured in the photographs, might be a foundation. They both felt that it certainly looked as if it could be a foundation. Ms. Roig also agreed that she understood where Mr. Gleason was coming from but felt that not being able to determine, among other things, if the walls are below the frost line or not leaves some doubt as to whether or not the walls could be a structural foundation. Mr. Soloff felt that “could be a foundation” does not make it one and there is considerable doubt or proof that it is anything other than what Mrs. Nelson describes it to be. He feels that the walls are not a building issue and are part of the final landscape work.

Mr. Rogers and Mr. Coprio felt that since final approval was still pending from the ZBA that no work of any kind should have been done at the front exterior of the house. Mrs. Nelson explained that her reasoning for doing the work was because of the existing unsafe stairs and she felt she had to move forward to try and rectify this.

Ms. Roig asked Mr. Gleason what he would like to see happen at this time. Mr. Gleason feels that it is a zoning issue and wants the ZBA to issue their final approval on the work. Mr. Rogers and Mr. Coprio also agreed that it might be a zoning issue. There was discussion among the

Board members about what the Zoning Enforcement Officer or the ZBA could do about the issue at this time and whether or not there is a solution. After much discussion, the Board members decided that it was this Board's job to deal with the complaint before them and not get involved in the zoning matters involving the property

After further discussion, Mr. Rogers made the following motion which was seconded by Mr. Soloff:

Motion to accept the complaint with the proviso that Marion Nelson inform the Zoning Board of Appeals of her intention with respect to the existing cement block structure, said structure to be used only as a retaining wall.

The Motion passed by unanimous decision.

The meeting was adjourned at 9:35 p.m.

Respectfully Submitted
Marina Coprio, Clerk

(A copy of the Decision filed in the Building Inspector's office is attached)

TOWN of WESTON, CONNECTICUT



Incorporated 1787

June 11, 2015

DECISION
BUILDING BOARD OF APPEALS

RE: Complaint of Marion Nelson Received by Weston Building Department on 06/08/2015
29 Cartbridge Road, Weston, CT 06880

The Building Board of Appeals unanimously decided to accept the above complaint with the proviso that Mrs. Nelson inform the Zoning Board of Appeals of her intention with respect to the existing cement block structure and that said structure is to be used as a retaining wall only.

David Coprio

David Coprio, Chairman