



**TOWN OF WINCHESTER
ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
November 22, 2016 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Chairman David Villa called the meeting to order at 7:02PM.

2. ROLL CALL:

Mr. Villa reported that a quorum of the board was present: Michael DeClement, Neil Hunt, John Pollack and Alternates Phillip Allen, Richard Nalette, and Hal Wilkes.

Additionally, Mr. Villa noted that John Massicotte was absent.

Mr. Nalette was seated for Mr. Massicotte.

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

3. EXPLANATION OF PROCEDURE:

Mr. Villa gave a brief overview of the procedure, explaining that approval of a variance requires four affirmative votes by the Board. He noted that the applicant will likely receive a disposition on the application this evening. Mr. Villa explained that the proceedings shall include the applicant's opportunity to provide information regarding the application, a chance for the Board to question the applicant, a chance for members of the public to question the applicant, as well as closing comments by the applicant. Mr. Villa also explained that either the Board or the applicant may request that the hearing remain open for four weeks until the next meeting should there be additional or supplemental documents to the application.

4. APPROVAL OF MINUTES: October 25, 2016

Motion: Mr. Hunt, Mr. Pollack second to approve the October 25, 2016 Minutes; Motion passed with Mr. Villa, Mr. DeClement, Mr. Hunt, and Mr. Pollack voting aye while Mr. Nalette abstained.

5. OLD BUSINESS:

None.

6. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS:

B. ZBA #16-5177 Request for Variance from Section 4a.2.2 for Lot Coverage at 322 West Wakefield Boulevard for Gary D'Angelo.

Taking this application ahead of Agenda Item 6A, Mr. Villa called for the applicant. He reported that he received a communication from Zoning Enforcement Officer Marc Melanson that this application had been voluntarily withdrawn by the applicant.

A. ZBA #16-5176 Request for Variance from Section 4a.2 Sideyard Setback at 349 & 351 West Wakefield Boulevard for Ron Bilodeau.

Ron Bilodeau appeared before the Board regarding this application. Mr. Villa noted that the date of Mr. Bilodeau's application predated the effective date of the Town's new Zoning Regulations. Mr. Bilodeau confirmed that his wife had sent notice of the Variance application and Public Hearing to abutting neighbors. It was noted that Mr. Bilodeau would hand deliver the receipts for these notices to the Planning Office no later than 4PM on November 23, 2016.

Mr. Bilodeau reported that he purchased this parcel from a neighbor recently which previously had three sheds located on it. Mr. Bilodeau noted that they have cleaned up the property and referenced a drawing that depicted the location of where the three sheds had been located. He explained that they are seeking to make the property cleaner for his wife and him as well as more useable as he will be residing there. He noted that he would like to park in this location instead of on the road. Mr. Bilodeau explained that this parcel is across from the lake and has a slope of a hill to the back of it. He explained that his proposed garage would be set back to the left of his well and that it is as far to the center line of the property due to the contours of the land. He noted the existence of ledge at the site and explained that as a concrete contractor, it is tucked as far back as possible.

Mr. Villa questioned what the hardship is relative to the use of this property. Mr. Bilodeau explained that the hardship is positioning the proposed garage in a place where it is accessible and is restricted by the location of the well on the property. He noted that the ledge will otherwise cause the proposed structure's elevation to be changed resulting in it being higher than the dwelling. Mr. Bilodeau explained that their intent was to have the proposed garage more subtle and tucked into the bank.

Mr. Villa observed that the survey makes clear the challenges posed by the topography as well as the outcropping of ledge present on the site. He noted that he has seen the property and has viewed the blueprints. He explained the reservations he has when applicants appear before the Board with new space identified as "storage", noting that this application has all the earmarks of a second dwelling and explained that this would not be allowed under the new Zoning Regulations. Mr. Bilodeau indicated that this is not his intent and that the only utility for this proposed improvement would be electricity. He assured the Board that there would be no water and no septic nor sewer. He explained that he and his wife are selling their 6,000-square foot home to move this 1,100-square foot home and need the storage space.

Mr. Pollack questioned the size of the garage. Mr. Bilodeau explained that it would be twenty-four (24') wide by thirty (30') feet long, if the ledge allows but may be twenty-six (26') feet or twenty-eight (28') feet. Mr. Pollack confirmed that there would also be a second floor. Mr. Bilodeau agreed, and referred to a rendering of the front of the home which has a window in the center, noted that his proposal is designed to match that and reiterated that it was for storage only.

