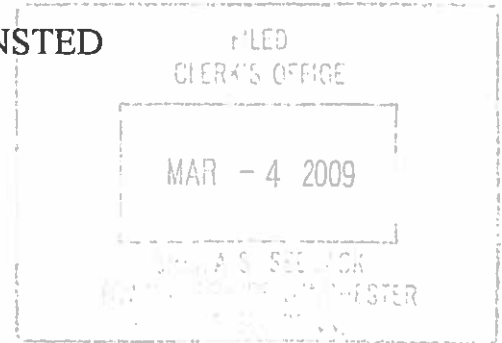




TOWN OF WINCHESTER – CITY OF WINSTED
Town Hall – 338 Main Street
WINSTED, CONNECTICUT 06098



Minutes of Meeting
Zoning Board of Appeals
February 24, 2009

The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Nalette at 7:04 p.m. The following members answered the roll call: Richard Nalette-Chairman, Ronald Dew, Michael DeClement, John Massicotte, Susan Lange and Zoning Enforcement Officer Marc Melanson. Ray Winn and Alternate Michael Fox were not present.

Chairman Nalette seated M. DeClement for the meeting this evening.

Item 4: 7:00 p.m. Public hearings – Variance Applications & Decisions

Held Open:

#09-5064 Request for Variance from section 4a.2 front yard set back, 4a.2 side yard set back and 4a.2 lot coverage for 162 East Wakefield Blvd for Harry R. Clark.

Attorney David Cusick and Harry Clark were present this evening for the continuance of the application. M. Melanson passed out the updated drawings to the Commission.

Mr. Cusick said that as the Commission will remember Mr. Clark was in front of them with other proposals which were denied up to now because what he was proposing was going to be too much. At the last meeting when he reduced it he did not know that he reduced it too much to be a year round house which is what he intends for his retirement.

The designer added two feet to the length of the house which would get it over the minimum requirement and the placement of the house is such so that the two feet is on the street side so that the house will not be any closer to the Lake. He said that they should have John DiCara's revised plan and a revised floor plan. It has been a change that has resulted in 1% increase in the lot coverage from 17.6 to 18.6%. Attorney Cusick said that the other thing he wanted to mention is that the Commission will also recall that it is an application that has received comments from different neighbors. Mr. Clark cannot sensibly make his house taller or change the roofline in terms of the height and alignment of the roof without interference of the neighboring views. The current plans have the roofline the same as it is now with both height and alignment. Unless there have been more comments that have come in, the last comment was from Ms. Bruno's letter that asked that the variance be only the minimum relief necessary. Attorney Cusick believes that this new plan is consistent with that.

Chairman Nalette gave Attorney Cusick and Mr. Clark a copy of the letter for the record that came in this afternoon with essentially the same comments as he just made. Attorney Cusick said that despite the neighbors previous concerns, the height and alignment of the roofline is such that it will not be livable space.

There was a brief discussion on the height of the roof and the setbacks. R. Dew asked if it was going to maintain a one story house and Mr. Clark said yes.

Chairman Nalette called for Public Comment.

There was none.

Chairman Nalette closed the Public Hearing.

ZBA

Motion made by R. Nalette and seconded by S. Lange to grant variance number 09-5064, from section 4a.2, for a Frontyard setback variance of 18.9 feet, a North Sideyard variance of 19.4 feet, a south sideyard variance of 29.7 feet, and a lot coverage variance of 3.6%, for the purpose of building a 26' x 38' one story house, with a walkout basement, a 10' x 26' deck with stairs in the back and a 8' x 5' covered front porch, as per drawings submitted, for the property located at 162 East Wakefield Blvd.

Discussion: J. Massicotte asked if it is 17.6% or 17.8. M. Melanson said that it is 18.6.

All in Favor. Unanimous. Motion passes.

Reason: Makes it a little less non-conforming and reasonable request.

New Applications: None

Item 5. Approval of Minutes of January 27, 2009

Motion made by R. Dew and seconded M. DeClement to approve the Minutes of January 27, 2009. All in Favor. Unanimous. Motion Passes.

Item 6. Old Business: None

Item 7. New Business

M. DeClement passed around the information about the Winchester POCD meeting and Jen Perga asked him to bring in the GIS maps for them to see. He said that ideally all members of each Commission should attend but at least one member should and he will definitely be there. He encourages other members to attend.

M. DeClement said that Mr. D'Addeo has used 10.6 to sidestep ZBA. He has submitted new plans to Planning & Zoning and stating it will be the same footprint but it is not. It is the same footprint plus 400 or 500 square feet. M. Melanson said that the regulations allow a person to expand on a non-conforming structure as long as it stays within the setback which is what Mr. D'Addeo did. But it also says that he can expand upward as long as he stays in the footprint.

M. DeClement said that it is four 25 foot wide lots and the only stipulation that Planning & Zoning had was that all four lots be deeded to Mr. D'Addeo. He also went before Wetlands and there is an issue of a peninsula. Right now it is a pile of rocks which is a jetty and he has wetlands approval and it is vague and there is only a dotted line with no discernable distance. He said that he is upset that there is no oversight. The Commission discussed and agreed that 10.6 has always been a way for people to get around variances. Chairman Nalette said he has asked each of the last two planners to put it before the Planning & Zoning Commission to rescind 10.6 but no one seems willing to do that. If Planning & Zoning is making a change to the regulations then they have forever to do it. Someone can come in and pay an application fee and put in an application to remove 10.6 and then they have to hear it within the legal timelines. Chairman Nalette said that P & Z can also take it on themselves or take it on at that request of the Town Planner.

R. Dew asked if they could send a letter as a Commission. Chairman Nalette said that they have done that. M. Melanson said that they may want to check with the Town Attorney because there is case law stating if a structure is non-conforming then they can build up on the footprint as long as they stay within the height requirements and that's why they kept 10.6 because at least they can somewhat regulate it. M. Melanson said that he feels it should be a special permit and not a site plan where they can deny it. A site plan is extremely difficult to deny. M. DeClement said that if anyone can help in this he would appreciate it. R. Dew said that there have many projects at the Lake that ZBA has turned down and then they were circumvented by Planning & Zoning's 10.6.

ZBA

The Commission received the opinion letter from Attorney Nelligan on the Valigorsky site.

Item 8. Bills Presented

*Motion made by R. Nalette and seconded by R. Dew to pay the clerk 2.5 hours.
All in Favor. Unanimous. Motion Passes.*

Item 9. Correspondence

Chairman Nalette said that he received a letter from the Connecticut Federation of Planning & Zoning Agencies and any member that has been on the Commission more than 12 years can go to the CT Federation and get a nice award. J. Massicotte qualifies but elected not to attend.

M. Melanson said that they received an announcement regarding the Budget Hearing on March 18th. The Commission briefly discussed the budget. The cost of legal notices were transferred from the Town Manager's budget to the individual budgets and that is the reason for the increase. M. Melanson said that is why they raised the fees to offset the cost of the legal notices.

M. Melanson requested e-mail addresses to save money by sending items such as minutes and agendas.

M. Melanson said that he met with EDC last week also.

M. Melanson spoke briefly about the Salon at the Passini residence. He explained the zoning regulations for home occupation in a residential area and that he did follow through once he was aware of the situation.

Item 10: Discussion w/ZEO, if any: None

Item 11 Adjournment

*Motion made by R. Dew and seconded S. Lange by to adjourn at 7:52 p.m.
All in Favor. Unanimous. Motion passes.*

Respectfully Submitted,


Clerk, Anna L.

