



**TOWN OF WINCHESTER ZONING BOARD OF APPEALS**  
**Town of Winchester Town Hall, 338 Main Street**  
**P. Francis Hicks Room – 2nd Floor**  
**May 22, 2018 – 7:00PM**  
**Regular Meeting Minutes**

Chairman Phillip Allen called the meeting to order at 7:01PM.

**1. ROLL CALL:**

Mr. Allen noted that the following individuals were present in addition to himself: Neil Hunt, John Massicotte, John Pollack and Hal Wilkes.

It was noted that Alternate Aubrey English was absent.

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

**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. Pollack 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 #18-5193 Variance – Location: 674 East Wakefield Boulevard Owner/Applicant: Peggy Neal Proposal: Request for Variance from Section II.B.2.ii for an Impervious Surface Variance of 9.8%, Request for Variance from Section II.B.ii for a Front Yard Variance of 33.7 feet and Request for Variance from Section II.B.ii for a Side Yard Variance of 26.1 feet.**

Peggy Neal appeared before the Board regarding this application. She reminded the Board that her proposal is for a new attached garage. She noted that the doors to the garage will not face the road as during a rain storm, water pours off the road into her basement. Ms. Neal noted that she needs to redirect the water that flows onto her property and plans to do so with the addition of a garage.

Ms. Neal reported that her proposal has been modified since the last meeting. She noted that her neighbor Keith Tracy has provided a letter, supporting these revisions. Ms. Neal referred board members to a submitted packet, noting that the elevation drawings depicting her original proposal from April in dotted lines as well as the modifications. She noted that the roof line had been cut back twelve (12') feet as well as the height of the garage was cut two (2') feet. An additional change was a decrease to the dormer, according to Ms. Neal.

Ms. Neal reported that she had received approval from the Torrington Area Health District.

Ms. Neal noted that the proposal includes a foundation change of 800 square feet but that it was necessary to accomplish the necessary water diversion.

Mr. Pollack questioned whether Ms. Neal had ever contacted the Town to request that catch basins be installed to address the runoff at this site. Ms. Neal noted that there is one on the road near her but that it has not fixed the problem. Mr. Massicotte questioned how the water will be handled under her proposal. Ms. Neal noted that with a more pervious surface, it will naturally soak in where it should soak in.

Discussion ensued regarding pervious pavers.

Mr. Allen questioned whether the height of the ceiling in the second floor above the proposed garage was six (6') feet. Ms. Neal noted that it was not more than that. Her architect, John Lauzey, noted that the dotted line depicted the clearance of the narrow hallway to access the door on the second floor. Ms. Neal was questioned whether the second floor above the garage would be converted to living space. She noted that there is no water there and that she is not planning to do that. She indicated that she needs the 20'x6' space for storage as well as the eaves.

Mr. Wilkes questioned the process for modifying the driveway to a pervious surface. Mr. Melanson noted that it would need to be designed by a civil engineer who would stamp the drawings and certify that the surface is indeed pervious.

The hearing was open to the public at 7:23PM. No comment was received.

In concluding her presentation, Ms. Neal indicated that she is seeking to solve her water problem. She noted that her plan has been redesigned to address the concerns of her neighbors regarding their view.

The public hearing was closed at 7:25PM.

**MOTION:** Mr. Hunt, Mr. Massicotte second, to grant Variance Application #18-5193 for an impervious surface variance of 9.8%, front yard setback variance of 33.7 feet, and sideyard setback variance of 26.1 feet; Motion failed with Mr. Hunt, Mr. Massicotte, and Mr. Wilkes voting aye while Mr. Allen was opposed and Mr. Pollack abstained.

Following the aforementioned motion but preceding the vote, Mr. Pollack opined that more detail would have aided in a more informed decision. The reason cited for the failure of the motion was too much building for the lot.

**B. ZBA#18-5194 Variance Location: 121 Shore Drive Owner: Timothy J. Quinn, Sr. and Linda G. Quinn Applicant: Timothy J. Quinn, Sr. Proposal: Request for Variance from Section II.G.b.ii North Sideyard Setback of 27 feet, South Sideyard Setback of 7.2 feet, and Rearyard Setback of 29 feet and Impervious Surface Variance of 4.3%.**

Timothy and Linda Quinn appeared before the Board regarding this application. Mr. Quinn explained that they are seeking a 12'x24' storage shed for their rearyard. He noted that they have a gravel driveway that they will have to convert to a pervious surface. Mr. Quinn indicated that he will consult with a professional engineer to do this. Additionally, Mr. Quinn explained that they are also seeking to add walls to a portion of their covered front porch in order to enclose the space in order to add a closet.

The hearing was open to the public for comment at 7:37PM. None were made.

Noting that there is an existing shed, Mr. Pollack questioned whether the applicant proposed to keep that structure, too. He confirmed that he did and confirmed that the shed is located on both his own property and his neighbor's property. Mr. Pollack followed up with questioning whether any of the neighbors were opposed to the application or in favor. He noted that while they had previously received a letter in support of the variance from the neighbor closest to the location of this new shed, Mr. Quinn had requested that the letter be withdrawn as the property is scheduled to be sold. Additionally, a notice advising of this application and associated public hearing had been emailed to the new buyers' attorney, according to Mr. Quinn.

Mr. Pollack questioned what the shed would store. Mr. Quinn noted that he would likely store his boat and hang his canoes in it during the winter.

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

**MOTION:** Mr. Hunt, Mr. Massicotte second, to grant Variance #18-5194 from Section II.G.b.ii North Sideyard Setback of 27 feet, South Sideyard Setback of 7.2 feet, and Rearyard Setback of 29 feet and Impervious Surface Variance of 4.3% for the purpose of constructing a 12'x24' shed and to also enclose a 71"x52" section of the northeasterly corner of the front porch as per drawings submitted; Motion passed with Mr. Allen, Mr. Hunt, Mr. Massicotte and Mr. Pollack voting aye while Mr. Wilkes was opposed.

Following the aforementioned motion but preceding the vote, Mr. Wilkes explained that he could not see a hardship with the application. The reason cited for the approval was a reasonable request.

**4. APPROVAL OF MINUTES – APRIL 24, 2018:**

**MOTION:** Mr. Hunt, Mr. Massicotte second, to approve the April 24, 2018 Minutes; unanimously approved.

**5. BILLS PRESENTED:**

None.

**6. CORRESPONDENCE:**

Mr. Allen noted the communication received regarding Mr. Wilkes appointment as a regular member and the appointment of Aubrey English as an alternate member to this Board.

**7. OTHER BUSINESS:**

None.

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

Mr. Pollack questioned the number of floors as part of the building project at 636 East Wakefield Boulevard. Mr. Melanson noted that there is likely two with a walk-out basement.

**9. ADJOURNMENT:**

**MOTION:** Mr. Hunt, Mr. Wilkes second, to adjourn at 7:55PM; unanimously approved.

Respectfully submitted,  
Pamela A. Colombie  
Recording Clerk