

TOWN OF COLUMBIA
ZONING BOARD OF APPEALS
THURSDAY, JULY 23, 2020 - 7:00 P.M.
ADELLA G. URBAN ADMINISTRATIVE OFFICES CONFERENCE ROOM
323 ROUTE 87, COLUMBIA, CT
REGULAR MEETING MINUTES
Virtual Meeting via Zoom

Members Present: Chair Joseph Narkawicz, Vice-Chair Carole Williamson, William Petrone. Edward DiGiovanni (Alternate), Stanley Rosenstein (Alternate)

Members Absent: Keith Peck

Staff Present: ZEO Constance Kisluk, Board Clerk Flo Polek

Others Present: Mary & Robert Sullivan, Wes Wentworth, Candace (no last name given)

CALL TO ORDER: J. Narkawicz called the meeting to order at 7:12 pm. He asked to take a moment to remember Jeff Vose who passed. Jeff was a great guy and served on the commission for many years.

ROLL CALL (Designation of Alternates, as needed): Edward DiGiovanni seated for K. Peck.

CHANGES/ADDITIONS TO AGENDA: None

APPROVAL OF REGULAR MEETING MINUTES OF November 21, 2019: W. Petrone **MOVED** to **APPROVE** the meeting minutes of November 21, 2019; E. DiGiovanni **SECONDED**; **MOTION CARRIED 5:0:0**

AUDIENCE OF CITIZENS (Comments on matters not on the Agenda) None

SUSPEND REGULAR MEETING: J. Narkawicz **SUSPENDED** the regular meeting at 7:14 pm and **OPENED** the public hearing.

OPEN PUBLIC HEARING:

1. **ZBA-1920-02:** Application of Robert & Mary Sullivan/Agent: Wesley J Wentworth PE, to demolish existing cottage and rebuild a single-family residence with a new drilled well and septic system.

J. Narkawicz read the application of M. and R. Sullivan, their agent W. Wentworth PE, for new construction of a single-family residence at 7 Nuhfer Drive with the action requested by the ZBA for a special permit per Section 10.4.2., property owner M. Sullivan of 10 Maple Valley Rd., Bolton, CT 06043. He asked C. Kisluk, the ZEO, if the abutters were notified. C. Kisluk said yes, and the sign was posted on the property. J. Narkawicz asked if the posting were correct in the newspaper. C. Kisluk said that the law changed under the COVID rules and the posting was the Town's website. J. Narkawicz said the property is not located within 500' of Columbia's boundary, not in a flood zone, and an application was submitted to the Inland Wetlands & Watercourse Commission. He asked if there is any correspondence. C. Kisluk said there was no correspondence but there is a person named Candace who was attending hearing. Candace stated she was there to observe the meeting. J. Narkawicz asked W. Wentworth to present the application. W. Wentworth stated he is representing the Sullivan's with their application. He presented the site map noting that the property on Nuhfer Drive and faces toward the front of Columbia Lake. It is a 12,500 square foot non-conforming lot with an existing cottage. The applicants want to tear down the existing cottage and build a single-family residence on the site. The existing cottage has an on-site septic

system and well. Both will be replaced as they do not meet current code. A new well will be drilled closest to the lake and the septic will be on the front side of the house. The proposal meets all the nutrient allocation requirements. Storm water from the roof will be infiltrated into a dry well, the patio will contain pervious pavers with a layer of stone underneath, and the end of the driveway will have a crushed stone pad to capture driveway runoff. The lot is flat and consists of sand and gravel soils. There is a site-specific soil and erosion control plan while under construction and maintenance plan for best practices to maintain. The Inland Wetlands Watercourse Commission approved the site in April of 2020. Eastern Highland Health District has reviewed and approved the site. W. Wentworth read the narrative for the special permit based on Section 10.4.2 of the Columbia Zoning Regulations:

1. A special permit being applied for is an increase in the maximum lot coverage not to exceed 15%; lot proposed is 14.83%, and 1854 square feet in total.
2. Regulations (non-conforming lots) allow for a reduction to the rear set back no less than 30 feet, the existing underlying zone is a 50-foot setback front and rear. There is 76 feet in the front and the request is for 41 feet in the rear. The house will stand approximately 18 additional feet away from the lake (than the existing cottage).
3. A request for a reduction of the side setbacks no less than 15-feet, the north side, 15.6, and the south side, 16.6 feet.

These three items along with relocating the septic system and well require a special permit as required in the zoning regulation. W. Wentworth reviewed items A to H as outlined in 52.4 of the regulations.

- A. Achieve the goals of the plan of conservation and development specifically to the site and update to the septic system to the current standard.
- B. Be consistent with the purpose of the regulations that includes zoning for a single-family residence.
- C. Relation of the building in the surrounding areas, neighborhood, and community. The building will not impair any value to the area.
- D. Access to the lot meets public health and zoning regulations.
- E. Lot is sufficient size, adequate dimensions, and meets health and zoning regulations.
- F. Improvements are appropriate, harmonize with the neighborhood, and provide for conservation and natural drainage.
- G. Nuisance avoidance- proposed use of building a structure would not create noise change.
- H. Long-term liability- adequate is provided for provisions of sustained maintenance of the development.

