



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Town OF Winchester Town Hall
338 Main Street – 2nd Floor, P. Francis Hicks Room – Winsted
December 28, 2021 – 7:00PM
Regular Meeting Minutes

1. ROLL CALL:

Paul Marino noted that the following individuals were present in addition to himself: John Pollack, and Alternates David Carter and Ron Dew. Phillip Allen and Aubrey English were absent excused. Hal Wilkes was absent. Mr. Carter and Mr. Dew were seated.

2. EXPLANATION OF PROCEDURE:

Mr. Marino explained that approvals from this Board require four affirmative votes. He noted that with only four members present, an application needed a unanimous vote of approval from all four seated members. Mr. Marino explained that the applicant would have the option of continuing the matter. 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#21-5284 – Variance Location: 205 Perch Rock Trail Applicant/Owner: Ingrid A. Pierce Proposal: Rear Yard Setback and Side Yard Setback Variance and Impervious Surface Variance for Deck and Addition to Back of Dwelling; Front Yard Setback and Side Yard Setback Variance and Impervious Surface Variance for Addition to Front of Dwelling.

Staff reported having received a request from the applicant to continue the application to the following regular meeting due to her engineer being sick with COVID-19.

MOTION: Mr. Dew, Mr. Carter second, to continue Application ZBA#21-5284 to the January 25, 2022 regular meeting; unanimously approved.

B. ZBA#21-5285 – Variance Location: East Lake Street (Resha Beach Map 114, Block 124, Lot 001A) Applicant/Owner: Town of Winchester Proposal: Impervious Surface Variance for Proposed Roofed Pavilion.

Recreation Board Chairman Kurt Williams and Recreation Department Director Tanya Rissucci appeared before the board regarding this application. Mr. Marino observed that the variance being sought was for one-half percent impervious surface coverage. It was noted that a spec sheet on the pavilion was provided as an example of what the Board would like to install at Resha Beach.

Mr. Williams explained that the purpose of the pavilion was for the lifeguards and the camp counselors. He noted that there was currently no escape from the sun or inclement weather. Mr. Marino questioned how the pavilion would be managed, should residents or other lake goers occupy the pavilion prior to the lifeguards or camp counselors arriving. Mr. Williams noted that there were no current plans to locate any picnic tables under the pavilion. He noted that the recently updated ordinances very clearly indicate that the town-organized functions have priority on town-owned land.

Mr. Pollack questioned where the campers would be coming from. Mr. Williams indicated that each year is different, with last summer having the camp split between Pearson School and the Gaylord Tiffany Pickett building on Rowley Street. Mr. Marino questioned whether the beach has a posted closing time.

Mr. Williams noted that the ordinances provide for the closing time as sunset. Mr. Pollack questioned why the pavilion would be on this beach rather than the other one (Holland Beach). Mr. Williams explained that Holland Beach was merely a slim piece of land and was barely a beach at all. Mr. Carter questioned whether the abutting property owners had been advised regarding the application. Mr. Williams confirmed, noting that there had been a sign installed.

Mr. Pollack questioned what would be available for bathroom facilities. Mr. Williams indicated that there were currently no bathroom facilities at either beach but for the Port-O-Lets that are put there in the spring and taken down in the fall.

The hearing was open to the public.

Dave Antoniazzi of 25 East Lake Street read aloud his prepared remarks, sharing his opposition to the proposal. He shared his concerns including the lifeguards being charged with asking residents to vacate the pavilion should one get it ahead of town staff. He also shared his concerns with littering, graffiti artists, others who may use it as a bathroom break, and people who may use it for midnight swimming.

Jen Perga of 678 East Wakefield Boulevard shared her concerns for the potential for added garbage to the site, noting the car repairs that have occurred in the lot. Ms. Perga also shared her concerns with the impervious surface and whether the granting of the variance for a town-owned property might be perceived as setting a precedent. She questioned whether a tent could be used at this location for the season.

Breandan Parker of 111 Hurlbut Street spoke in opposition of the application sharing his concern with the pavilion creating a magnet for trouble and with the potential for additional litter. He indicated that he paid a "view tax" and that the pavilion would block his view of the lake.

Mr. Marino read aloud a letter in support of the application from John Schaeffer and Feliks Viner of the Kids of Summer Foundation. Additionally, one was read from Jeff Albanesi, a supervisor and employee of the town's summer camp for the past sixteen years, describing his personal experience with campers, counselors, and lifeguards battling sunburn and needing respite from the sun. Finally, Mr. Marino read aloud a communication from Linda Groppo of 18 Cherry Street, in opposition to the application, sharing her concerns with water quality at Highland Lake noting the impacts with an increase in impervious surface. She also had concerns with an increase in litter at the beach.

The public hearing was closed.

MOTION: Mr. Marino, Mr. Dew second, to grant a variance from Section II.B.ii. of the zoning regulations for Application #21-5285, a 13.5% impervious surface variance for a roofed pavilion, as per the drawings submitted, for the property located at the corner of East Wakefield Boulevard and East Lake Street, known as Resha Beach; Motion failed with Mr. Marino and Mr. Dew in favor while Mr. Carter and Mr. Pollack were opposed.