Mr. Villa questioned how much rock would be removed from the subject site. Mr. Bilodeau noted that none will be removed, noting that his plan is to just remove the dirt off of it and pin right to the ledge. Mr. Villa explained that he has concerns with what might happen if the applicant had to resort to extreme circumstances. Mr. Bilodeau explained that there will be no removal as he has tested for this, has already shot some grades and that the elevations work for him.

In response to an inquiry from Mr. Villa as to whether the two parcels would be joined if a variance was granted, Mr. Sadlowski indicated that as the two properties are in the same name and are both non-conforming, they are already considered joined.

Mr. Villa invited the Public to address the Board regarding this application. No comments were made.

Mr. Villa reported that he was handed a letter this date from the Winchester Land Trust. Mr. Hunt read the letter into the record, indicating that Winchester Land Trust Board had discussed the application at

their monthly meeting held on November 21, 2016 and are firmly against the proposal, opining that the work “..entailed will be a detriment to our property and due to the nature of the topography of the site will very likely cause significant risk of erosion and other disruptions to the land that we preserve at the location. We strongly urge the Board to reject the proposal...”. It was then discovered that this letter had been submitted regarding the application for 322 West Wakefield Boulevard (ZBA #16-5177).

Mr. DeClement noted that the A2 has listed the wrong Land Trust. He explained that one of the abutters listed on the survey is identified as the Highland Lake Watershed Association when in fact, it is the Winchester Land Trust.

Mr. Bilodeau concluded with remarks noting that the application is for his personal cars and personal belongings. He concluded that if he could make the proposed garage more conforming to the sideyard setbacks, he would but because of the ledge, he cannot.

Mr. DeClement questioned whether there is more frontyard than there is sideyard and referring to the plans, whether he wanted to move the proposed structure towards there. Mr. Bilodeau explained that he did not because of the percentage of grade in driveway and the plan to reuse the existing driveway. If they did that, it would require disturbing the existing grades and make it steeper, according to Mr. Bilodeau. Mr. DeClement questioned the amount of material that would be removed if the garage was to be constructed as proposed. Mr. Bilodeau explained that as there are only a couple feet that they are cutting into, it would be graded to just blend in.

Mr. Wilkes questioned the height of the second floor. Mr. Bilodeau explained the different measurements, including floor joists width, and the total height of the proposed structure. Mr. Wilkes explained that he would prefer to have the height of the second floor to seven (7') feet to be sure that it would not be used as living space and that the space is plenty for storage. Mr. Bilodeau explained that it would prevent him from having a door on the side. Mr. Bilodeau noted that he would have no objection to a restriction wherein the space could never be inhabited.

The public hearing was closed at 7:32PM.

7. NEW BUSINESS:

A. ZBA #16-5176 Request for Variance from Section 4a.2 Sideyard Setback at 349 & 351 West Wakefield Boulevard for Ron Bilodeau.

MOTION: Mr. Hunt, Mr. Nalette second, to grant Variance Application #16-5176, from Section 4a.2, for a south sideyard setback variance of fifteen (15') feet, for the purpose of building a 24'x30' two car garage with storage above, as per the drawings submitted, for the property located at 349 West Wakefield Boulevard; Motion failed with Mr. Hunt voting aye while Mr. Villa, Mr. Nalette, and Mr. Pollack were opposed and Mr. DeClement abstained.

In response to Mr. Bilodeau seeking to raise a question, Mr. Villa explained that the Board cannot respond to questions but that his concerns may be addressed with Mr. Sadlowski, as the Planner. He noted that the denial was due to no real hardship having been presented.

B. ZBA #16-5177 Request for Variance from Section 4a.2.2 for Lot Coverage at 322 West Wakefield Boulevard for Gary D'Angelo.

No business discussed.

8. BILLS PRESENTED:

None.

9. CORRESPONDENCE:

Mr. Villa reminded the Board that they have been provided with copies of the new Zoning Regulations. He also noted that members have been provided with Chapter 124 of the Connecticut General Statutes which specifically discusses rights and responsibilities of this Board and its relationship with the Planning and Zoning Commission. He noted that as a result of the new Zoning Regulations, he will likely have a draft copy of new Zoning Board of Appeals Regulations available for the December meeting.

Regardless of whether there are any pending applications, a December meeting will be held to conduct elections for this Board, according to Mr. Villa.

10. DISCUSSION WITH ZONING ENFORCEMENT OFFICER, IF ANY:

No business discussed.

11. ADJOURNMENT:

MOTION: Mr. Hunt, Mr. Declement second, to adjourn at 7:40PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**