



## TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street  
WINSTED, CONNECTICUT 06098

### *Minutes of Meeting Zoning Board of Appeals May 25, 2010*

FILED  
CLERK'S OFFICE

MAY 27 2010

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

The Zoning Board of Appeals met in the P. Francis Hicks 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, John Massicotte, Ray Winn and Alternate Michael DeClement. Ronald Dew, Susan Lange and Zoning Enforcement Officer Marc Melanson were absent excused.

#### **Item 3. Explanation of Variance Procedure**

Chairman Nalette explained the procedures for a 4-member board, offered to allow the applicants to hold their applications to next month and then proceeded to explain the hearing procedures for the Zoning Board of Appeals.

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

#10-5078 Request for Variance from Section 4a.2 front yard setback, 4a.2 side yard set back and 4a.2 lot coverage at 160 East Wakefield Boulevard for Charles Constable. Mr. Constable did not choose to table his application to next month; explained he would like to remove 2 deteriorating sheds (8' X 12' & 6' X 7') on the property and put up a 14' X 20' shed; moved in so the building is 10' from the property line; one of the existing sheds is on the property line; new shed will be 5½' from the house with a connecting walkway; the 2 deteriorating sheds total 138 s.f. and the proposed shed is 280 s.f.; the house was built prior to zoning regulations; the driveway needs repair; will dig it up and replace it with stone to reduce the lot coverage; shed will have no foundation but will be mounded with gravel base. Chairman Nalette asked if the proposed shed is 10' X 12'. Mr. Constable said 14' X 20'. J. Massicotte verified the doors will face the street; asked if there is any reason the shed can't be turned to get it off the road. Mr. Constable said he's already only 5' from the shed. J. Massicotte noted it has an overhead door. Mr. Constable said the shed is in line with the neighbor's garage. R. Winn noted once the shed is down will have a nice runway to the Lake; lines up with the house. Mr. Constable said it will improve the line of vision of the Lake; if he turned the shed, it would be closer to the property line; going to be storage for a jetski or boat. M. DeClement asked if there will be a ramp – any blacktop to the shed. Mr. Constable said it will be mounded with gravel. R. Winn verified this is a pre-built shed. J. Massicotte asked if there will be electricity. Mr. Constable said not now. M. DeClement verified need 44' variance; only 6' from the road; agreed maybe turn the shed; noted 14' X 20' is a large shed. J. Massicotte verified the need for 20'; asked the reason for distance from the house. Mr. Constable said so it fits properly – lining up with the house looks

better. M. DeClement asked if the property is flat. Mr. Constable said it has to be mounded 15" – 18". M. DeClement said he was unsure of drainage. No public comment. *Public Hearing closed.*

**Decision:** Motion by R. Winn to grant variance #10-5078 from Section 4a.2 for a front yard setback variance of 44', a northwest side yard setback variance of 25' and lot coverage variance of 7% for the purpose of removing 2 sheds and erecting a 14' X 20' shed as per drawings submitted for the property located at 160 East Wakefield Boulevard for Charles Constable. Second by J. Massicotte. **Discussion:** R. Nalette said this is a congested area; although removing asphalt, adding a lot of roof; noted 364 s.f. of asphalt is being removed. R. Winn said removal of the shed opens the view of the Lake. M. DeClement suggested another location for the shed. Vote in favor: R. Winn & J. Massicotte; opposed: R. Nalette & M. DeClement – **motion failed.** Reason: Congested area.

#10-5079 Request for Variance from Section 4a.2 south side yard set back, 4a.2 north side yard 2<sup>nd</sup> floor setback, 4a.2 north side yard proposed setback and 4a.2 lot coverage at 674 East Wakefield Boulevard for Peggy Neal. Ms. Neal chose to proceed with her variance request; explained she lives year-round on the Lake; currently has an 8' above ground upper deck and 3' above ground lower deck; would like to enclose the upper deck – 1-story enclosure; 1<sup>st</sup> floor is 800 s.f.; explained her family is expanding and there is not much space; got a variance to build the 2 decks in 1995; mother owns property on 1 side; changing the property line by .7'; other side line is being changed from 20.6' to 20'; increasing coverage by .1%; also requesting 4' X 16' extension of the lower deck on the lakeside; opposite side will reduce from 19.4' to 18.8'; extension will need a couple of piers; being considerate of neighboring properties; house sits back so won't impede her mother's view; trees & shed separate the other side. Comment by Keith Tracy, neighbor across the street, who provided pictures and explained the proposed activity will be a non-event and have no adverse effects on his properties. Ms. Neal said the changes are minimal. Chairman Nalette asked about the decks. Ms. Neal indicated the activity on the photos. J. Massicotte asked about the coverage increase. Ms. Neal said the 12' X 24' would become enclosed year-round living space. J. Massicotte verified will be removing the stairs from the upper deck. Ms. Neal said will be relocating them to the end from the center. J. Massicotte asked if doing anything with the underside of the deck to make it year-round. Ms. Neal said closing in the underneath with spray foam. No additional public comment. J. Massicotte asked if this gets added to the existing variance or is it a new variance. Michael Hamm (in the audience for another application) said the old variance goes away and this one replaces it. Ms. Neal said she verified that with Marc Melanson. M. DeClement said this is a congested area; pretty close to the water; asked how deep the deck is before the 4' extension. Ms. Neal said they are still 50' from the Lake with the extension – the stairs do jut out. Chairman Nalette noted the front and rear yards conform but the side yards do not. J. Massicotte suggested removing some asphalt. Brief discussion followed regarding lot coverage. Chairman Nalette said it doesn't add that much and is kind of within the existing framework of the

house. J. Massicotte noted the additions will have a shed roof – asked where the run off will go. Ms. Neal said toward the side of the property. Chairman Nalette noted there is a culvert on the side of the property. Ms. Neal said that handles driveway and road run-off. Brief discussion followed regarding the variances requested. **Public Hearing closed.**

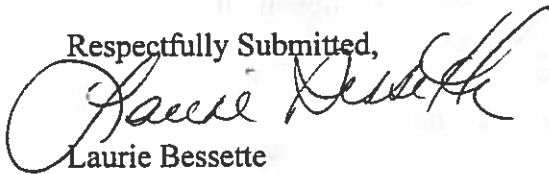
**Decision:** Motion by J. Massicotte to grant variance #10-5079 from Section 4a.2 for a south side yard setback variance of 28.5', a north side yard setback variance of 16.2' and lot coverage variance of 19.7% for the purpose of converting a 12' X 24' section of the upper deck to living space and adding a 4' X 16' deck to the existing deck as per drawings submitted for the property located at 674 East Wakefield Boulevard for Peggy Neal. Second by R. Winn. **Discussion:** M. DeClement questioned the clarity of the drawings. **Vote:** all in favor – **motion carried unanimous.** Reason: Reasonable Request.

