



TOWN OF WINCHESTER ZONING BOARD OF APPEALS

Held Remotely (Via Zoom)

and was streamed live on YouTube:

<https://www.youtube.com/channel/UCT1ffiBjMTBQM5OEXSgKlqg/videos>

April 28, 2020 – 7:00PM

Regular Meeting Minutes

Chairman Phillip Allen called the meeting to order at 7:00PM.

1. ROLL CALL:

Mr. Allen noted that the following individuals were present in addition to himself: John Massicotte (7:30PM), John Pollack, Hal Wilkes and Alternates Aubrey English and Paul Marino.

It was noted that Neil Hunt was absent excused. As Mr. Massicotte was not originally present for the Zoom meeting initially, both Mr. English and Mr. Marino were seated.

Also present for this meeting was Zoning Enforcement Officer/Building Official Marc Melanson.

2. EXPLANATION OF PROCEDURE:

Mr. Allen explained that applications would be reviewed the way they always are. He noted that the review of each application will include an opportunity to provide information regarding the application, a chance for the Board to question the applicant and/or representative as well as closing comments by the applicant. He explained that the public will have an opportunity to ask questions and make comments, too. Mr. Allen explained that an approval from this Board requires four affirmative votes.

3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS:

A. ZBA #20-5239 - Variance Location: 135 Shore Drive Applicant/Owner: Sally Carotenuti Proposal: Construct Garage, Covered Front Porch, 5.5'x5.5' Mudroom Addition, Enclose and Expand Existing Landing in Rear and 37'x4.5' Deck Expansion.

Sally Carotenuti appeared before the Board regarding this application. As a retiree in her seventies, she explained that she needed a garage so that she would not have to clean off her car in the winter. Ms. Carotenuti noted that she had fallen a couple of times this past winter going from her car to her home. She noted that this is the same reason for adding a front porch and explained that it would give her some added protection and a view of the lake. Ms. Carotenuti noted that the proposal would also give her relief from having only two small closets, too.

Ms. Carotenuti explained that she is proposing to enclose the back covered porch to convert into storage space for her kitchen and for her winter items. She noted that she does not have a basement.

Mr. Pollack questioned whether the proposal was for a two-car garage. Ms. Carotenuti noted that the plan was to construct a modest one-car garage. Mr. Pollack noted that a letter had been received from a neighbor who had concerns that her view would be blocked. In response

to those concerns, Ms. Carotenuti explained that she had shared photographs to demonstrate that once the trees bloom, there would not be much of a view anyway. She noted that while there might be some view temporarily, it is across the street and through two properties.

Mr. Marino questioned whether the garage was a single-story. He questioned whether there were any elevation drawings. Ms. Carotenuti noted that there were not because she had been advised to not outlay those costs for fear that the application would not be approved. She noted that the garage is intended for one car and is as compact as she could make it. Mr. Marino explained how the height of the building is something they consider. Ms. Carotenuti noted that the dimensions would be 14'x20'x15'.

The Board reviewed the submitted photographs. Ms. Carotenuti explained that the photographs depict the street view when looking from the house. Mr. Marino requested a photograph of the house. When reviewing the concerns regarding the view from the neighbor, Ms. Carotenuti explained that the view was expanded some after she had trees removed which were compromised in order to remove the potential of them falling on her dwelling. She explained that this is located near her parking area but that she has always intended to replant the crabapple tree.

Mr. Allen questioned the increase in impervious coverage and whether there was anything that could be done to avoid this. Ms. Carotenuti noted that the porch might be able to be reduced and could possibly remove the shed. If she had to, she could eliminate the shed but explained that the garage was very important to her because of her age and added necessary security.

Mr. Wilkes shared concerns without having the elevation drawings for the garage.

In discussing the possibility of a continuance, Mr. Allen suggested that the modifications to be undertaken should be those that are possible and still achieve the applicant's goal of safety with as little increases in impervious coverage as possible.

The hearing was open to the public.

Priscilla Podesta of 125 Shore Drive noted that she was not opposed to the porch or mudroom. She questioned the height of the proposed garage and how having to go outside from the house to access the garage affects the described hardship.

Ms. Carotenutti estimated the difference to be five feet and maintain that the garage would serve her well to avoid the snow removal.

Mr. Allen read aloud the letters of support for the application from Jill Hyde of 160 Shore Drive and Glen Pelligrinelli of 137 Shore Drive. Ms. Carotenutti reminded the Board of the email from neighbor Michael Ganim who had questioned the water runoff. Ms. Carotenutti noted it was the impetus behind the submitted photographs, explaining that any runoff from his property were not a result coming from her site.

