



**TOWN OF WINCHESTER ZONING BOARD OF APPEALS**  
**Town of Winchester Town Hall, 338 Main Street**  
**P. Francis Hicks Room – 2nd Floor**  
**September 25, 2018 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: Neil Hunt, John Massicotte, John Pollack, and Alternates Aubrey English.

Hal Wilkes and Alternate Paul Marino were absent.

Also, present for this meeting was Director of Planning and Community Development/Zoning Enforcement Officer Steve Sadlowski.

Aubrey English was seated for Mr. Wilkes.

**2. EXPLANATION OF PROCEDURE:**

Mr. Allen explained that an approval from this Board requires four affirmative votes. Accordingly, Mr. Allen also explained that the applicants were entitled to a vote before five seated members. He noted that applicants usually receive a disposition on the application the same evening of the meeting. Mr. Allen explained that the proceedings include the applicant's 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.

**3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS:**

**A. ZBA #18-5199 Appeal from Zoning Enforcement Officer's Decision Applicant: LaPointe's Floor Covering Location: 2 East Lake Street.**

Explaining that the Town's Attorney Kevin Nelligan was unable to attend the hearing, Mr. Allen requested that the Board continue the public hearing to next month's regularly scheduled meeting.

**MOTION:** Mr. Allen, Mr. Hunt second, to continue the public hearing in the matter of ZBA #18-5199 Appeal from Zoning Enforcement Officer's Decision Applicant: LaPointe's Floor Covering Location: 2 East Lake Street; unanimously approved.

**B. ZBA #18-5201 Variance Location: 29 Main Street Applicant: Mercury Fuel Service, Inc. Owner: Twenty Nine Main Proposal: Request for Variance from Section II.D.b.ii for an Impervious Surface Variance of 4%, Request for Variance from Section II.D.b.ii for a Front Yard Variance of 5 feet, and Request for Variance from Section III.E.5.ii for a Variance for Relief from Front Landscape Buffer.**

The legal ad was read into the record. Siyuan Cao, PE, of Civil One, accompanied by Mike Devino of Mercury Fuel Service, appeared before the Board regarding this application. Referring to the 24"x36" rendering of the site, Mr. Cao noted the location of the parcel on Main

Street between CVS and McDonalds in the Town Gateway zone. He also noted that the wetlands had been delineated in July and an A2 survey completed in August. Mr. Cao explained that the proposal is a complete renovation of the business including the gas tanks, the gas pumps, the canopy and the convenience store. He explained that the traffic circulation is included among the improvements.

Mr. Cao explained that the hardship necessitating the variances is due to the limitations inherent in the site, which restrict the location for a more contemporary operation. He noted that the landscape buffer as well as the canopy were required to be pushed back, explaining that the existing canopy currently extends over the property line into the town right of way.

With respect to the variance for coverage, Mr. Cao explained one was necessary to provide adequate space for the truck turning ratio.

Mr. Pollack questioned whether the number of pumps and bays will remain the same. Mr. Cao confirmed. Mr. Pollack questioned the size of the store. Mr. Cao indicated that the proposed new store will be slightly more than twice the size of the existing store, at more than 4300 square feet.

Mr. Cao also remarked that the stormwater drainage has been significantly improved at the site.

Mr. Pollack questioned the number of parking spaces. Mr. Cao indicated that there shall be thirteen in front of the store and four by the pump. Copies of a photograph of a gas station with a similar façade as the proposed was distributed.

Mr. Cao explained that as there is some work within the 100-year floodplain, the area is balanced but does push the development forward on the site.

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

The hearing was then closed at 7:14PM.

**MOTION:** Mr. Hunt, Mr. Massicotte second, to grant Variance Application #18-5201, a Front-Yard variance of 5 feet for the canopy, an impervious coverage variance of 4%, and a Front Landscape Buffer variance of 10 feet to demo existing gas station/convenience store and build a new one as per the site plan submitted entitled, “Schematic Site Layout Plan, Service Station & Convenience Store Renovations” 29 Main Street by Civil 1, dated 14 August, 2018; unanimously approved.

Prior to the vote on the aforementioned motion, the Board discussed the hardship presented. It was agreed that the proposal was a good compromise given the restrictions of the site and what the Zoning Regulations allow.

**C. ZBA #18-5202 Variance Location: 83 East Lake Street Applicant/Owner: Gary Meyer and Keith Meyer Proposal: Request for Variance from Section II.G.b.ii for a Rearyard Setback Variance of 32.5 feet, Request for Variance from Section II.G.iv.a. for a Sideyard Variance of 6.5 feet, and Request for Variance from Section II.G.b.ii for a Frontyard Variance of 7.5 feet.**

The legal ad was read into the record. Gary Meyer and Keith Meyer appeared before the Board regarding this application. Proof of notice to neighbors, advising them about the application and respective hearing, was provided for the record.

Mr. G. Meyer distributed copies of letters supporting the proposal. He explained that his proposal centers around re-centering the home that encroaches over the boundary lines and build a year-round home. Mr. G. Meyer noted that the home will be handicap accessible and will be fifteen inches wider on both sides.

Mr. Sadlowski questioned the walkway on the right and whether the applicants were considering it as part of the house. Mr. G. Meyer indicated that it is a handicap ramp. He explained that it is over the boundary line while the wall is also close at 1.7'. The proposal is to pull the structure back to 2.5' from the property line. The boundary on that side abuts a 10' right of way that is currently a grassy strip leading to East Lake Street and is generally unused. Mr. G. Meyer explained that the 15' right of way on the other side of the property is the main access for ingress and egress.

