



## TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street  
WINSTED, CONNECTICUT 06098

FILED  
CLERK'S OFFICE

FEB 23 2011

SHEILA S. SEDLACK  
TOWN CLERK OF WINCHESTER  
WINSTED, CONN.

### *Minutes of Meeting Zoning Board of Appeals February 22, 2011*

The Zoning Board of Appeals met in the Lee Anne LaClaire Room.

The meeting was called to order by Chairman Richard Nalette at 7:05 p.m. The following members answered roll call: Richard Nalette – Chairman, Ronald Dew, John Massicotte, Ray Winn, Alternate Michael DeClement and Zoning Enforcement Officer Marc Melanson. Susan Lange was absent.

**Item 3. Explanation of Variance Procedure**

Chairman Nalette explained the hearing procedures for the Zoning Board of Appeals and seated Alternate Michael DeClement as a voting member.

**Item 4. Public Hearings – Variance Applications & Decisions**

**Item 5. Tabled from Last Meeting**

#11-5089 Request for Variance from Section 4a.2 front yard setback, 4a.2 north side yard setback, 4a.2 south side yard setback, 4a.2 building and driveway coverage and 4a.2 total coverage description at 168 Shore Drive for John & Janet Aresta (*tabled from last meeting*). Al Janeiro of Custom Drawings, present along with Mr. Aresta, explained he is proposing to take the existing building, saving the rear wall toward Highland Lake and the south wall; will be extending the new addition to the north and to the east; variances required are side and front setbacks and coverages; minimum lot area of this zone is 40,000 s.f. and existing is 5,948 - not changing in anyway; the minimum width is 150', current lot width is 49' 10" – not changing that; building coverage permitted is 15%, existing at 12.12% and proposing 22.67% for a difference of 7.67%; total coverage allowable for building and deck is 24%, existing is 16.24%, proposed will be 28% for an increase of 4%; front yard setback is 50', existing is 41' 7", proposed is 35' 7" - a decrease of 6'; side yard setback is 35', current north is 22' 10", proposed is 13' 4" for a decrease of 9' 6"; south side yard setback is 35', current is 5" from existing chimney with no change on that side; rear yard setback from the Lake is 35', current is 29' with no change; building height allowable in this area is 30', existing is 22' 6" and proposing 29' 11" with a 7' 5" change; 1<sup>st</sup> floor will have garage, bedroom, bathroom, kitchen area and living room area; 2<sup>nd</sup> floor will have 2 bedrooms and a bathroom. Chairman Nalette asked about a driveway. Mr. Janeiro said no driveway only a gravel/grass area. Chairman Nalette noted there are dimensions on the C101 plan not on the A2 drawing. Mr. Janeiro said the C101 was created using the A2. R. Dew verified the north wall and east wall will be extended and will be leaving the south wall and west wall. Brief discussion followed regarding leaving the foundations only. Mr. Janeiro said also leaving the chimney. R. Winn asked about utilizing the chimney. Mr. Janeiro said using it for a furnace/AC system downstairs. R. Dew verified keeping the foundation only but no walls. Mr. Janeiro said have to bring the building up to

code. R. Dew verified tearing the house down. Mr. Janeiro said using wall foundations for the south and west walls.

*Public Comment* made by Mr. & Mrs. Whalen of 139 Shore Drive.

R. Dew said discussion was held at the last meeting regarding cutting down the pitch of the roof to work with the height. Mr. Janeiro said utilizing as much space for the 2<sup>nd</sup> floor but can reduce it a little bit. R. Dew noted 29'11" is maxing out the height. Mr. Janeiro presented aerial and birds-eye views; noted large trees will be eliminated and will improve the view. Mr. Aresta said he did send registered letters to the neighbors and offered to meet with them to review the plans; have 2 letters from neighbors in support; willing to improve the situation with the Whalen's. Brief discussion followed between the Whalen's and Mr. Aresta. Mr. Janeiro noted the existing lot is very small; was done prior to zoning regulations; current house is too small to utilize as a family vacation home and the renovations will allow that. *Public Hearing closed.*

