



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Town OF Winchester Town Hall
338 Main Street, 2nd Floor – P. Francis Hicks Room, Winsted
July 26, 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: Phillip Allen, Ron Dew, Aubrey English, John Pollack, and Alternate Ellie Gunn. Thomas Sullivan was absent excused.

2. 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.

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

A. ZBA #22-5300 – Variance Location: 205 Perch Rock Trail Applicant/Owner: Ingrid A. Pierce Proposal: Modify Variance for Dormer; Variance for Fence.

Ingrid Pierce, accompanied by her friend Dawn Lee, appeared before the Board regarding this application. It was confirmed that receipts for the Certificate(s) of Mail was received. Ms. Pierce explained that after receiving approval for one design, she had realized that they would need a dormer and would also like a cedar fence on the property line. She noted that photographs had been provided of the area in the back of her home where she would like to install a section of fence, then an Arborvitae followed by another section of fence and Arborvitae around the perimeter of her backyard. Ms. Pierce noted that after speaking with the Zoning Enforcement Officer, she understood that she could replace her front stoop so long as there was no expansion. She explained that she was seeking an overhang. Her revised plans also included a reduction of the deck size in back.

Mr. Marino questioned the front overhang. It was noted that the survey submitted at this meeting was prepared by John DiCara dated July 20, 2022. The setbacks for the front overhang were reviewed and discussed. The addition was noted to be 6'x25'.

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

MOTION: Mr. Marino, Mr. Dew second, to grant a variance from Section II.G.b.ii. of the zoning regulations for Application #22-5300 for a modification to Variance #21-5284 to modify house design to include a full 25.25'x6' full dormer on the northerly side of the dwelling, as per the drawings submitted, a 44.2'x12' addition, and a 20'x11' deck off the southerly addition, and for a variance from Section II.G.d.iii.g., to allow a fence to be located on the property line, as depicted on plan from DiCara Land Surveying Services, entitled "Revised Variance Plan Prepared for Ingrid Pierce 205 Perch Rock Trail", dated July 2022; unanimously approved.

B. ZBA #22-5304 – Special Permit Location: 730 Lake Drive Applicant: Bryan Southergill and Grace Southergill Owner: Able Sentry Limited Proposal: Accessory Apartment.

Bryan Southergill appeared before the Board regarding this application. Mr. Southergill explained that he was seeking a special permit to fit out their accessory apartment. He indicated that they do not intend to rent the unit. Mr. Southergill indicated that the plan was to fit out the attic space in the garage. He noted that it complies with the restrictions that the space be less than 900 square feet.

Mr. Marino noted that he had a chance to review the minutes from a previous application on this proposal that had been provided, noting that denial was due to the fact that the residence was not the principal dwelling of the applicant at that time. Mr. Marino noted that this application included an affidavit regarding residency reflecting the applicants as full-time, permanent residents currently. Mr. Pollack questioned the square footage of the apartment. Mr. Southergill noted it to be 875 square feet, as depicted on the plans. Mr. Pollack explained it appeared larger when he had reviewed the site.

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

MOTION: Mr. Marino, Mr. English second, to grant a Special Permit for Application #22-5300 for an Accessory Apartment in the Detached Garage, under Section IV.A. of the zoning regulations, as per the drawings submitted, for the property located at 730 Lake Drive; unanimously approved.

Noting the following application was from a family member, Mr. Marino recused himself and exited the room at 7:31PM. Mr. Allen assumed the role as chairman. Ms. Gunn was seated for Mr. Marino.

C. ZBA #22-5305 – Special Permit Location: 812 Hosley Road Applicant/Owner: Mary Ann Marino Proposal: Remove Existing Non-Conforming Structure and Replace with New Structure.

Mary Ann Marino, noting her address as 631 Vera Road, appeared before the Board regarding this application. She explained that she had previously received approval to build her home in 2020 for her and the chairman's mother but due to the cost of materials, they had waited for that cost to decrease. However, since that time, their mother's health has slid and is unable to go up and down stairs easily. Therefore, the architect had communicated it would be impossible to have a decent living space for their mother and have the garage, according to Ms. Marino. The living space will be on the second floor with the garage, a room and a bathroom on the first floor, she explained. Ms. Marino noted that she was proposing an elevator on the first floor with a staircase wrapped around it. She reminded the board that her previous approvals include the house at 35.75' with a porch at 31.75' from the front yard. Her current request was to take the porch away and give 4' back on the front yard setback. She noted that the easterly setback would not change but that the westerly setback would go from 88.2' to 64.1' and the rear yard setback would go from 35.1' to 38.2'. Ms. Marino noted that the impervious surface coverage increases from 7.9% to 14.6%. There was no planned change to the proposed height of the building, she noted.

Mr. Pollack questioned whether the parcel was currently an empty lot. Ms. Marino confirmed, explaining that it had previously had a cottage but had since been removed. Staff noted that the notation regarding height on the A2 survey read "See Architecturals" and that the architecturals had not included a height. The applicant may need some preexisting grades shot by the surveyor prior to a zoning permit being issued should the board approve the application, according to staff. It was noted that the Board could condition the approval.

Mr. Pollack questioned the total square footage of the house. Ms. Marino noted that it was not included on the plans. Mr. Pollack questioned whether that information was necessary prior to an approval. Staff noted that the elevation drawings mirror what is included for a footprint on the survey.

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

MOTION: Mr. Allen, Ms. Gunn second, to grant Application #22-5305, for a modification to Special Exceptions #20-5240, #19-5219, and #19-5210, to build a 58'x26' two-story house and to relocate the structure on the property, per the drawings submitted, for the property located at 812 Hosley Road; motion passed with Mr. Allen, Mr. Dew, Mr. English, Ms. Gunn, and Mr. Pollack voting in favor.

Mr. Marino rejoined the meeting at 7:49PM and resumed his role as chairman and Ms. Gunn resumed her alternate board member status.

4. APPROVAL OF MINUTES.

A. June 28, 2022 Regular Meeting.

The June 28, 2022 Meeting Minutes should include the following modification:

The language in the sixth line of the first paragraph of the second page that reads, "...*He noted that the steel beams are rotted and in need of replacement. He explained that his clients were unaware of this fact prior to their purchase....*" should instead read, "...*He characterized the steel beams are rotted and in need of replacement. He relayed that his clients were unaware of this fact prior to their purchase....*".

MOTION: Mr. Dew, Mr. English second, to approve the June 28, 2022 Minutes as modified; Motion passed with Mr. Dew, Mr. English, and Mr. Marino voted in favor while Mr. Allen and Ms. Gunn abstained.

5. CORRESPONDENCE.

Mr. Marino noted that each board member should have received the newsletter from the Connecticut Federation of Zoning. Additionally, an invitation was received from the Planning and Zoning Commission to this board to join them for a triboard meeting on Thursday, July 28th at 4PM, as opportunities are sought to streamline the land use permitting process, Mr. Marino reported. Finally, staff reported that the draft of the Town's Affordable Housing Plan was available for review through the Town's website under the Housing Steering Committee under the Board of Selectmen.

6. ADJOURNMENT.

MOTION: Mr. English, Mr. Dew second, to adjourn at 7:57PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**