

**MINUTES OF PUBLIC HEARING  
HELD BY THE ZONING BOARD OF APPEALS  
VIRTUAL MEETING HELD VIA ZOOM  
JUNE 23, 2021**

**MEMBERS PRESENT:** James R. Stevenson, Chair  
Robert Haley, Vice Chair  
Keshet Spadaccini, Secretary  
Albert Gionet  
Edward Slegeski

**ALTERNATES PRESENT:** Linda Harris

**ABSENT:** Sandra DeCampos  
Jonathan Mitchell

**ALSO PRESENT:** Megan Pilla, Senior Planner  
James Davis, Zoning Enforcement Officer  
Katie Williford, Administrative Secretary

The Chair opened the Public Hearing at 7:00 p.m. The Secretary read the legal notice for the application when the call was made.

**PETER SCHUTTE** – application #2021-039 – Request a variance of Art. II, Sec. 2.01.01 to allow construction of a deck approximately 47 ft. from the front property line (50 ft. required) at 63 Wyneding Hill Road, Rural Residence zone.

The applicant, Peter Todd Schutte, 63 Wyneding Hill Road, presented his request for a variance to the 50 foot setback requirement. He explained that he proposes to expand the deck on the south end of his house over the existing driveway, in order to provide a carport that would shelter the cars and increase the space on the deck. The easternmost corner would be 47 ft. from the curb instead of 50 ft., intruding on the setback by 3 ft., he said.

Mr. Schutte said that the property is unique due to the pond in the backyard. There is no room to move the proposed deck to the west because there is a significant drop-off and a pond. To the east, there is no plan to move any further than the 47 ft. that is shown, which is at the location of the existing retaining wall. The plan is to raise the wall an additional 3 ft. and run the deck to the edge of that wall.

Mr. Slegeski asked whether the applicant expects any erosion or if there has been any engineering to satisfy any erosion. Mr. Schutte said that David Laiuppa, the Environmental Planner/Wetlands Agent, visited the property because there is a concurrent wetlands permit. Mr. Schutte explained that the proposal makes no change to the hard surface runoff; since it uses the existing footprint of the driveway, it doesn't change the runoff in any manner.

Mr. Slegeski asked if the footings will go into the driveway itself or into the grassy area. Mr. Schutte said the footings would be buried underneath the existing driveway. The driveway needs to be replaced, and before it gets resurfaced, the footings will be placed underneath and paved over.

Regarding the proposal's compatibility with the character of the neighborhood, Mr. Schutte said that the neighborhood is somewhat eclectic, with all custom designed houses, so this proposal would be fairly consistent with the character of the neighborhood.

Mr. Haley asked if there will be an exit off the deck. Mr. Schutte confirmed that there will be. There is a gate that provides access onto and off of the existing deck, which will be kept. Another gate will also be added to provide easy access from the lawn onto the deck.

Mr. Haley noted that the retaining wall will support the deck, and asked if the wall will be reinforced. Mr. Schutte said he plans to rebuild the wall and has had an engineer make some recommendations.

Ms. Harris asked what is preventing Mr. Schutte from complying with the 50 ft. setback requirement. Mr. Schutte said that it would narrow the space for parking. There is not much on-street parking on Wyneding Hill Road, so he intends to place 3 cars side-by-side under the deck. If he were to narrow it, he said, he did not believe he could fit 3 vehicles underneath.

Ms. Harris asked if Mr. Schutte currently has a 2 car garage, which he confirmed.

Mr. Schutte added that complying with the 50 ft. setback requirement would also pinch the stairs that lead up from the driveway up to the deck level. He needs to have that access path, he said.

Ms. Harris asked when Mr. Schutte purchased the property. Mr. Schutte said they purchased it in 2006. Ms. Harris asked if the deck was the current size at that time. Mr. Schutte replied that it was, but at the time they did not have the means or the idea to expand the deck. He explained that they didn't realize at the time how small the deck was; once there is some furniture on it, it is barely walkable.

Ms. Harris asked for clarification of the hardship. Mr. Schutte said that there is the pond to the west, and the deck can't be moved further east because of the need to preserve the space for the vehicles and access for the stairs.

Ms. Spadaccini raised a concern about whether the plans might change from what was presented, and asked if Mr. Schutte has something firm in writing from a professional who is going to do the work. Mr. Schutte explained that his friend who helped prepare the plans is a professional. The more refined designs don't change the footprint at all, he said; they simply have added the additional gate access points and refined the construction a bit more.

Ms. Spadaccini asked if any neighbors had expressed opinions. Mr. Schutte said a few have given words of encouragement.

Mr. Stevenson asked if the carport will be open on three sides. Mr. Schutte said it will be open to the west and to the south; to the east will be the retaining wall and the opening where the stairs will come up through.

Mr. Stevenson asked if the existing garages will be removed. Mr. Schutte said they would not. He currently uses the garage for mowers and other equipment besides cars.

Mr. Haley asked if a second exit is being added on the street side of the deck. Mr. Schutte confirmed that there would be a gate so you can walk onto the deck. Mr. Haley asked, if a

resident needed a gurney, if there would be a straight shot into the house. Mr. Schutte said there would be, and that is something they don't have now.

Mr. Schutte said that the retaining wall is currently 3 ft. shorter than it's shown on the plans, and the way the lawn is graded, the slope drops off. He would rather flatten out the grade and put a fence along the edge of the grade to make it safer.

Mr. Stevenson noted that the hardship seems to be a combination of topography and safety.

Ms. Pilla said that there are no comments from staff as a result of reviewing the application. She noted that the site plan is the same one the town has on file, which is an older plot plan. Staff was initially unsure of the accuracy of the 47 ft. measurement, but they checked it against GIS and confirmed its accuracy. There is also a concurrent wetlands permit that is being reviewed as well, Ms. Pilla said.

Mr. Stevenson asked if there were any public comments on this application. Ms. Pilla said that there were no public comments.

The public hearing on application #2021-039 was closed and the public hearing portion of the meeting was closed at 7:24 p.m.

I certify these minutes were adopted on the following date:

July 28, 2021

\_\_\_\_\_

Date

\_\_\_\_\_

James Stevenson, Chair

**NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN  
BE HEARD IN THE PLANNING DEPARTMENT.**

kmw