**Decision:** Motion by M. DeClement to grant variance #11-5089 from Section 4a.2 for a front yard setback variance of 14'5", a north side yard setback variance of 21'8", a south side yard setback variance of 33'7", a lot coverage variance of 7.67% and from 4a.2.2 for a total lot coverage with decks variance of 4% for the purpose of removing the existing structure and erecting a building 43' x 34'6" 2-story house with a 34' x 12' deck per the drawings submitted for the property located at 168 Shore Drive. Second by R. Dew. **Discussion:** M. DeClement noted he has gone by this property several times; the house is 5" from the property line; not a lot of room; have more room to the east and west; doubling the square footage; large houses and quaint cottages on that street; it is the trend; it's a 1-story cottage now. **Vote in favor:** J. Massicotte & R. Dew; **opposed:** R. Nalette, R. Winn & M. DeClement – **motion failed.** Reason: unreasonable request. Mr. Janeiro asked if it could be modified. Chairman Nalette suggested he talk with Marc Melanson another time.

**Item 6. New Applications**

#11-5090 Request for Variance from Section 4a.2 minimum lot area, 4a.2 minimum lot width, 4a.2 front yard setback, 4a.2 north side yard setback, southwest side yard setback and 4a.2 lot coverage description at 302 ROW 1 for Peter Kores. Robert Cohen, attorney for Edinburg LLC, present along with Mr. Kores, indicated the shaded area on the map; noted this will be an easement granted to Mr. Daigle; explained this is lot #308, 309 & 310 for a total area of .28 acres which is smaller than current regulations but consistent with the area; fits the character of the houses in the neighborhood; proposing a quaint colonial; willing to reduce the size of it; going to be winterized/liveable year-round; 26' x 36' is shown but can bring to 26' x 32' 2-story; it's in conformity with the neighborhood and most will not be visible from the road; attempting to minimize the non-conformity; variance conforms to others granted by the Zoning Board of Appeals; to not allow construction would be preventing building; the Board will hear people have been parking and kids have been playing on this property but that's trespassing and is not what land use is all about. R. Dew questioned it's not going to stand out from the street being 3-stories. Mr. Kores said it will not impede the view. Attorney Cohen noted the height is conforming

considering topography. Brief discussion followed regarding what will be seen from the road. Mr. Kores noted it will not be as high as Mr. Daigle's house.

*Public Comment* made by Bob Leach, 348 East Wakefield Boulevard, concerned with the proximity to his house, run-off, traffic, etc.; Mr. & Mrs. Sliney, 308 East Wakefield Boulevard, concerned with traffic and construction; and Harris Daigle, 304 East Wakefield Boulevard, distributed a packet of information and read a letter into the record describing the documents in the packet and its history.

Attorney Cohen noted the house is 20' from the border and Mr. Leach's house is 2' in from there for a total of approximately 23'; parking on this street is self-contained; on the ROW are several parking spaces and a driveway that goes down so no cars from this property need to be parked in the cul-de-sac; Mr. Daigle's Offer of Settlement are never admissible and the statute he provided had much more information with it and wasn't passed until 20 years later; Mr. Daigle does not have a valid claim of adverse possession; this is not the board/forum to claim adverse possession.

