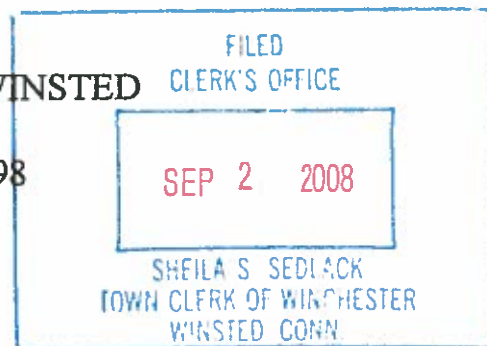




TOWN OF WINCHESTER – CITY OF WINSTED
Town Hall – 338 Main Street
WINSTED, CONNECTICUT 06098

*Minutes of Meeting
Zoning Board of Appeals
August 26, 2008*



The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Nalette at 7:06 p.m. The following members answered the roll call: Richard Nalette-Chairman, Ronald Dew, Susan Lange, John Massicotte and Zoning Enforcement Officer Marc Melanson. Ray Winn, Ernie Wolff and Alternates Michael DeClement and Michael Fox were not present.

Item 3. Explanation of Variance Procedure

Chairman Nalette let the audience members know that anyone who is present for the Sandy Drive LLC, 240 Perch Rock Trail application, that it has been withdrawn until next month's meeting.

Chairman Nalette explained the ZBA meeting procedure to the applicants and the audience members. There are only four members present this evening. Any application can be tabled until next month if the applicant so chooses. If the applicant wishes to be heard this evening then any variance must be voted in favor by all four members in order to pass. If there is one vote against the application then the variance will be denied.

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

#08-5049 Request for a Modification to Variance #07-5016 at 106 Shore Drive for James Rose.

Mr. Rose was present this evening for his application. He submitted his Certification of Notice to M. Melanson. Mr. Rose was here in September last year with his application and was approved but because he didn't estimate the height of the building correctly, what he had on the original plans was incorrect for height. When he came in for his building permits he was told that he could not go higher than the 32 foot roofline that he had on the approved plans submitted with his original variance and now wants a modification of that variance for the purpose of raising the roof. All he is doing is raising the house four or five feet from what is existing. The peak will be 36 feet but the slope will not. He shorted himself on the height of the house in his original variance because he didn't fully understand the regulations.

Chairman Nalette confirmed with M. Melanson that he has appropriate plans on this. M. Melanson said yes.

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 08-5049 for a modification to variance number 07-5016, for the purpose of raising the roof of the structure an additional 4 feet, as per the drawings for the property located at 106 Shore Drive.

All in Favor. Unanimous. Motion passes.

Reason for Approval: Still within guidelines of regulated height. Reasonable Request.

#08-5050 Request for a Variance from Section 4.1 Uses Permitted at 66 High Street for Foothills Visiting Nurse & Home.

Michael Casellas, Executive Director of Foothills Visiting Nurse & Home Care and Mr. Bailey, President were present for the application this evening. They submitted their Certification of Notice to M. Melanson.

Chairman Nalette presented the applicants with a letter that was received from Mr. Brown at 65 High Street because it is now part of the record. Mr. Casellas said that he brought Mr. Brown into the building today and gave him some remnants from the building and spent about two hours with him. Mr. Brown said that he had no problem with what they were doing except for his concern of lighting.

Mr. Bailey said that they are trying to expand their present building with a 5000 square feet addition to the side of their building and they are going to need more parking to facilitate their employees. They have been looking for adjacent or other available property in a radius of 300 feet of their property but have not found anything to satisfy their parking needs. They have purchased the property with the purpose of taking the house down for the purpose of parking 16 or more cars and that will more than satisfy the additional parking needs. Mr. Casellas said that the lot will have 24 spots. In total they will need approximately 41 spots with the addition and right now they only have spots for 16 plus 2 handicap and with the location on High Street that will give them the amount of spaces that they need.

Chairman Nalette verified with M. Melanson Section 4.1. Permitted uses: Commercial parking lot in a residential zone. He also confirmed that their building is on lots 12, 13 and 14 on Union Street. They are looking for a variance to have the Commercial parking lot in a residential zone. It shows the Elks parking lot which is also in residential zone but is a pre-existing use. Mr. Casellas went over the plans with the Commission. He said that he received today the conceptual drawings from their architect which he presented to the Commission for their information.

J. Massicotte asked if the lot will be black top or stone. Mr. Casellas said it could be either. S. Lange said that this Commission is not concerned with it but asked when the lights will be on in the lot. Mr. Casellas said that they would only be on mostly in the winter in the evening when it is dark and the employees are leaving. They will not be on during over night hours.