Following the motion but prior to the vote, the board discussed the application. Mr. Pollack shared his concerns with what would happen with the pavilion when the kids aren't there, such as at nighttime. He noted that there would be a need for extra police. Noting that it was unclear whether picnic tables would be added to the area, Mr. Marino shared his concerns. Mr. Carter did not think it was a good idea for something needed for only 2½ months per year. Mr. Dew noted that he did not think there would be additional cars or litter as a result of adding a pavilion.

C. ZBA#21-5288 – Variance Location: 107 Spencer Hill Road Applicant: Frank Carfiro and Suzanne Carfiro Owner: Anthony Carfiro and Melissa Carfiro Proposal: Variance to Exceed Maximum Gross Floor Area of 900 Square Feet for an Accessory Apartment.

Frank Carfiro and Suzanne Carfiro appeared before the board regarding this application. A request was made that the following application be considered simultaneously with this one. When queried, Mr. and Mrs. Carfiro agreed to proceed with their application despite it being heard by only four seated members.

Mr. Carfiro explained that their intent was to build an in-law apartment over an existing garage on the property owned by their son and daughter-in-law. He noted that the parcel is almost seventeen acres with no home within 300' of this property. The hardship was described as birthdays, taxes, and health, according to Mr. Carfiro. He indicated that the accessory apartment will have handicap access from the back of the dwelling.

Mr. Marino noted that the variance sought was due to the exceeding of the maximum floor area allowed, 900 square feet. He questioned exactly what was in excess of that. Mr. Carfiro indicated the finished space would be just over 1500 square feet. Ms. Carfiro explained the need for 88 square feet. She spoke about the challenges faced with mobilizing in a home that was not constructed for handicap accesses with a family member who had suffered from diabetes. She noted that they expected to face those same challenges with Mr. Carfiro and were building this home with that in mind. Ms. Carfiro noted that there would be only one step off the driveway to that rear porch. She explained that the size of the dwelling was needed due to the needed area for healthy air flow as has become necessary since the COVID-19 pandemic. Mr. Carfiro explained that the building was a detached structure. Mr. Marino noted the proposal was 1571 square feet with an additional 88 square-foot porch.

Mr. Marino questioned whether the existing building was being demolished. Mr. Carfiro indicated that it was not, and that a second floor would be added to it. He noted that the plans were designed the way they were because there is ledge behind the garage currently and so that was why the addition had to be angled that way.

Noting that he had visited the site and remarking how large the parcel was, Mr. Pollack questioned how large the property was. Ms. Carfiro noted that it was almost seventeen acres. Mr. Pollack did not see it as a problem.

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

Ms. Carfiro submitted a copy of screenshot from a cellphone, noting it was a text. Mr. Marino read it aloud, noting that it was from a Pam Zablocki of 101 Manchester Heights sharing her support for the application.

Staff questioned whether there was clearing planned to the rear of the structure in order to build the necessary handicap access. Mr. Carfiro confirmed. The applicants also confirmed that every doorway access within the unit would be the necessary handicap width.

The board reviewed the section of the Zoning Regulations that address Accessory Apartments, reminding the applicants that one of the two units must be owner-occupied.

The public hearing was closed.

MOTION: Mr. Marino, Mr. Dew second, to grant a variance from Section IV.a.ii.e. of the Zoning Regulations for Application #21-5288 for an accessory apartment exceeding the maximum gross floor area of not greater than 900 square feet for a dwelling size, at 30'x24' with a pie shaped 5'x3'x24' foyer space, a 35'8"x24' living room/dining room/kitchen area and a 10'x8'6" covered porch on the westerly

side of the dwelling unit and a 290 square foot deck off the easterly side of the new dwelling unit, as per the drawings submitted, for the property located at 107 Spencer Hill Road; unanimously approved.

Following the motion but prior to the vote, the board members considered the application. Mr. Pollack noted that if the request was at Highland Lake, he would think differently but with it being on Spencer Hill Road and with the large size of the property, he did not foresee how it might hurt the environment. Mr. Dew concurred.

D. ZBA#21-5289 – Special Exception Location: 107 Spencer Hill Road Applicant: Frank Carfiro and Suzanne Carfiro Owner: Anthony Carfiro and Melissa Carfiro Proposal: Accessory Apartment.

The board had taken testimony on this application and reviewed it simultaneously with the preceding one.

MOTION: Mr. Marino, Mr. Carter second, to approve a Special Exception per Section IV.a. of the Zoning Regulations for Application #21-5289 for an accessory apartment as per the drawings submitted for the property located at 107 Spencer Hill Road; unanimously approved.

4. OLD BUSINESS.

None.

5. APPROVAL OF MINUTES.

A. November 23, 2021 Regular Meeting.

MOTION: Mr. Dew, Mr. Pollack second, to approve the November 23, 2021 Minutes; Motion approved with Mr. Dew, Mr. Marino, and Mr. Pollack being in favor while Mr. Carter abstained.

6. CORRESPONDENCE.

No business discussed.

7. OTHER BUSINESS.

No business discussed.

8. DISCUSSION WITH ZONING ENFORCEMENT OFFICER (IF ANY).

No business discussed.

9. ADJOURNMENT.

MOTION: Mr. Carter, Mr. Dew second, to adjourn at 8:20PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk