

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
January 24, 2012

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Vice-Chairman Richard Wolf, Nick Noyes, Robert Gardner, Jeff Tallman and Alternates: John Moran, Glenn Van Deusen and Marilyn Parker

Mr. Snaith opened the public hearing at 7:35 p.m. The Board Secretary read the agenda into the record.

130 GOODHILL ROAD, owners, PERRY and MONIKA DEFELICE, Map 29, Block 4, Lot 32, Variance to Section 313.2 of the Zoning Regulations to allow a 6 foot wooden privacy fence to remain.

Monika Defelice came forward to present the application. She explained that the fence had become damaged during the recent storms and they replaced it. She also presented pictures from 2003 showing the state of the fence then. Ms. Defelice stated that they knew that the fence would not conform to the current regulations, but thought it would be “grandfathered”. Tracy Kulikowski, Land Use Coordinator, explained that the Town does require a permit for a fence in general and it probably would have been allowed had they come to the Code Enforcement Officer.

David Hirschorn, 138 Goodhill Road, neighbor, came forward and stated that the fence is in the same location and is the same height as the one that was replaced.

Jan Dinerstein, 140 Goodhill Road, neighbor, also came forward to attest that the fence is in the same location and is the same height.

Mr. Snaith commented on the hardship issue noting that the need for a fence is not in question, and if what Tracy says is correct, then a preexisting fence like this can be replaced or repaired without having to get a variance. Mr. Wolf commented that this could have been handled administratively instead of putting the homeowner through the process. Mr. Noyes commented that based on the pictures, it looks like the original and replacement fence are the same size.

Hearing no additional discussion, the public hearing was closed at 7:55 p.m.

Deliberation:

VOTING MEMBERS: Snaith, Wolf, Noyes, Gardner and Tallman

Mr. Snaith stated that given the combination of the existing conditions, the proximity to the road, and the preexisting status, it is not an unusual request for privacy and he has no problem granting

a variance to keep the fence as installed. Mr. Noyes brought discussion to Section 374 of the Regulations.

MOTION FOR APPROVAL

Mr. Snaith made a motion to approve a variance to allow a 6 ft. wooden privacy fence to remain, based on the fact that it is a replacement of an existing non-conforming fence which is allowable under Section 374 had a permit been applied for in the proper procedure. The hardship is based on the proximity of the house to the road and the removal of the fence could result in the decrease in property value. Mr. Wolf seconded the motion. All in favor, the motion carried (5-0).

15 KATYDID LANE, owners, JOHN and EDINA FIELD, Map 20, Block 2, Lot 37, Variance to Section 321.6 of the Zoning Regulations to allow a residential power generator and buried liquid propane tank within 28 feet of the property line adjacent to a road on a non-conforming corner lot.

Mr. Field came forward to present the application. He explained that they have a pre-existing, non-conforming lot of 1.32 acres, and are trying to locate generator on the property. Their original concern was not to have it too close to the electrical supply and panel. They also have a double 50 ft. setback because of the corner lot. Mr. Field explained that they looked at alternative locations on the lot and could not find any that were safe or that didn't provide other hardships. He indicated the location of the well, pool and septic system and passed out pictures for the members to review. Mr. Field also noted that in order to locate the within the setbacks, it would require a very long cable and currently, the air conditioner units are located adjacent to garage and next to proposed generator location. He also discussed mitigating screening and noted that generator is one that is quieter than others. Mr. Van Deussen questioned why it could not be placed inside the setback and Mr. Field explained that would be right under the bedroom windows. Discussion ensued.

Following discussion, it was decided that the public hearing would be continued to the next meeting for Mr. Field to see if the generator could be placed closer to the home.

APPROVAL OF MINUTES

Mr. Wolf made a motion to approve the Minutes from the November 22, 2011 meeting and Mr. Noyes seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Noyes made a motion to adjourn the meeting and Mr. Tallman seconded. All in favor, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary