



TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

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JUL 30 2009

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

*Minutes of Meeting
Zoning Board of Appeals
July 28, 2009*

The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Richard Nalette at 7:07 p.m. The following members answered roll call: Richard Nalette – Chairman, John Massicotte, Ray Winn, alternate Michael DeClement and Zoning Enforcement Officer Marc Melanson. Ronald Dew and Susan Lange were absent excused.

Item 3. Explanation of Variance Procedure

Chairman Nalette explained the procedures for a 4-member board and offered applicants the option of carrying their application to next month. A member of the audience asked if there was a procedure to ask for reconsideration from the full Board. Chairman Nalette said the next step would be the courts. Audience member asked if he could withdraw after presenting the application. Chairman Nalette said it could be requested but that would be a vote of the Board; noted an application could be tabled. No applicants accepted the option of carrying their application to next month. Chairman Nalette then proceeded to explain 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

#09-5069 Request for Variance from Section 4a.2 side yard set back at 424 East Wakefield Boulevard for Timothy & Dina Fisher (both present). Mr. Fisher explained they are requesting side yards on both sides of the garage; have a 400' long X 60' wide lot and would like a garage but it will infringe on the side yard requirement; have talked with neighbors; garage will not be visible from the street or Lake; 11% coverage; this is a year round residence with outside parking; the house was built in 1890 so it has limited storage for refuse cans, etc.; will get the garbage and cars out of the shared area and put it inside. R. Winn verified Barbara Wilkes had no problem with it. Mr. Fisher detailed their conversation. R. Winn asked about the presence of a vent pipe in the area of the proposed garage. Mr. Fisher said he thinks that may be the location of the abandoned septic – he knows the location of the pipes, but may disturb that area. Chairman Nalette verified the deck currently exists. R. Winn asked the distance in front of the garage. Mr. Fisher said about 11' off the imprint. R. Winn verified that was to bring cars in. Mr. Fisher said also due to the location of the SNET pole and for visual impact. M. DeClement noted there are not many trees in the location of the proposed location and verified not a lot of trees will come down. Mr. Fisher explained the only trees that will be lost are the ones which roots are affected but will be planting more. No public comment – public hearing closed.

Decision: Motion by R. Winn to grant variance #09-5069 from Section 4a.2 for a North Sideyard setback variance of 12.5' and a South Sideyard variance of 29.5' for the purpose of building a 24' x 24' garage with storage above as per drawings submitted for the property located at 424 East Wakefield Boulevard for Timothy & Dina Fisher. Second by M. DeClement. Vote: all in favor – motion carried unanimous. Reason: reasonable request.

#09-5070 Request for Variance from Section 4a.2 front yard setback, Section 4a.2 lot coverage and 10.4 Non-Conforming Structure at 834 East Wakefield Boulevard for Bonnie Nicholson. Mr. & Mrs. Nicholson present. Mr. Nicholson explained the property slants toward Highland Lake and was built in 1990; required a series of decks and staircase to get to the lower areas; there are three (3) areas with activity: 1) “rear yard” – would like to replace the pavers with a one level deck; explained he is handicapped so this would be easier; it’s a small area which was originally a deck, was replaced years ago with pavers and would like to be deck again; 2) “front yard” – was existing pavers at the bottom of the a 10' drop; water comes off the road and accumulates; felt a deck would be safer and easier to access; Town Assessor’s map shows it stopped short of the staircase but it didn’t – it was covered with pavers and now would like a deck; and 3) there’s a narrow area along the property line and connects the old dock that was there prior to the house being built. Mr. Nicholson reiterated the property is severely slanted and they need this deck arrangement. Chairman Nalette referred to the drawing and asked what is being built now. Mr. Nicholson indicated what used to be decks/pavers and now wants all decks. Discussion followed regarding what was existing and what is proposed, materials used and when work was done. Mrs. Nicholson explained the wood was all rotting so they replaced it. Mr. Nicholson said the deck was there – wouldn’t have been able to cross the property without decks. Chairman Nalette asked about the neighboring property. M. Melanson presented a photo from the Building Department file. Mr. Nicholson said a variance was granted for the dock with help from David D’Amore. R. Winn verified the variance requested is for work already done. Mrs. Nicholson said they want a variance for only the area marked in red on the map. Mr. Nicholson added to the concrete wall. R. Winn verified the work is already done. Mr. Nicholson said it’s not done, Marc Melanson stopped them. M. Melanson noted it is framed but not done. Discussion followed regarding which area is in question.

Public Comment: Peter Nowak, adjacent property owner, distributed photos; explained during construction of this deck, his chain-link fence set in concrete was taken down; asking for a setback on the deck for distance and would like his fence returned to where it was; said the deck goes over the property line. Mrs. Nicholson said they had their property surveyed. Mr. Nowak said the deck goes over the property line; reiterated he’s asking for a setback. Mr. Nicholson said Mr. Nowak is asking that the deck not be put to the property line. Mr. Nowak noted an indication of the proximity is the cutting down of the fence. Mrs. Nicholson said they will replace the fence. R. Winn verified the deck is already done and the original deck was further away. Mr. Nicholson said the Town Assessor’s map shows the current configuration; the current frame can be brought to the original map. M. Melanson noted the green hash marking is currently reflected on the Assessor’s map. Further

