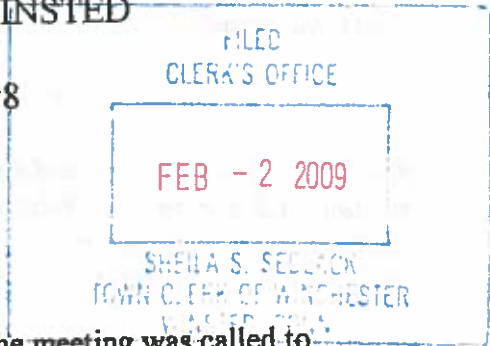




TOWN OF WINCHESTER – CITY OF WINSTED
 Town Hall – 338 Main Street
 WINSTED, CONNECTICUT 06098



*Minutes of Meeting
 Zoning Board of Appeals
 January 27, 2009*

The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Nalette at 7:08 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 3. Explanation of Variance Procedure

Chairman Nalette explained the ZBA meeting procedure to the applicants and the audience members.

Item 4. 7:00 P.M. Public Hearings – Variance Applications & Decisions

#08-5062 Request for Variance from section 4a.2 side yard set back and 4a.2 lot coverage for 118 East Wakefield Blvd. for Barry Reardon.

Barry Reardon was present this evening for his application. He presented his Certification of Notice to M. Melanson. Chairman Nalette confirmed the certified mailings with M. Melanson.

Mr. Reardon would like to put a shed on his property for garbage cans and power machinery rather than leave them openly in the yard.

J. Massicotte asked regarding the variance for the driveway that was granted. M. Melanson said the original one was for lot coverage for paving the driveway which was granted to Bobby Moore and Mr. Reardon is adding the shed which is adding .07% more for a total 26.37%. J. Massicotte asked if there is any reason why it cannot go behind the house so it's not so close to the sideyard.

Mr. Reardon said that both side yards are equidistance to each neighbor that he has. He doesn't believe it would fit in the back of the house toward the Lake because he has a walk out and a patio back there and aesthetically it would look best here rather than in the back. He said that it is 7 feet tall at the highest point. It is a lean-to shed that is up against the house. R. Dew asked if it is something that will fit under the deck. Mr. Reardon said no. R. Nalette asked if there are windows under the deck. Mr. Reardon said yes. He said there is one double hung window, a 6' slider and a door and putting the shed there would block one or two of the components. J. Masicotte asked when the deck was put on because it was not shown on the A-2. Mr. Reardon said around 2006 after the A-2 was done. M. Melanson said that the deck was part of the house plan. The drawing they are looking at is just the foundation as-built.

Chairman Nalette called for Public Comment.

There was none.

Chairman Nalette closed the Public Hearing.

Motion made by R. Dew and seconded by S. Lange to grant variance number 08-5062 from section 4a.2, for an East Sideyard variance of 28.05 feet, and a lot coverage variance of an additional .07%, for a total lot coverage of 26.37%, for the purpose of building a 6' x 8' shed, as per drawings submitted, for the property located at 118 East Wakefield Blvd.

Discussion:

M. DeClement said that Mr. Moore the previous owner/builder came to them in a similar situation. He had a substantial asphalt apron. He installed it and then asked for a variance of 11.3 which he was granted. The shed is already there. The driveway which has already been approved is an impervious and thinks it is possible for the shed to be moved to that area to the front of the house. It is very close to the property line and is not that intrusive. The shed is already erected and this is a variance being asked for after the fact.

Opposed: R. Dew, R. Nalette, J. Massicotte, S. Lange and M. DeClement. Motion fails.

Reason: Makes it more non-conforming than it already is and there are other possibilities for placement.

#08-5064 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.

Chairman Nalette confirmed that the last variance request was in October. Mr. Clark said that it is a significant difference. Chairman Nalette asked M. Melanson if it was significant from the last application. M. Melanson said that it is lower and smaller. R. Dew said he feels there are substantial changes from the previous.

Motion made by R. Dew and seconded by S. Lange based on the significant difference in the application that it be heard as a new application.

All in Favor. Unanimous. Motion passes.

