



**TOWN OF WINCHESTER ZONING BOARD OF APPEALS**  
**Town OF Winchester Town Hall**  
**338 Main Street, 2<sup>nd</sup> Floor – Lee Ann LaClaire Room, Winsted**  
**August 23, 2022 – 7:00PM**  
**Regular Meeting Minutes**

**1. ROLL CALL:**

Chairman Paul Marino called the meeting to order, noting that the following individuals were present in addition to himself: Ron Dew, Aubrey English, John Pollack, and Alternate Ellie Gunn. Phillip Allen and Thomas Sullivan were absent excused. Ms. Gunn was seated for Mr. Allen.

**2. EXECUTIVE SESSION – DISCUSSION OF PENDING LITIGATION WITH TOWN ATTORNEY KEVIN NELLIGAN:**

No Executive Session occurred.

**3. EXPLANATION OF PROCEDURE:**

Mr. Marino explained that approvals from this Board require four affirmative votes from five seated members. Mr. Marino outlined the process of the meeting including the opportunity for the applicant to present their proposal, a chance for the Board to ask questions followed by the same opportunity for any member of the public that might be present wishing to do so.

**MOTION:** Mr. English, Mr. Dew second, to modify the agenda to take up Applications #22-5307 and #22-5308 ahead of Application #22-5306; unanimously approved.

**3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS; APPEALS.**

**A. ZBA #22-5307 – Variance Location: 664 East Wakefield Boulevard Applicant/Owner: Linda Carnelli and William Carnelli Proposal: Setback Variance for Addition on North Side of Property and 34'x28' Garage on Easterly Side of Property.**

The legal ad was read into the record with it being noted as having been published the requisite two times, August 10, 2022 and August 16, 2022, in the Republican American. It was also confirmed that receipts for the Certificates of Mail were received, serving as evidence that notice of the public hearing had been provided to the abutting property owners.

William Carnelli and Linda Carnelli appeared before the board regarding this application. Mr. Carnelli provided a history of how his family came to acquire the property, including how he and his sister had recently inherited the home. He noted that the plan that was drafted by his architect will meet their needs as they keep the property and will serve to lower the total impervious surface coverage, from 4.1% to 37.7%.

Mr. Carnelli noted that the project would include a new driveway, a new garage, a new entryway and foyer, and expanded living space. He noted that the two-car garage would be connected to the residence with an enclosed breezeway. Mr. Carnelli indicated that the driveway will be smaller than it is now, noting that the volleyball court/bluestone would be removed. Mr. Marino questioned whether the driveway would be asphalt. Mr. Carnelli confirmed that he and his sister were planning to have it be asphalt.

Mr. Carnelli noted the location of the paver pathway leading from the driveway to the foyer. He noted that the walk-out basement will be remodeled with a bedroom and a full bath to replace an existing shower room. He indicated that they will also remodel the wetbar area.

Mr. Carnelli noted that the proposed structure will be no closer to the lake and will not block the neighbor's view.

Mr. Pollack noted that there were no dimensions indicated on the height. Mr. Carnelli noted the house was 25'x40 for the main house and another 22' with the addition. Mr. Marino referenced the notation on the site plan indicating that the height was not to exceed 24.7'.

Mr. Marino questioned the reduction of impervious surface. Mr. Carnelli reviewed the areas that would be eliminated.

The hearing was open to the public. No comment was received.

In closing, Ms. Carnelli explained how she would like her extra space upstairs and her brother would like his extra space downstairs so that they could spend the rest of their lives in this cottage.

Mr. Marino questioned whether any consideration had been given to reducing the coverage down further for the lot and/or using alternative materials. Ms. Carnelli explained that her father had various cement areas scattered around that they intend to remove. Mr. Carnelli confirmed that he would consider doing the turnaround in pervious pavers but explained that he would like to keep the paved area as asphalt. Mr. Marino suggested that the total impervious surface would likely be significantly reduced if the turnaround was pervious. Mr. Carnelli questioned whether crushed stone was considered impervious. Mr. Marino indicated that it was not according to the Zoning Regulations.

Mr. Marino invited the applicants to discuss hardship. Ms. Carnelli explained that she could not afford to keep the place if she had to on her own and if they could not make changes to allow them both to live there, then they would have to sell. Mr. Carnelli explained that the garage is critical due to the lake in the wintertime.

The hearing was closed.

