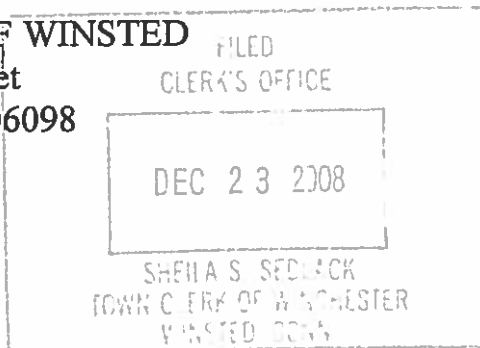




TOWN OF WINCHESTER – CITY OF WINSTED  
Town Hall – 338 Main Street  
WINSTED, CONNECTICUT 06098

*Minutes of Meeting  
Zoning Board of Appeals  
December 16, 2008*



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, Ray Winn and Zoning Enforcement Officer Marc Melanson. Alternate Michael Fox was not present. Alternate Ernie Wolff has resigned.

**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**

**New Applications:**

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

Application was withdrawn because they were short some notifications.

**#08-5063 Request for Variance from section 6.4 Minimum Lot Area CB-2 Zone, 6.4 rear yard set back and 6.4 side yard set back for 98 Main Street.**

Gwen Ashbaugh, Lenard Engineering was present for the applicant. Ms. Ashbaugh said the site is 98 Main Street which is owned by Cole River Transportation. Ms. Ashbaugh submitted her Certification of Notice to M. Melanson.

Ms. Ashbaugh said that the site for the variance contains an office building with apartments above in the front of the property and in the rear is the former Scasco warehouse. The remainder of site is paved. Currently the site does not conform to regulations for coverage, frontyard setback, sideyard setback and rearyard setback. They also do not have enough parking spaces on their property.

Ms. Ashbaugh said that the Bank is continuing to grow and they are in need of additional parking spaces and an additional drive through facility. The expansion of bank property will require that they obtain additional property from the neighbor or they completely move their facility. Their most viable option at this point is to obtain 98 Main Street.

The proposal is for the Bank to purchase the back portion of the property by doing a lot line realignment. It would require that they demolish existing warehouse and rest of existing building would remain. The existing use would also remain.

The realignment does not eliminate any non conforming issues of the Bank property and it also does not create any. It does eliminate a sideyard, building coverage and parking conditions on 98 main street and improves the second sideyard and rearyard non-conformity. It does create a lot building coverage non conforming condition.

The Bank is pursuing variance. Their hardship is that in order to expand they need to acquire additional property and in order to do that variances are needed on 98 Main Street. The shape and the existing buildings on this lot do not preclude them to doing anything other than obtaining this parcel of property. There are no other properties that they could acquire. They have come to an agreement with this owner to purchase this rear part.

Ms. Ashbaugh said that the parking spaces for 98 Main Street would be 7 in the rear, 3 in the front and 1 handicap in front and allows the Bank to expand the drive through in the future and provide enough parking for their needs.

J. Masicotte asked if there is no access to 98 Main to parking in back without going through this property. Ms. Ashbaugh said that is correct. She said that the reason the lot line is shown the way it is because the Bank is concerned that any future owner of 98 Main Street may not properly maintain the access ways. So if the bank owns everything except for the actual parking spaces then they are guaranteed that they can maintain it properly.

Chairman Nalette called for Public Comment.

There was none.

J. Massicotte asked M. Melanson if they can vote because it is not part of their property as of now. M. Melanson said the application is for 98 Main Street for them to get the reduction. The applicant is the Bank and owner is Cole River Transportation. M. Melanson said if the variances are granted they will buy the property and if not will not buy the property.

It was confirmed that the parking spaces will be owned by 98 Main Street but will most likely be maintained by the Bank. It was shown that there will be one way to enter and one way to exit and she shows this on the map board. The row of trees will be eliminated.

Ms. Ashbaugh said that the Bank has two issues with circulation. Many people use it as a throughway and they want to reduce that because it's a hazard for their customers. The proposal is to redesign the entrance to bring a curb all the way out to the street in order to have an entrance and an exit.

M. Declement asked if the bank has any intention of replacing the trees that they are removing. Ms. Ashbaugh said that the only vegetation they are removing is the hedgerow. When they do site plan process there will be landscaping in the aisles.

She said that the total number of spaces 101. Currently their employees take up the entire parking lot in the back and part of another area and the college students also take up spaces during the day so they do have a need. The College has an agreement with the Bank that they can park there.

J. Massicotte said that he has concerns about the 2'9" behind 98 Main Street. Ms. Ashbaugh said that they will have an access easement over the Bank property so they can do what they need to do to maintain it. She said that the existing two drive throughs will remain and they will propose a third.

Chairman Nalette said that it is making the whole situation better and helping the business.

Chairman Nalette closed the public hearing

*Motion made by R. Nalette and seconded by R. Dew to grant variance number 08-5063, from section 6.4, for a Minimum Lot Area variance of 38.5%, a rearyard setback variance of 37.1 feet, and a South sideyard setback variance of 8.9 feet, for the purpose of relocating the lot lines, as per drawings submitted, for the property located at 98 Main Street.*

*All in Favor. Unanimous. Motion passes.*

*Reason: Reasonable Request*

**Item 5. Approval of Minutes of October 28th, 2008**

*Motion made by R. Winn and seconded S. Lange by to accept the minutes of October 28, 2008 as presented.*

*All in Favor. Unanimous. Motion passes.*

**Item 6. Old Business - Application Rates**

It was discussed that they raise the application rates higher. Wetlands is saying that they need to raise their rates just for the cost of legal notices alone because they are about \$300 per application.

*Motion made by R. Winn and seconded by R. Dew to raise the application rate to \$350.*

*All in Favor. Unanimous. Motion passes.*

**Item 7. New Business**

Chairman Nalette said that it was brought to his attention that they need to have an Election of new Officers and if no one objects he will put it in under New Business this evening.

*Motion made by R. Dew and seconded by R. Winn to keep the same Officers as currently in place.*

*All In Favor. Unanimous. Motion passes.*

**Item 8. Bills Presented**

*Motion made by R. Winn and seconded S. Lange to pay the clerk 8.5 hours.  
All in Favor. Unanimous. Motion Passes.*

**Item 9. Correspondence**

None

**Item 10 Discussion w/ZEO, if any**

In reference to Valigorsky on the Lake, Mr. Valigorsky asked the judge to review the case again.

The Kores lawsuit was not filed in time and is no longer an issue.

None

**Item 11 Adjournment**

*Motion made by R. Nalette and seconded by S. Lange to adjourn at 7:35 p.m.  
All in Favor. Unanimous. Motion passes.*

Respectfully Submitted,

  
Clerk, Anna L.