Harry Clark and Attorney David Cusick were present this evening. They submitted the Certification of Notice to M. Melanson.

Attorney Cusick said that Mr. Clark wants to build this into his retirement home. The current house is 640 square feet per the assessor records with one story with one bedroom and detached garage. He submitted for the record two pictures of the house front and back. Attorney Cusick said the property is located in what was the Highland Lake Shore subdivision and for any reconstruction it would need a variance. On Mr. DiCara's survey, the building is misaligned in terms of sidelines and is very close at one of the sidelines. This is Mr. Clark's third application. Attorney Cusick said that the last application that was denied had essentially the same alignment but had 1,043 square feet as one story, one bedroom and an attached garage. He further said that

one issue that came up had to do with the roof line and the angle and height which had concerns of blocking the neighbor's views.

Attorney Cusick said that the current application scales back the square footage from the previous to 936 square foot. It essentially takes the existing footprint but aligns it and moves it approximately 9 feet toward the road. It is a one bedroom, one story and the detached garage will remain. The roofline has changed substantially from the previous application and is significantly lower and it will align with the road. It should have no bearing on sight lines because it remains the same.

Attorney Cusick said that part of the plans includes a cross section and with the last plan there was an issue as to whether it would have living space on the second floor. This shows the ridgeline up to the very top of the ridgeline would be a height of 7' 4-5/8". The intent is that there is no living space to the second floor. There are stairs leading up so it can be used for storage but there is no living space.

Attorney Cusick said that there are letters from neighbors to the left and right. He would like to submit information on those houses. He submitted a picture of Mr. & Mrs. Constable's home looking from the road and looking from the Lake and he submitted a copy of the assessor card on that property indicating that the Constable house is a two story, three bedroom house. It has 1,508 square feet. He also submitted a picture of the rear of the Bruno property and a copy of the assessor card which is a two story, three bedroom house with 1,440 square feet of living space not counting the full basement. He wanted to comment on the letter sent in by Ms. Bruno. She states that her footprint is 480 square feet and he believes she made a mistake on that because her assessor card clearly indicates a basement area of 720 square feet, a first floor and a second floor both of 720 square feet each.

Attorney Cusick further stated that the letter from the Constables has to do with a concern of the intention of adding a second floor loft. As indicated in the letter the Constables are away and they have not had the advantage of seeing the new plan. With this plan the second floor isn't living space, the height of the roof is the same as the current house and the alignment of the roof is the same as it is now.

Mr. Clark said that when he went back and redesigned the house from the previous application he actually redesigned it with the Constables in mind so that it wouldn't block their view and it is away from the Lake. The view that they are requesting will not be obstructed at all. He is only requesting the variances to straighten the house out.

Attorney Cusick said the other concern of Ms. Bruno is that to make sure the second floor is not living space and Mr. Clark has addressed that in that the height is such that it is not.

M. Melanson asked if it is a seasonal cottage. Mr. Clark said that it will be for year round residence. M. Melanson said that it must have 970 square feet for a year round house. Mr. Clark is 936 and didn't know that there was a restriction. Mr. Clark said that he was trying to be conservative and the intent is to be a retirement home. Mr. Clark asked if he could add the square footage so as not to have to go through the application process again.

After discussion of the square footage:

Motion made by J. Massicotte and seconded by S. Lange to table the application to next month to see if there is an idea for Mr. Clark to come up with the square footage.

Attorney Cusick said that they would appreciate if it is a relatively feasible plan that they will go ahead and increase the present proposal and come back next month with the information.

All in Favor. Unanimous. Motion passes.

Item 5. Approval of Minutes of December 16th, 2008

Motion made by J. Massicotte and seconded R. Dew by to accept the minutes of December 16, 2008 as submitted.

All in Favor. Unanimous. Motion passes.

Item 6. Old Business

None

Item 7. New Business

None

Item 8. Bills Presented

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

Item 9. Correspondence

None

Item 10 Discussion w/ZEO, if any

Item 11 Adjournment

*Motion made by R. Dew and seconded by J. Massicotte to adjourn at 7:50 p.m.
All in Favor. Unanimous. Motion passes.*

Respectfully Submitted,



Clerk, Anna L.