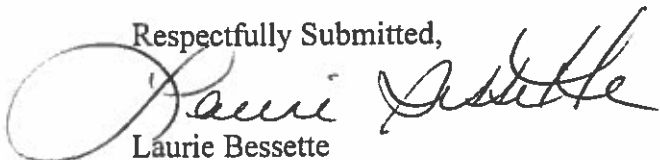
discussion followed regarding what's existing and what's new. R. Winn asked M. Melanson what was done. M. Melanson said everything is new; told the applicant they could only have what is referenced in the old picture in the file. Mrs. Nicholson said those were pavers. Mr. Nicholson said the areas they are asking to cover with a deck was pavers. M. DeClement verified the location of the area with the puddling issues and asked if anything was done to mediate the problem. Mr. Nicholson noted water puddled even with the pavers; explained the area of the current deck is incorrect on the Assessor's map. Mrs. Nicholson said the Town came out to put curbing to direct the water away. Mr. Nicholson noted a truck took out trees, the stairs and hit the house; that's when the real water problems started. R. Winn asked when construction will be done so the fence can be replaced. Mrs. Nicholson said work was stopped a month ago but they will replace the fence. Chairman Nalette verified it wouldn't be the end of the world to lose the pie-shaped area. Mr. Nowak said they will never get the fence to where it was originally. Mr. Nicholson assured Mr. Nowak it will be put back where it was. R. Winn noted Mr. Nowak would like the deck pushed back. Mr. Nowak noted his family has owned the property a long time. R. Winn stated if the Nicholson's had come in for a variance they would have not gotten it; the deck is right on the property line. Mrs. Nicholson noted the neighbor's building is right on the property line. Chairman Nalette noted the survey reflects the building is leaning onto the Nicholson's property. Mr. Nowak said he is in the process of doing something about the shed. Mrs. Nicholson offered to take off part of the deck; just trying to beautify the Lake. R. Winn asked if there were any repercussions for building without a permit. M. Melanson said there is an additional fee for starting work without a permit. Chairman Nalette asked M. Melanson if he could establish where the middle decks were. M. Melanson said he tried to depict the current layout. R. Winn asked when construction started with stripping right back to the house. Mrs. Nicholson said it started in March; said she didn't know she needed a permit for existing property. R. Winn verified there's no way to know if the deck in the photo matches the deck on the survey. M. Melanson suggested Wetlands may have something from when the jet dock was done. Chairman Nalette asked when the dock was done. Mr. Nicholson said about 10 years ago; noted it's just floating; was pre-existing so only replaced exactly what was there but did get wetlands approval. Chairman Nalette verified the chain link fence went from the road to the water. Mr. Nowak said 25' is gone. R. Winn said the Board can't take away what was existing but don't know what was existing; would be nice if all the decks were 2' - 3' off the property line; no recent decks should be that close to property lines; you said you put them back where they were but there's no proof; you want all sides to touch the property lines; there are maintenance issues; need to talk about pulling the decks 3' from the property lines. Mr. Nicholson offered to put them back where they were. Mr. Nowak said there was some space - maybe 2'. Mr. Nicholson disagreed but said they are willing to work on it. R. Winn said if permits were obtained, this wouldn't have happened. Chairman Nalette noted this is a quandary. Mr. Nicholson noted there was a light at the top of the fencepost at the water and Mr. Nowak asked if they could turn the light off or block the light from his side since he swims there; just want to co-exist and have a beautiful deck. J. Massicotte

said according to the scale of the map, the stairs are 2' from the property line; asked if that can be maintained around the property line. Chairman Nalette verified that would be okay with Mr. Nowak. Mrs. Nicholson said okay. Chairman Nalette verified the Nicholson's can come back with drawings showing 2' and the Board will table the application to next month. Mrs. Nicholson asked about the other sides. R. Winn felt the Board should address all the approvals at the same time. Discussion followed regarding keeping 2' off the property lines. Mr. Nicholson verified they do not have to do all the paperwork over again. M. Melanson added the red hash marked area is not as big as depicted in the photo; everything is currently deck to the stairs. **Motion** by R. Winn to **continue the public hearing for Variance #09-5070 to next month.** Second by J. Massicotte. Vote: all in favor – **motion carried unanimous.**

Break called at 8:05 p.m. – Meeting reconvened at 8:08 p.m.

- Item 5. Approval of Minutes of June 23, 2009 meeting – motion** by R. Nalette to **approve the minutes of 6/23/09.** Second by J. Massicotte. Vote: all in favor – **motion carried unanimous.**
- Item 6. Old Business -** M. DeClement asked about a U-Haul business operating out of Winsted Tire. M. Melanson said ZBA does licensing and a used car business so approval would have come from the Planning & Zoning Commission but he will look into it.
- Item 7. New Business - none**
- Item 8. Bills Presented – none**
- Item 9. Correspondence – none**
- Item 10. Discussion with ZEO – none**
- Item 11. Motion to adjourn at 8:15 p.m.** by R. Nalette. Second by R. Winn. All in favor - **motion carried unanimous.**

Respectfully Submitted,



Laurie Bessette
Minutes Secretary, Zoning Board of Appeals

ZBA

7-28-09

① Call to order 7:07 by Richard

Chairman Nettle explained the procedures for a 4-member board; offered to allow applicant option of carrying appl to next month.

Audience procedure to ask Reg reconsider of full board Chair said not an option only to go to courts. Audience asked if they can withdraw after presenting Chair if you start the process, you can withdraw but that's a vote of the bod. ~~to go ahead~~ - verified can withdraw. Chair said tonight it could be tabled.

Rich ~~called~~ to seated De Clement as voting member
" ~~called~~ explained procedure ^{to applicant & audience} members
Rich called public hearing.

Break called 8:05 - 8:08

New Bus - Mike - Winsted Automotive -
did we apply something? John - 1 1/2 years ago - disc what was applied.

ad 8:11
Mike said wheel is out of there now - looks bad

Ware - w/b PZC - we do used car & licensing
will check on it