Ms. Carotenutti requested a continuance of the hearing in order to provide additional information.

MOTION: Mr. Allen, Mr. Pollack second, to continue the application on ZBA#20-5239 to the next regular meeting scheduled for May 26, 2020; Mr. Allen, Mr. English, Mr. Pollack, Mr. Marino, and Mr. Wilkes voting aye.

Mr. Marino recused himself from the following application and Mr. Massicotte was seated for the remainder of the meeting.

B. ZBA #20-5240 – Special Exception Location: 812 Hosley Road Applicant/Owner: Mary Ann Marino Proposal: Modification of Special Exception: Rebuild Home in Another Area on Lot and Enlarge Approved Garage.

Mary Ann Marino appeared before the Board regarding this application. She reminded the Board that this was her third time before them, explaining that her last modification was a result of not having planned the garage large enough for her truck. She noted that while the previous plans allowed for the length of her truck, she had overlooked the width of the truck. The current plan only provided for three (3') feet for either side of the truck without the doors hitting the wall. The current proposal included only changes to the side yard on the east side of the home, reducing the setback from fifty-two (52') feet to forty-five and one-half (45 1/2') feet. Additionally, the impervious surface coverage increases from 7.9% to 10.1%, according to Ms. Marino.

Ms. Marino explained that the proposal also included an expansion of the footprint of the house in order to locate the mechanicals under the staircase. Therefore, she noted that the width of that portion of the house is increasing from fourteen (14') feet to sixteen (16') feet.

Mr. Allen questioned whether the existing structure would be demolished. Ms. Marino confirmed.

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

MOTION: Mr. Allen, Mr. Wilkes second, to grant Application #20-5240, for a modification to Special Exceptions #19-5210 and #19-5219, to build a 46'x26', two-story house with a 3.0'x14.8' jog and a 3.5' x 14'8' front porch and to relocate the structure on the property, per the drawings submitted, for the property located at 812 Hosley Road; Motion approved with Mr. Allen, Mr. English, Mr. Massicotte, Mr. Pollack, and Mr. Wilkes voting aye.

C. ZBA #20-5241 – Variance Location: 115, 127, and 135 Main Street Applicant: Cumberland Farms, Inc. Owner: Cumberland Farms, Inc./Rhee Family, LLC/Charles T. Rhoades Proposal: New Convenience Store and Gas Fueling Operation

Attorney Joe Williams of Shipman and Goodwin, accompanied by his associate Andrea Gomes, Professional Engineer Jim Bernadino, and his client Peter Yeskey of First Hartford Realty, appeared before the Board regarding this application and the one following regarding a location approval. Attorney Williams confirmed that the signs noticing the hearing were properly installed and noted that the abutting property owners were properly noticed of this hearing. Attorney Williams provided background to the variance applications being sought, noting that they are unique in that the Town's Zoning Regulations provide for a required minimum coverage and maximum setbacks.

Attorney Williams reported that Cumberland Farms was under contract to purchase the two properties with abandoned restaurants at 127 Main Street and 135 Main Street. He noted that along Main Street, there are multiple properties with buildings set back more than five feet from their property line. Attorney Williams explained that the proposal is to demolish all three buildings at the subject site and construct a 4600 square foot convenience store along with a gas operation that includes four dispensers and a canopy. There would no increase in the

number of dispensers from the number that exist today, according to Attorney Williams. He noted that the site is challenged by the steep topography that slopes down to a river. Mr. Bernardino reviewed the details of the site plan. Sharing the screen, he went over the development area. He shared photographs of the existing property, noting that the site currently only has six parking spots. With the new store, the site will have twenty-four spots. Mr. Bernardino noted that the upgrade of the facility will improve site circulation. He reviewed the future merged parcels, comprising .8 acre. Curb cuts will be better defined, according to Mr. Bernardino.

Because of the steep slopes in the back of the property, Mr. Bernardino explained that retaining walls are needed to the rear of the property. As a result, it is necessary to pull the proposed development towards the front, according to Mr. Bernardino.

Explaining the need for the variances, Mr. Bernardino reviewed an example of what the building would appear if it were to meet the setback requirements.

Attorney Williams opined that the hardships had been met due to the location, configuration, and topography of the site, it would be impossible to comply with the maximum setbacks and minimum building coverage. He noted that it would not be possible, citing the need to pull the building back away from the river and the need for safe site access.

The hearing was open to the public. No comments were received.

Mr. Allen read aloud a letter of support from the Economic Development Commission.