**MOTION:** Mr. Marino, Mr. English second, to grant a Variance from Section II.G.b.ii. of the Zoning Regulations for Application #22-5307, to construct a 22.3'x12.5'x44.6'x8.5'x22.3'x3.5' addition, approving a 17.6' north side yard setback variance and a 2' rear yard variance; and to approve a 23' southerly side yard setback variance and a 5' northerly side yard variance for a 30'x28' garage with 4'x25.6' area between dwelling and garage, and for a 22.6% impervious surface variance, as per the drawings submitted, for the property located at 664 East Wakefield Boulevard; unanimously approved.

**B. ZBA #22-5308 – Variance Location: 332 East Wakefield Boulevard Applicant: George Mackiewicz Owner: George Mackiewicz and Diane Mackiewicz Proposal: Modification of Variance – Deck Within 9' of Boundary Line and Closer than Principal Building.**

The legal ad was previously read into the record with it being noted as having been published the requisite two times, August 10, 2022 and August 16, 2022, in the Republican American.

Professional Engineer Michael Sherman appeared before the board regarding this application. Mr. Marino reminded the board that a variance was granted in 2019, explaining that this was a modification of that. It was noted that the receipts for the Certificates of Mail were not yet received from the applicant. Mr. Sherman confirmed that they would be submitted on the day following this meeting.

Mr. Sherman noted that the plan that the board should refer to was last revised August 19, 2022. He noted that his client had already received approval for the modified plan from the Inland Wetlands and Watercourses Commission, including a pervious patio. The other modification from the plan submitted for this application was a set of steps in the retaining wall, according to Mr. Sherman. Mr. Marino questioned whether the proposed change impacts impervious coverage. Mr. Sherman indicated that it did not.

Mr. Sherman explained that the original plans included a Gabion wall with a drainage pipe behind it to drain into the raingarden. Mr. Marino questioned the height of the wall. Mr. Sherman indicated that it was 4'.

The hearing was open to the public.

Charles Cusson of 338 East Wakefield Boulevard spoke in support of the application, opining the proposed wall as more aesthetically pleasing than the Gabion wall.

Lynn Carter of 342 East Wakefield Boulevard spoke in support of the application, reporting that she had also been through the building process at the same time, and explained that she preferred the proposed wall over the Gabion wall.

Richard Cusson of 336 East Wakefield Boulevard, noting that he was the direct neighbor to the subject property, reported that he had no objection to the application.

Hardship was then discussed about the sideyard setback variance for the patio. Mr. Sherman explained that he had understood his client had received the earlier variance as a reasonable request.

The hearing was closed.

**MOTION:** Mr. Marino, Mr. English second, to grant a Variance from Section II.G.d.4.a. of the Zoning Regulations for Application #22-5308, (a modification of Variance #19-5218, which had been for a 30.2' front yard variance, a 25.4' south side yard variance, a 5' north side yard variance of 5' and a rear yard setback variance of 3.7', which had been for the purpose of demolishing the existing structure and building a 62'x27', 2-story residence with a walkout basement and a 9'x14' landing with stairs on the north side of the structure), to allow for installation of a patio closer than the principal building and within 9' of the boundary line, and to approve the switch from a Gabian wall to field stone wall, as per the drawings submitted, for the property located at 332 East Wakefield Boulevard; unanimously approved.

**C. ZBA #22-5306 – Variance Location: 212 West Wakefield Boulevard Applicant/Owner: Steve Heffer and Henna Sultan Proposal: Demolish/Reconstruct Residence.**

It was noted that the application was for a property wherein a variance had recently been denied with an appeal of that decision pending in court. Mr. Marino noted that typically there is a six-month wait period between applications. Staff referenced CGS§ 8-6, noting that the board was not required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board or a court of an earlier application. Staff interpreted the language as not precluding the board from a decision to hear the application. Mr. Marino noted that the board could decide whether to proceed with the application at this meeting. Mr. Pollack questioned whether Attorney Nelligan had been contacted. Staff noted that he was available for the September 27, 2022 regular meeting.

**MOTION:** Mr. Pollack, Mr. English second, that the Board postpone the matter until the September 27, 2022 regular meeting and to confer with Attorney Nelligan; Motion passed with Mr. Marino, Mr. English, and Mr. Pollack voting in favor while Mr. Dew and Ms. Gunn were opposed.

Following the motion but preceding the vote, Attorney Philip Pires, present on behalf of the applicant, communicated that his clients had no objection to the matter being continued.

**4. APPROVAL OF MINUTES.**

**A. July 26, 2022 Regular Meeting.**

No business discussed.

**5. CORRESPONDENCE.**

No correspondence discussed.

**6. ADJOURNMENT.**

**MOTION:** Mr. English, Mr. Dew second, to adjourn at 7:56PM; unanimously approved.

**Respectfully submitted,  
Pamela A. Colombie  
Recording Clerk**