He stated that in his professional opinion the project, if the application is approved, would not result in any significant negative affect to public health or safety and asked Commissions members if they had any questions. J. Narkawicz asked if the bulkhead was part of the footprint. W. Wentworth said that zoning law allows to re-build within the same footprint within the maximum amount regardless of Section 10.4.2. C. Kisluk concurs with W. Wentworth that they could rebuild if they were not increasing the non-conformity and were making the development more conforming to the regulations. She said the plan is improving the site, runoff, and impact on the water. J. Narkawicz asked if the existing shed is part of the proposed house coverage of 1854 square feet. C. Kisluk said it is not since the shed is not a permanent structure and does not fall under the definition of coverage under the regulations. J. Narkawicz asked to see the building height restrictions. W. Wentworth explained the height restrictions of the house elevations and defined the limits. J. Narkawicz pointed out to the Commission that on the 12,500 square foot lot the proposed building with a second floor will be about 2500 square feet which is huge. W. Wentworth stated that the house would not be near the allowed height of 35'. The maximum height of the house is 27.2 ft. S. Rosenstein asked if there is a garage with the house. W. Wentworth said there is no garage. C. Williamson asked the Sullivan's if the new home would be their permanent residence or a spec house. R. Sullivan said it would be for their use, not used as a full-time residence as they do not plan to move there, it will not be a spec house, and they do not plan to sell this home. S. Rosenstein questioned if the home will be heated, and if so, what type of heat. W. Wentworth said the building

codes states that any new construction must be year-round and be heated. Mr. Sullivan said the home would be heated with propane. J. Narkawicz reminded everyone that the reason the application needs to be approved is that the well will be moved and pointed out many positive issues and concerns with the size of the house. S. Rosenstein asked how far the house would be located to the neighbors. W. Wentworth said the house would be 45' away from the south side of the next residence and 36' from the north side. J. Narkawicz asked the Sullivan's if they wish to add their comments. R. Sullivan said they are trying to build a house that is respectful of the community. E. DiGiovanni asked if the home is like 9 Nuhfer, which is a two-story home and wondered if it will be used year-round. W. Wentworth added that the regulations at the time number 9 home was build were different and the use of all homes are now year-round. The slope of number 5 will not be near the vertical slope of number 9. J. Narkawicz asked if the septic system was installed because he noticed heavy equipment on the property late last year. W. Wentworth said that the lake wall was replaced during late fall of 2019, thus the equipment. J. Narkawicz asked if there were any questions from the board. There was none. He asked a member of the public, Candace, if she had any questions. Candace questioned the clearance of 25' along the well when there should be 75". C. Kisluk stated there is a 75' clearance. W. Wentworth said that you are not allowed to have septic system within 75' of a well or any abutting wells. In addition, there is a 25' setback relative to the lake and free draining materials. J. Narkawicz asked if there would be an extension of the driveway and would not want cars to park down by the lake. W. Wentworth stated it is a turnaround. C. Kisluk explained that the driveway could not be extended toward the lake and if it were, it would be an enforcement issue. C. Williamson asked if there could be boulders placed so vehicles would not park close to the lake. W. Wentworth explained that there was ample parking on the property and Nuhfer Drive and would not like to see any landscaping maintenance complicated. J. Narkawicz asked C. Kisluk why a hearing is necessary for this special permit. C. Kisluk said when the regulations were revised and changed for non-conforming lots, language was added for any house to be built requiring only a building and zoning permit if it met the reduced setbacks, unless the well or septic was moved. S. Rosenstein questioned, how many feet are there between the well and the lake and is there any danger of well water seeping through. W. Wentworth said is approximately 26' from the well to the lake and meets the minimum requirements of the State health code. He also stated is will be a deep water well.

E. DiGiovanni **MOTIONED** to **CLOSE** the public hearing; C. Williamson **SECONDED**;
MOTION CARRIED 5:0:0

RESUME REGULAR MEETING: The regular meeting **RESUMED** at 7:55 pm.

NEW BUSINESS:

1. **ZBA-1920-02:** Application of Robert & Mary Sullivan/Agent: Wesley J Wentworth PE, to demolish existing cottage and rebuild a single-family residence with a new drilled well and septic system.

W. Petrone **Moved** to **APPROVE** the application of Robert & Mary Sullivan; C. Williamson **SECONDED**;
J. Narkawicz held a discussion stating that this house is clearly in line with what has be done, a non-conforming lot, large in size, and will not deter property values and added; to **APPROVE** the application of Mary & Robert Sullivan for a Special Permit pursuant to Section 10.402 of the Columbia Zoning to demolish the existing cottage and construct a new single family home at 7 Nuhfer Drive, Columbia, CT, Assessor's Map 12B, Lot 34, in the LAR Zone. The new dwelling to be constructed with reduced setbacks of no less than 15' for each side yard, and no less than 30' from the front and rear property lines, with a maximum lot coverage of 15%. The building height within the reduced setbacks is not to exceed 25'. The new location of the well and septic as shown on the site development plan are approved subject to EHHD approvals; **MOTIONED CARRIED 5:0:0**

C. Williamson stated that the Commission has requested that property markers be placed on the site of new constructions or additions, so it visually makes it easier for people to understand. She would like to see that any construction be staked out prior to a meeting and noted on the application.

UNFINISHED BUSINESS: None

BOARD OPEN DISCUSSION: None

CORRESPONDENCE: None

ADJOURNMENT:

J. Narkawicz thanked W. Wentworth for his efforts. In closing, Candace, a member of the public, suggested that all parties should identify themselves prior to making any statement and realized she had not. S. Rosenstein thought that the new home would complement the home at 9 Nuhfer Drive.

C. Williamson **MOVED** to **ADJOURN**; S. Rosenstein **SECONDED**;

MOTION CARRIED 5:0:0

The meeting was **ADJOURNED** at 8:04 pm.

Respectfully submitted by Flo Polek, Board Clerk

Please see the minutes of subsequent meetings for approval of these minutes and any corrections hereto.