



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
August 28, 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, Hal Wilkes and Alternate Neil Hunt.

Aubrey English was absent.

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

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 open the public hearing but immediately continue the matter to next month's regularly scheduled meeting. The Board complied. The public hearing was opened and immediately continued.

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#18-5200 Variance – Location: 372 East Wakefield Boulevard Owner: William Fox Applicant: Chris Start Request for Variance of 9.2 feet from Rear Yard Setback Requirement.

Chris Start appeared before the Board regarding this application. He explained that he is the licensed contractor proposing to enlarge the deck on the rear of the home as his client is seeking to enlarge it and enjoy use of the property from the deck.

Mr. Sadlowski reminded the Board that the Zoning Regulations require that decks be at least twenty (20') feet from the lake's edge.

Mr. Start explained that the proposed work will allow the deck to be squared from the home, noting that the dwelling is centered to the shore line. He noted that the work will allow for parking on the side of the house.

Mr. Start distributed photographs from the existing deck, looking towards the shore as well as others from different perspectives.

Mr. Start noted that the change of grade goes from about six degrees to as many as twenty-four or twenty-five. He explained that this steepness is another reason for the variance request so that the children can be viewed as they play.

Mr. Start submitted correspondence from neighbors of the subject site supporting the request. Mr. Allen reported that the letters were received from Tony Sandonato of 364 East Wakefield Boulevard and Ed Dzielak of 362 East Wakefield Boulevard.

Mr. Start explained that the hardship with the site is that the topography of the land renders a lot of the property unusable and it has only a small deck to enjoy the lake. He noted that the property is steep and has a lot of ledge to it with virtually no soil on it. Mr. Start explained that the property would need to be blasted to do much with the ledge.

Mr. Pollack questioned the pitch of the land and questioned how the deck would be installed. Mr. Start explained that the supports will be constructed on the flatter areas and the ledge will be built upon utilizing steel brackets to attach lumber.

Mr. Start noted that the project will involve removing both the upper and lower decks and include repairs to the home. He confirmed that all the elevations will remain the same.

Mr. Sadlowski questioned whether lattice would be installed as a screen on the bottom most portion of the lake-side of the deck. Mr. Start explained that he had not discussed that with the homeowner but that it was possible should this Board request it.

The hearing was open to the public for comment. None were received.

MOTION: Mr. Pollack, Mr. Hunt second, to close the public hearing; unanimously approved.

MOTION: Mr. Pollack, Mr. Hunt second, to grant Variance Application #18-5200, a rear yard setback variance of 9.5 feet to allow only the construction of an expanded lower deck as shown in red on the submitted plans entitled, "Variance Plan, William Fox and Lisa Donnelly 372 East Wakefield Boulevard Winchester, Connecticut Prepared by DiCara Land Surveying Services Dated July, 2018". Lattice or other enclosure will be installed under the lower deck; Motion passed with Mr. Allen, Mr. Hunt, Mr. Massicotte, and Mr. Wilkes voting aye while Mr. Pollack was opposed.

Preceding the vote on the aforementioned motion, Mr. Pollack shared his concern with approving a deck this close to the water and the possibility of setting precedence in this regard. Mr. Pollack also expressed concern with the steep grade of the site and his concern of safety in the event of a flood or a hurricane. Mr. Wilkes shared his concern with dirt washing into the water.

C. ZBA#18-5198 - Request for a DMV Motor Vehicle License Approval for the Property Located at 928 Main Street for Talal Aligozy.

Talal Aligozy appeared before the Board regarding this application. He explained that his proposal includes a used car dealer and repair shop at a location that had been previously approved for the same. Mr. Aligozy explained that the building has already been painted and the lot will be paved and striped.

MOTION: Mr. Pollack, Mr. Hunt second, to approve Application ZBA#18-5198 for a site location approval for a motor vehicle dealer’s license and for the Chairman to sign required documentation for the property located at 928 Main Street; unanimously approved.

4. NEW BUSINESS.

None.

5. APPROVAL OF MINUTES – July 24, 2018:

MOTION: Mr. English, Mr. Massicotte second, to approve the July 24, 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. Wilkes second, to adjourn at 7:29PM; unanimously approved.

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