J. Massicotte asked about drainage on the property if it is blacktop. Mr. Casellas said that their engineer will have a plan for that to present to Planning & Zoning. J. Massicotte asked if it will be fenced in. Mr. Casellas said that it is fenced in now and would probably stay that way. J. Massicotte asked why they went with that lot and not the property on the corner where the violins were made. Mr. Casellas said that they did not look at that but it is also not within 300 feet of the facility which it must be and also did not have enough space.

Chairman Nalette called for Public comment.

There was none.

Chairman Nalette closed the Public Hearing.

Motion made by J. Massicotte and seconded by R. Dew to grant variance number 08-5050, for a variance from section 4.1, Permitted Uses, for the purpose of allowing a commercial parking lot in a residential zone, as per drawings submitted, for the property located at 66 High Street.

All in favor. Unanimous. Motion passes.

Reason: Reasonable Request.

ZBA

#08-5051 Request for Variance from section 6.4 front yard set back 31 Gay Street, for Winchester Housing Authority

Alan St. George, Community Planners and John DiCara, DiCara Land Surveying presented for the applicant Winchester Housing Authority. They presented their Certification of Notice to M. Melanson.

Mr. St. George said that they are looking for a variance of their frontyard setback for an addition to the Community Building at Greenwoods Gardens. Zoning setback requirements are 40 feet for the frontyard and the existing building leaves them at 37.2 feet. The proposed addition will extend 16 feet in the southerly direction to Gay Street and the width of the building will remain the same and this will change the setbacks. He went over this on the map with the Commission.

Mr. DiCara said that the proposed addition has a 2.7 foot overhang and he understands it that there can only be a 1 foot projection into the yard so the variance being asked for is to the end of the overhang.

They are requesting two variances. One for the building itself and one for the roof overhang. Mr. St. George also pointed out that the addition is no closer to the existing building to the east to the right of it for fire access, etc. It does not narrow the opening between the buildings and it does not project any closer to Gay Street than the existing building to the right. Their intent is to keep the overall outside appearance the same.

J. Massicotte asked the hardship. Mr. St. George explained to them that hardship is because The Winchester Housing Authority who owns/operates and manages the building states that the Community Room is used by both complexes of Laurel Gardens and Greenwoods Gardens that the amount of population using this room that it is just too small for their multiple functions. The common community room now serves as a kitchenette area for the residents, their meetings and socials and all the other functions that they have and it is just too small and they need to extend that.

Chairman Nalette called for Public comment. There was none.

Chairman Nalette closed the Public Hearing.

Motion made by S. Lange and seconded by R. Dew to grant variance number 08-5051, for a variance from section 6.4, for a Frontyard setback variance of 21.5 feet, for the purpose of building a 16' x 26' addition on to the Community building, with a 2'8" overhang, as per drawings submitted, for the property located at 31 Gay Street.

All in Favor. Unanimous. Motion passes.

Reason: Reasonable Request. Zoning Laws would not allow them to go any other way.

#08-5052 Request for Variance from section 4a.2 lot coverage and 4a.2 side yard set back at 544 West Wakefield Blvd. for James & Carol Genthe.

Without exception, Chairman Nalette would like to revise the agenda and move this item to the end because the Genthes are not yet present.

#08-5053 Request for Variance from section 12.4-(9) for internally Lit sign on road at 483-485 North Main Street for Rob Oley.

Rob Oley, owner of KPI Partners, Inc. was present for the application. He submitted his Certification of Notice to M. Melanson.

Mr. Oley said that he wants to have his sign at his business that can be lit at night that will be viewed by both north and southbound traffic on 483-485 North main Street. He passed out a rendering of what the sign will look like with its dimensions.

Chairman Nalette asked M. Melanson for any comments. M. Melanson said that basically the regulations do not allow for an internally illuminated signs without a special permit in certain areas. Chairman Nalette said that the regulations say 24 square feet is the maximum. He pointed out that the dimensions that are on the sign are 25 square feet. M. Melanson said that this is the first time that he has seen the sign rendering so he has not even looked at that.

Chairman Nalette told Mr. Oley that it is too big and too tall for the regulations and if he wants to continue the application, he would need a variance for the size of the sign and the height of the sign and the sign cannot advertise "two rooms and hall". It can only state name and phone number. Mr. Oley said that if he wants to announce specials on the sign that he cannot do that. Chairman Nalette said that is correct. He further stated that the maximum size would be 24 square feet and the maximum height would be 6 feet.

Mr. Oley asked if there is a way to get a variance for that. Chairman Nalette said that there is but he has not asked for it. Chairman Nalette said that he could opt to withdraw the application and come back next month to the September meeting. Mr. Oley said that he would like to do that and will submit a new application. Chairman Nalette said that they will also need a map to show where the sign is.