MOTION: Mr. Allen, Mr. English second, to approve Variance application # 20-5241, From Section II.C.b.i.: For the Primary Building: a Front yard setback variance of 25.6' , an East side yard setback variance of 214.3' , a West side yard setback variance of 12.9' , a Rear yard setback variance of 54.6'. For the Accessory Structure: a Front yard setback variance of 14.8' , an East side yard setback variance of 115.7' , a West side yard setback variance of 124.2' , a Rear yard setback variance of 56.6'. For the site, a Variance for Minimum Building Coverage of 63.1%; and from section III.E.5.a., to be able to not install the required 10' landscaped buffer between the public highway and the parking lot, for the purpose of merging 3 parcels of land, demolishing the existing structures and building a gas station/convenience store on the property, as per the drawings submitted, for the properties located at 115 Main Street, 127 Main Street, and 135 Main Street; Motion approved with Mr. Allen, Mr. English, Mr. Massicotte, Mr. Pollack, and Mr. Wilkes voting aye.

D. ZBA #20-5242 – Motor Vehicle License Application Location: 115, 127, and 135 Main Street Applicant: Cumberland Farms, Inc. Owner: Cumberland Farms, Inc./Rhee Family, LLC/Charles T. Rhoades Proposal: Request for a CGS§ 14-321 Location Approval for the Sale of Gasoline.

Attorney Joe Williams of Shipman and Goodwin, accompanied by his associate Andrea Gomes Professional Engineer Jim Bernadino, and his client Peter Yeskey of First Hartford Realty, appeared before the Board regarding this application. It was discussed and considered in combination with the previous variance application. Attorney Williams had reminded the Board that Cumberland Farms had been selling gas at its current location since the 1970s. By state statute and because there is a proposal to expand the sale of gas on adjacent properties, a location approval was being sought, according to Attorney Williams. He noted that the new design is intended to improve the safety of the layout of the station.

Mr. Allen read aloud a letter of support from the Economic Development Commission.

MOTION: Mr. Allen, Mr. English second, to approve application # 20-5242 for a General Statutes § 14-321 Certificate of Location Approval for the sale of gasoline, and to have the Chairman sign the site plan after the properties are merged, for the property located at 115 Main Street, 127 Main Street, and 135 Main Street; Motion approved with Mr. Allen, Mr. English, Mr. Massicotte, Mr. Pollack, and Mr. Wilkes voting aye.

E. ZBA #20-5243 – Special Exception Location: 376 East Wakefield Boulevard Applicant: Matthew Closson Owner: Ken Albino Proposal: Construct Covered Deck in Accordance with Submitted Drawings.

It was noted that the applicant had requested a continuance of the application.

MOTION: Mr. Allen, Mr. Wilkes second, to continue Application ZBA #20-5243 to the next regular meeting scheduled for May 26, 2020; Motion approved with Mr. Allen, Mr. English, Mr. Massicotte, Mr. Pollack, and Mr. Wilkes voting aye

F. ZBA #20-5244 – Variance Location: 787 Main Street Applicant/Owner: Ahmed Ali One, LLC Proposal: Raze and Remove Dilapidated Retail Building and Convert Remaining Garage into Retail Space for Convenience Store.

Professional Engineer Rob Colabella, of Laurel Engineering, appeared before the Board regarding this application. He noted that his clients were seeking a variance from the minimum building coverage in the Town Center Zone. Mr. Colabella explained that 47% of the lot is taken up by the Mad River. He noted that a gas station cannot feasibly cover 75% of the lot.

Mr. Colabella reviewed the site plan. He explained that his clients intended to raze the entire convenience store and convert the existing garage into the new convenience store. Mr. Colabella explained that the entire exterior façade of the building will be changed.

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

Mr. Allen read aloud a letter of support from the Economic Development Commission.

MOTION: Mr. Allen, Mr. Wilkes second, to approve variance application #20-5244 , for a variance from Section II.C.b.i, for a Minimum Lot coverage Variance coverage of 65.8%, for the purpose of Demolishing a section of an existing building, as per the drawings submitted, for the property located at 787 Main Street; Motion approved with Mr. Allen, Mr. English, Mr. Massicotte, Mr. Pollack, and Mr. Wilkes voting aye.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – February 25, 2020:

MOTION: Mr. English, Mr. Pollack second, to approve the February 25, 2020 Minutes; Motion passed with Mr. Massicotte, Mr. English and Mr. Pollack voting aye while Mr. Allen and Mr. Wilkes voting aye.

6. BILLS PRESENTED:

None.

7. CORRESPONDENCE:

None.

8. OTHER BUSINESS:

None.

9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

None.

10. ADJOURNMENT:

MOTION: Mr. English, Mr. Allen second, to adjourn at 8:55PM; unanimously approved.

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