

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING  
February 24, 2015

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Vice-Chairman Richard Wolf, Robert Gardner, Glenn van Deusen and Alternates: John Moran and Donald Scarborough

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Mr. Snaith opened the public hearing at 7:33 p.m. The Board Secretary read the agenda into the record. Mr. Snaith then explained the procedure for the applicants.

29 CARTBRIDGE ROAD, owner, PAUL AND MARION NELSON, Map 24, Block 4, Lots 27+28, Variance to Sections 321.6 and 374 of the Zoning Regulations to construct 1) a second story addition over a first floor room with a deck, 2) an attached two-car garage and 3) deck in the front yard of an existing nonconforming house. The proposed addition and second floor deck would be located approximately 28 feet from the front property line. The proposed garage would be located approximately 29 feet from the front property line. The proposed first floor deck would be located approximately 16 feet from the front property line

Marion and Paul Nelson came forward and explained that they would like to renovate the house and add a second story. Mr. Snaith noted that they did not have an actual map of what they are proposing and wants to know what is reasonable since all of the structure is within the setbacks. Ms. Nelson indicated the current location of the non-functional well where they propose to put a new garage. She also noted the location of the septic system down towards the driveway and stated that they have been to the Health Department and soil testing has been done. Mr. Moran questioned the distance from the street and Ms. Nelson stated that it is 29 ft. from the street. Mr. Snaith commented that they need a more complete set of drawings and need to know the exact distances from the street and setback lines and he would also want to see dimensions. Mr. Wolf commented that the application needs to be more specific and he could not approve a variance based on the documentation submitted. He stated that he is more or less OK with everything proposed except the front deck which would encroach significantly upon the setback. Mr. van Deusen and Mr. Snaith agreed.

Following some additional discussion, the application was continued until next month's meeting.

17 LORDS HIGHWAY, owner, DARREN K. DAVIES AND DENISE FRIED, Map 20, Block 1, Lot 1, Variance to Sections 312.7 and 374 of the Zoning Regulations to construct dormers and a 2<sup>nd</sup> floor addition on an existing garage that is located 35.3 feet from a watercourse (a brook)  
Gary Chase from Viti Design Group came forward representing the owners. He explained that they are requesting a variance for the watercourse setback line. He indicated that the main house is in the center of the property and there is a detached garage towards the rear, and the watercourse setback cuts through a portion of the building. Mr. Chase stated that they propose to finish some space on the ground floor and also on the 2<sup>nd</sup> floor. The work doesn't increase the

footprint but adds volume to the second floor room. He then showed the existing conditions of the garage and unfinished second floor and the proposed plan, noting that they are re-working the stairs and adding a ½ bathroom. They have received approval from the Health Department to connect to the existing septic and the Conservation Commission has reviewed the application and approved it with no issues. Mr. Wolf questioned the floor plan and what prevents it becoming a second residence. Ms. Kulikowski explained that it is not currently drawn as a dwelling unit and if it becomes one then that is an enforcement issue.

Peter Fredrickson, Tobacco Road, neighbor, stated that this confirmed his worst suspicions that the teenagers are going to move in and use it as a party space. He questioned what is considered a separate dwelling. Mr. Snaith explained that it requires a kitchen area and full bathroom facilities.

Following some additional discussion, the public hearing was closed.

9 SASQUA TRAIL, owner, JOHN W. AND SANDRA BIRD, Map 1, Block 2, Lot 63, Variance to Section 312.7 of the Zoning Regulations to construct 1) a new pool to replace the existing pool, 2) a cabana, 3) a patio, and 4) two decks and to replace an existing wooden dock. All of the proposed improvements are located within 50 feet of a watercourse (a pond).

Franco Iannone from R.I. Pools came forward to present the application. He explained that they went before the Conservation Commission and received approval to replace the pool, dock and cabana. He noted that it will be a new rectangle pool and they will replace the existing dock. The cabana will be new and they may put a toilet in and pump to the existing septic system. He also noted that there are no building setback issues, it is just the watercourse setback.

Hearing no additional discussion, the public hearing closed at 8:29

### DELIBERATIONS

#### 17 LORDS HIGHWAY

Voting Members: Snaith, Wolf, van Deusen, Gardner, Scarborough

Mr. Wolf opened deliberations by commenting that he understands the reason that the Board is reviewing this application is due to the watercourse setback, adding volume in watercourse setback but he has a visceral reaction to bringing plumbing up to the second floor. It opens up the possibility of the building becoming a second dwelling unit whether it is intended to be used that way or not. He would not approve the variance with plumbing on the second floor. Mr. Scarborough stated that his concern is the same as Mr. Wolf's, it is very close to being a second residence. Mr. van Deusen commented that the potential is high once you run plumbing, but there is not much difference having the bathroom on the first or second floor and doesn't know how to rule on something that might be. Agree that chances are high, but ok with restrictions have to work with.

MOTION

Mr. Wolf made a motion to approve the application for a variance with the elimination of the second floor plumbing and Mr. Scarborough seconded. After discussion, the motion was voted on (3-2 [Snaith, van Deusen]) motion did not carry.

MOTION

Mr. Snaith made a motion to approve the application for a variance as presented and shown on plans prepared by Arcamone Land Surveyors, dated 7/07/14 and revised 12/2/14 and the floor plan elevations prepared by Vita Design Group dated 12/15/14 and Mr. van Deusen seconded. The motion was voted on and carried (4-1 [Wolf]).

9 SASQUA TRAIL

Voting Members: Snaith, Wolf, Gardner, van Deusen, Moran

Mr. van Deusen opened deliberations by noting that they are replacing the existing pool with a comparable but maybe smaller one and the only new addition is the cabana. He stated he has no issues and made the following motion:

MOTION

Mr. van Deusen made a motion to approve the variance for 9 Sasqua Trail as shown on plans dated 2/20/13 and revised 12/29/14, prepared by Shevlin Land Surveying LLC and Mr. Snaith seconded. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. van Deusen made a motion to approve the Minutes from the November 25, 2014 meeting, as amended, and Mr. Wolf seconded. All in favor, the motion carried (6-0).

ELECTION OF OFFICERS

Mr. Wolf nominated Mr. Snaith for Chairman and Mr. Gardner seconded. All in favor, the motion carried (6-0).

Mr. Snaith nominated Mr. van Deusen as Vice-Chairman and Mr. Moran seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Gardner made a motion to adjourn and Mr. van Deusen seconded. All in favor, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Delana Lustberg  
Board Secretary

Date Approved: 3/24/2015