

TOWN OF WASHINGTON  
Bryan Memorial Town Hall  
Post Office Box 383  
Washington Depot, Connecticut 06794  
ZONING BOARD OF APPEALS REGULAR MEETING  
**MINUTES**

February 15, 2024

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

**MEMBERS ABSENT:** None

**ALTERNATES PRESENT:** Ms. Sweeney

**ALTERNATES ABSENT:** Mr. Sarjeant, Ms. Rebillard

**STAFF PRESENT:** A. Larson

**PUBLIC PRESENT:** Philip & Ann Dutton, Erin Scott (remotely), Reese Owens, Robert Hagenbach

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

Seated are Chair Bowman, Mr. Wildman, Mr. Weber, Mr. Horan, and Mr. Wyant.

**Public Hearing with Deliberation to Follow:**

**ZBA-1161: Request of Steep Rock Association, 124 Christian St., for Variances – Section 12.1.2 – Wetlands & Watercourses Setback – for new farm barn and condensers:**

Reese Owens, on behalf of Steep Rock Association, spoke to the proposed construction of two structures separated by a maintenance yard on the Maricostas property as compactly as possible. The proposed structures will be one-story, simple gables.

The special aspect of the property is that it is subject to a State of CT easement which only allows them to build up to twenty-five percent of the original lot coverage. Mr. Owens then showed an enlarged arial photograph of the old farm with silos and other farm structures. Additionally, both the Shepaug River and the Bee Brook River have two-hundred-foot watercourse setbacks which encroach on a portion of the proposed South Barn, and there are known wetlands which require fifty-foot setbacks to the North.

Mr. Owens communicated that, due to the easements with the State of CT and the setbacks, there does not seem to be a viable alternative.

Regarding the camp house, the owners are also asking for a variance for two (30"x30") condenser units required as an exterior component of the heat-pump system. The entire camp house is located within the set-backs.

~~Chair Bowman pointed out that the origin of Bee Brook is exactly two hundred feet north of Christian St, and if it were one hundred and fifty feet, there would be no reason for a variance at~~

~~at~~ Chair Bowman also asked, and had confirmed by Mr. Owens, that the proposed barns are as small as they can feasibly be while still useful.

Chair Bowman then asked if there were any members of the public with questions or comments. Ms. Scott, a neighbor of 124 Christian St, said that her concerns have been relieved after having obtained clarification on what the proposed variance was for.

**MOTION: To close the Public Hearing for ZBA-1161: Request of Steep Rock Association, 124 Christian St., for Variances – Section 12.1.2 – Wetlands & Watercourses Setback – for new farm barn and condensers, by Mr. Bowman, seconded Mr. Wyant, approved 5-0 vote.**

Mr. Weber said the proposal was ok, having considered the set-backs and encroachments on the original structure. Mr. Wildman, Mr. Horan, and Mr. Wyant agreed. Chair Bowman said that he feels moving the proposed structures anywhere else would not be feasible, and that the site is unique, due to the easements and set-backs imposed upon the property.

Chair Bowman then asked for separate verbal approval for the condenser units. The board agreed unanimously, due to the fact that the house was entirely within the set-back and the heat serves that house.

**MOTION: To approve ZBA-1161: Request of Steep Rock Association, 124 Christian St., for Variances – Section 12.1.2 – Wetlands & Watercourses Setback – for new farm barn and condensers, as depicted by the drawings labeled Steep Rock at Maricostas: Land Use Submittals/ZBA (Z001, Z101, and Z100) prepared by Reese Owens Architects, dated 03.15.2023 and 01.09.2024, approved by Chair Bowman, seconded by Mr. Wyant, approved 5-0 vote.**

Mr. Owens thanked the board.

**ZBA-1162: Request of Dutton, 208 Old Litchfield Rd., for Special Exception – Section 12.14.4 – Noise Generating Equipment – for a new generator:**

Philip and Ann Dutton presented their plans to install a noise generating unit within the interior lot set-backs. Mr. Dutton displayed a large drawing of the property survey with proposed site of the new generator.

He explained that they had hoped to put it in the area between 210 Old Litchfield Rd and 208 Old Litchfield Rd; both parcels are owned by the Duttons. Regarding alternate locations, Mr. Dutton explained that there is a steep grade on one end of the lot, as well as other existing lot coverage (including a shed and a dirt path) which further restrict possible locations for the generator.

Instead, he hopes to locate the unit about six-feet from his neighboring land, with the exhaust pointing south in order to project any noise away from the dwellings on both sides.

Mr. Weber asked where the fuel tank would be located and what the distance to the property line everything would be; Mr. Dutton replied that it would be about five- or six-feet. Mr. Weber asked why it would be so close; Mr. Dutton replied they are trying to stay away from the regulated area.

A structure for noise-attenuation was discussed. Chair Bowman advised that Mr. Dutton make a sincere attempt at creating a functional and code-compliant sound enclosure for the generator. Mr. Dutton agreed.

Chair Bowman further advised him that if he wanted the tank to be above ground, he would have to come back to ZBA for a variance for the tank, but if the tank were located underground, he would not have to go through zoning for approval. Mr. Dutton agreed that he would install an underground fuel tank.

**MOTION: To close the Public Hearing for ZBA-1162: Request of Dutton, 208 Old Litchfield Rd., for Special Exception – Section 12.14.4 – Noise Generating Equipment – for a new generator, by Chair Bowman, seconded by Mr. Wyant, approved 5-0 vote.**

Mr. Weber had some reservations about the generator being so close to the property line. Ultimately, Mr. Weber did not object to the application, but feels the homeowner should do everything they can to keep it as far away from the line as possible. Mr. Wildman had no problems with the proposed special exception. Mr. Horan and Mr. Wyant agreed.

Chair Bowman was in favor of the special exception, saying it seemed like a logical location taking into consideration the change in grade so close to the property line, as long as the following conditions are met: 1) that an appropriate noise-attenuation barrier be constructed as required to ensure the decibel level does not exceed fifty decibels at the property line, and 2) that the fuel tank be buried.

**MOTION: To approve ZBA-1162: Request of Dutton, 208 Old Litchfield Rd., for Special Exception – Section 12.14.4 – Noise Generating Equipment – for a new generator as depicted on the Septic Topography Map prepared by T. Michael Alex (revised to include the proposed generator on 11-1-23) with the conditions that the generator be housed in a noise-mitigating enclosure and that the fuel tank be buried. Motion made by Chair Bowman, seconded by Mr. Wyant, approved 5-0 vote.**

**Consideration of the Minutes:**

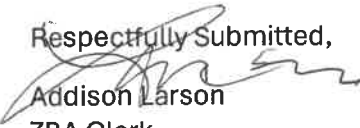
**MOTION: To approve the January 18, 2024 Meeting Minutes as submitted, by Chair Bowman, seconded by Mr. Wyant, approved unanimously.**

The board described the minutes as “exemplary”.

**Adjournment:**

**MOTION: To adjourn the February 15, 2024 Washington Zoning Board of Appeals meeting at 8:41pm, by Chair Bowman, seconded by Mr. Wyant, approved unanimously.**

Respectfully Submitted,

  
Addison Larson  
ZBA Clerk

February 22, 2024

\*Minutes filed, subject to approval