Mr. G. Meyer explained that the proposal also includes other improvements including a rain garden near the water that will function to improve drainage at the site by the underground piping flowing into that. He noted that the driveway and parking would be converted from stone to some type of pervious, eco block. The 10.3'x6.3' shed down by the water and the other shed up in the front of the yard will be removed, according to Mr. G. Meyer.

Mr. Sadlowski agreed that there had been a typo with the agenda, explaining that no variance was needed for the left side of the parcel but the right side did, the front yard did, and the deck.

Mr. Pollack questioned the height of the existing home. Mr. G. Meyer indicated that the existing house is one level and the proposed new dwelling will be 1½ level.

Mr. Pollack questioned whether the driveway was an adequate size for construction vehicles. Mr. G. Meyer indicated that there is plenty of room noting that there has been as many as six or seven cars parked there at times. He noted that if they had to they could use the ten foot strip right of way.

Mr. Massicotte questioned whether the 28 feet allotted for the width of the home included overhangs. Mr. G. Meyer indicated that it did not. It was noted that the tails of the roofline would likely stick out six inches. Mr. Sadlowski noted that page 31 of the Zoning Regulations permits common architectural features to protrude up to two (2') feet from the structure. He noted that gutters also add an additional four (4") inches to the edge of the roofline.

Mr. G. Meyer indicated that the reason the proposed new house was sized at 28' was to allow for two typical-sized garage doors and one four-foot wide handicap accessible door for a wheelchair.

Addressing hardship, Mr. G. Meyer explained that the size of the dwelling needs to be twenty-eight (28') feet to allow an elevator to be installed. He noted that the elevator will go to the first floor only. He acknowledged that the bedroom will not be handicap accessible.

Mr. G. Meyer acknowledged that the home will require firewalls, with no windows, on both the left and right sides due to the proximity to the boundary line.

Mr. Massicotte questioned whether there will be a ramp off the front of the home. Mr. G. Meyer indicated that one will not be necessary as it will be a straight shot in from the front. He noted that there will not be one on the lake side either.

The hearing was open to the public.

Eric Richard of 71 East Lake Street spoke in favor of the application noting that he had no objections and would have none to the right of way on his property used as staging for the construction equipment. He noted that the current owners have already made marked improvements since moving in.

David McBride spoke on behalf of the abutting neighbor Corale Cyr who was unable to make the meeting as she was in the hospital. Mr. McBride noted that the Zoning Regulations prohibit the increase in non-conformities. He opined that a hardship had not been established, especially in terms of the ADA requirements. Mr. McBride noted that the plans do not show accessibility details to support the need. He explained that the elevator is too small, there is no five (5') turning radius in the bathroom, and the kitchen island hinders access to appliances rendering it unacceptable. He urged the Board to consider requiring the applicant to install a privacy fence or a planted buffer along the northeastern corner of the property of Corale Cyr.

Mr. McBride then pointed the location of the property owned by Ms. Cyr out on the survey.

Don Templeton of 67 East Lake Street spoke in favor of the application, indicating he had no objections to the plans.

Mr. Sadlowski reminded the Board that a copy of the letter from Ms. Cyr had been provided to them.

Becky Lippincott of 38 Forge Hill Road, Barkhamsted, identifying as the daughter of Mr. G. Meyer, spoke in favor of the application, noting that her father had only addressed the hardship tied to the land. Ms. Lippincott referred to what she described as the human element of the proposal, explaining that this is the location her parents have dreamt about for their retirement.

Michael Krompegal of 85 East Lake Street spoke in favor of the application explaining he had no objections to the proposal.

Shawn Meyer, wife of applicant G. Meyer, quipped that the hardship was buying property at the lake, explaining that had they purchased a home anywhere else, the proposal would not be as big as an issue.

The hearing was closed at 8:04PM.

**MOTION:** Mr. Hunt, Mr. Massicotte second, to grant Variance Application #18-5202, a right-side variance of 32.5 feet, deck side yard variance (both sides) 6.5 feet, and front yard variance of 7.5 feet, to demo existing home and construct a new home and deck as shown on plans entitled, "Property Survey Prepared for Gary and Keith Meyer 83 Lake Street Winchester Connecticut David J. Little, Land Surveyor dated June 11, 2018" and submitted elevation plans as found in the file, subject to the following:

1. Installation of pervious pavers and rain garden as shown on the above plans are required as part of this approval and must be constructed and approved prior to a CO being issued.
2. Home may need to be moved toward the lake slightly to achieve the 42.5' rear-yard setback as proposed.

*Unanimously approved.*

Prior to the vote on the aforementioned motion, the Board agreed that the hardship was the oddly constructed parcel that many of the lake properties have to deal with as they were created before Zoning. The existence of setbacks with the property as a whole effect an existing house that in order to be made modern needs the setbacks modified and not seen as unreasonable.

**4. NEW BUSINESS.**

None.

**5. APPROVAL OF MINUTES – August 28, 2018:**

The August 28, 2018 Minutes ought to reflect Mr. English as being present.

**MOTION:** Mr. English, Mr. Allen second, to approve the August 28, 2018 Minutes as amended; unanimously approved.

**6. BILLS PRESENTED:**

None.

**7. CORRESPONDENCE:**

None.

**8. OTHER BUSINESS:**

None.

**9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:**

None.

**10. ADJOURNMENT:**

**MOTION:** Mr. Hunt, Mr. English second, to adjourn at 8:12PM; unanimously approved.

Respectfully submitted,  
Pamela A. Colombie  
Recording Clerk