#10-5080 Request for Variance from Section 4a.2 side yard set back north and south side and 4a.2 lot coverage at 409 West Wakefield Boulevard for Hamm LLC. Michael Hamm, representing the property owner (Mrs. Work present), chose to proceed with his variance request; explained he has a power of attorney from Mr. Work in case of questions; proceeded to review the proposal; noted there are some inconsistencies – distributed copies of the home plans; provided photos of the existing structure; have letter from neighbors in support of the proposal (Chairman Nalette read into the record) and other neighbors are here in support; said this home was built prior to 1993; the lot is 60' wide so it exceeds the side yard setbacks; other aspects including the existing structure is only 2' from the property line; made an effort to make this less non-conforming; proposed structure will be the same footprint but 6' from the property line; the existing patio is concrete – believe it was supposed to be a foundation for an addition; it will be the Board's decision if it's included with the coverage; by removing asphalt and installing pervious pavers, will reduce coverage by 1.75%; addressing the sightline issue from the driveway which currently has 17% or 18% angle – straightening driveway and moving structure allows space between neighbors and allows ample room for emergency vehicles; moving the house addresses the hardship and makes it less non-conforming; looks less intrusive; coverage is decreased. J. Massicotte asked about the existing pump house. Mr. Hamm said it's a shared well with Sopranowitz; the Works' are drilling a new well and will deed the existing well to the Sopranowitz's; also relocating the sewer pump. J. Massicotte asked about the buried fuel tank. Mr. Hamm explained. J. Massicotte asked about the retaining walls. Mr. Hamm said want to maintain them. J. Massicotte asked if going outside the original footprint. Mr. Hamm said maintained the existing footprint – just slid it 6' over. R. Winn asked about the corner things on the plans. Mr. Hamm explained their function; may end up with columns instead of those; foundation will not be there – will probably be sonnatubes to support it. J. Massicotte asked about roof lines. Mr. Hamm said will be pitched throughout. J. Massicotte verified there are dormers. Mr. Tarinelli, architect for the applicant, said those will probably be the 1<sup>st</sup> things to go. Chairman Nalette said he understands these are

preliminary drawings but approvals are as per drawings submitted. Mr. Hamm said the style will remain exactly as the plans show but until framing plans are done and ready to build, they will be preliminary. Chairman Nalette noted the north elevations are vague; concerned the Building Official will say it doesn't match the prints. Discussion followed regarding contingency of complying with Highland Lake District, which pages of the proposed plans will be part of the final plans and volume indicated by foundation. Chairman Nalette said need plans with more numbers so the Building Official sees that the plans match the buildings. Mr. Hamm offered to extend the public hearing to the next meeting. Public comment in support of the application was made by several people in the audience. **Motion** by R. Winn to *table* variance #10-5080. Second by J. Massicotte. *Discussion:* Mr. Hamm noted the applicants would like to live here full-time. Additional discussion regarding the need for more specific drawings. **Vote:** all in favor – **motion carried unanimous.**

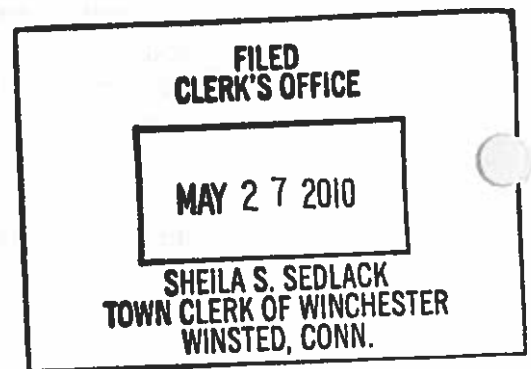
- Item 5. Approval of Minutes of April 27, 2010 meeting**  
**Motion** by J. Massicotte to *approve* the Minutes of April 27, 2010 meeting. Second by R. Winn. **Vote** all in favor – **motion carried unanimous.**
- Item 6. Old Business - none**
- Item 7. New Business - none**
- Item 8. Bills Presented – Motion** by R. Winn to **approve 1.0 hour to the minutes secretary for the meeting of 4/27/10.** Second by J. Massicotte. **Vote:** all in favor – **motion carried unanimous.**
- Item 9. Correspondence – none**
- Item 10. Discussion with ZEO – none**
- Item 11. Motion to adjourn at 8:20 p.m.** by R. Winn. Second by M. DeClement. All in favor - **motion carried unanimous.**

Respectfully Submitted,



Laurie Bessette

Minutes Secretary, Zoning Board of Appeals



ZBA 5/25  
Call to order 705

Rich reviewed procedures for ZBA, proceeded to ex pl voting w/ 4-member panel - gave applicant's option to table to next month.

Seated Mike deClement

Appv minutes 4/25/10 John Ray unanim

motion to pay secretary Ray John

paD Ray Mike

Rosman

July 4th  
7:15 - 7:30 AM

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