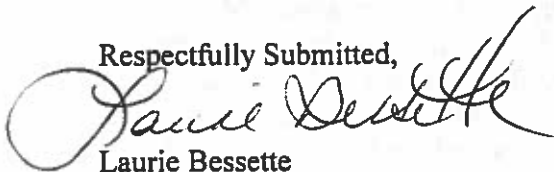
J. Massicotte verified the property line has not been finalized. Attorney Cohen said going to give him an easement. J. Massicotte said asking for 23' setback from a line that doesn't exist. R. Winn asked what if it's never agreed on. Discussion followed regarding existing property lines, setbacks, giving a variance once property lines are in the land records and can't give a variance on something that doesn't exist. Attorney Cohen said the house is well-located on the map; we rely on the Building Official to compute the setbacks. M. Melanson explained the Board can grant a variance; gave the scenario if a house was already there a variance could be granted based on a proposed property line; can't move a property line without a variance; still have to put the house where it is as per the drawings. Discussion followed regarding a recent application on Perch Rock Trail and if the easement is never given. M. DeClement asked how much waterfront he has. Mr. Kores said 30'. Brief discussion followed regarding proximity of the Lake. Further public comment by Mr. Daigle and Mr. Leach. Attorney Cohen said this is not a monster house; not going to overwhelm; conforms with the neighborhood. Mr. Kores said the house is 1,800 s.f. and has its own parking; will not be out of conformity with neighborhood and will be a tax asset to the Town. J. Massicotte asked the overall height. Mr. Kores said 33' from the ground. Discussion followed regarding the height of each level and the average grade. Further public comment by Mr. Sliney. Attorney Cohen said can't build a non-winterized house the size of Mr. Daigle's today. J. Massicotte verified there will be a concrete apron and process driveway; asked about the stockpile location on the map. Mr. Kores said he's required to put it on the plan. M. Melanson added it's required by Inland Wetlands. J. Massicotte verified there will be no stairs off the deck. Mr. Kores said they are within the deck. R. Dew verified the basement floor will be higher than the neighbor's retaining wall. Mr. Kores said he'd like to lower all that; keep it closer to the existing grades; currently can drive in to about the drive-under; these are guides. *Public Hearing closed.*

**Decision: Motion by R. Dew to grant variance #11-5090 from Section 4a.2 for a minimum lot area variance of 32,816 s.f., a minimum lot width of 90', a front yard setback variance of 32.1', a north side yard setback variance of 23', a southwest side yard setback variance of 21' and a lot coverage variance of 14.1% for the purpose of building a 36' x 36' 2-story house with a walkout basement and a 12' x 24' deck with stairs per the drawings**

submitted for the property located at 302 ROW 1. Second by M. DeClement. *Discussion:* M. DeClement disagrees that the house fits with the neighborhood – its apples and oranges; neighboring houses are 1-story; this is a tiny lot; don't know about adverse possession – that's a monkey wrench but did address parking. R. Dew said from the street the house is 33' high; will create an eyesore. J. Massicotte asked the south side yard setback and the southwest side yard setback of 21' – where is that from. Brief discussion followed regarding the requested property lines. **Vote:** all opposed – **motion failed.** Reason: unreasonable request.

- Item 7.**            **Approval of Minutes of January 25, 2011 meeting**  
Motion by J. Massicotte to *approve* the Minutes of January 25, 2011 meeting. Second by M. DeClement. **Vote:** all in favor except R. Winn (abstained) – **motion carried.**
- Item 8.**            **Old Business - none**
- Item 9.**            **New Business - none**
- Item 10.**          **Bills Presented – none**
- Item 11.**          **Correspondence – none**
- Item 12.**          **Discussion with ZEO – none**
- Item 13.**          **Motion to adjourn at 8:25 p.m. by R. Dew. Second by R. Winn. All in favor - motion carried unanimous.**

Respectfully Submitted,



Laurie Bessette  
Minutes Secretary, Zoning Board of Appeals

ZBA 2/22/11

Ron D  
Ray W  
Marc M  
Mike D  
Richard D  
John M

Call to order - 2:05

~~Call~~

Expl procedures

Seated Mike D as full member

11-5089. carried - last mtg

MIA 2/25/11 John & Mike } unanimous (Ray abst)

adj 8:25 ~~Rich~~ for  
~~for~~ Ray

adj

11/13

11/13

11/13

11/13

11/13

11/13

11/13

11/13

11/13

11/13

11/13

11/13

11/13

11/13