#08-5054 Request for Variance from section 4a.2 front yard set back, 4a.2 side yard set back, 4a.2 rear yard set back and 4a.2 lot coverage at 240 Perch Rock Trail for Sandy Drive Three LLC.

Application #08-5054 was withdrawn until the September meeting.

#08-5055 Request for Variance from section 4.2 front yard set back, 4.2 lot coverage at 135 Prospect Street for James Bagoly.

James & Kathy Bagoly was present for his application this evening. They submitted their Certification of Notice to M. Melanson.

Mr. Bagoly said that they would like to extend their front porch. They would like to go approximately 2 feet on each side. It needs to come down because it is rotting and they need to make it a little bigger because his grandfather may be coming live with them and, although he is not yet wheelchair bound, they need a wider area in order for two people to help him along.

J. Massicotte asked if it was going to be covered. Mr. Bagoly said yes. Mrs. Bagoly said that they have hired a contractor to do this work if they are going to be approved. Chairman Nalette asked if they M. Melanson has sufficient plans for a building permit. M. Melanson said no but it will be as a condition and they will word the motion as a covered porch.

Motion made by R. Dew and seconded by S. Lange to grant variance number 08-5055 for a variance from section 4.2 for an east frontyard setback variance of 23 feet, a North Frontyard setback variance of 17.5 feet and lot coverage variance of 0.8%, for the purpose of building a 10' x 14' front covered porch, as per drawings submitted for the property located at 135 Prospect Street.

All in favor. Unanimous. Motion Passes.

Reason: Reasonable request. Unobstructing view.

#08-5052 Request for Variance from section 4a.2 lot coverage and 4a.2 side yard set back at 544 West Wakefield Blvd. for James & Carol Genthe.

James & Carol Genthe were present for their application. The Genthes presented their Certification of Notice to M. Melanson. They presented pictures of before & after the shed was erected. They are asking for variance of lot coverage and sideyard setback. They have attached a letter from the neighbors and thought they were acting in good faith and had all the approvals that they needed. They bought an already made shed and had it dropped off. It is a 10 x 15' shed. Mr. Genthe said that once they had Wetlands approval they thought that they had everything in place to place the shed..

Mrs. Genthe said that before they did place it they spoke with the neighbors on the side and in the back and showed them the placement to make sure that they didn't have any concerns about the viewshed, etc. They handed out an e-mail from one neighbor and the other neighbor, Mr. Dawson, is present in the audience.

Mr. Genthe said that the hardship is that the shed is already there and it will be very expensive to remove it and they would take a loss if they tried to sell it if it had to be removed.

R. Dew said that they mentioned that they went to Wetlands with this and there was no mention of a setback at that point. Mr. Genthe said no. He showed the Commission the drawings that were submitted to the Wetlands Commission with his application. J. Massicotte asked if the shed was an afterthought. Mr. Genthe said that they were not thinking about it in November when they were in front of ZBA. When they went to Wetlands, Agent Eisenlohr suggested that they put in all they wanted to do on one application for one approval to save themselves future applications so they put it in.

Chairman Nalette confirmed that it conforms to the rear yard setback. M. Melanson said if they moved it closer to the Lake they would only have to be another three feet away from the property line. Mrs. Genthe said that if they moved it closer to the Lake then it would block the neighbors view.

R. Dew is looking at the lot plan showing 5'9" from the shed to the corner of the house but looking at the picture it is a lot more than that. Mr. Genthe said that there is a fence there and it is two feet from the fence. R. Dew said that if it were moved off the fence there would still be enough room between the house and the shed to allow access up to the roadway. The plot plan and the pictures provided don't appear that the dimensions and measurements on the plan correspond with each other.

Chairman Nalette said that it seems to be in the most unobjectionable place. J. Massicotte asked if it is set on a bed of stone. Mr. Genthe said yes.

Chairman Nalette called for Public Comment.

Sherwood Dawson, 543 West Wakefield Blvd.:

Mr. Dawson said that he has to thank the Genthes that they are good neighbors. He thinks the hardship is that it is an undersized lot that they have. If they move it to the right closer to the house Mr. Dawson would not have a view. Five years ago when they built this house the neighbors fought it. With the house the view is somewhat blocked but the Genthes did not build it. It was fought back then and lost and the house was still built. At least Mr. & Mrs. Genthe had the consideration to speak to Mr. Dawson and the other neighbor in order not to block any more of anyone's views. He has no objections to the shed. He is in favor of it and hopes that they will grant the variance where it is now because they have put it in the best spot for the neighbors.

Chairman Nalette called for further Public Comment.

There was none.

M. Melanson asked Mr. Genthe if the shed is right up to the fence is the fence on his property. Mr. Genthe said that he placed the shed two feet from the fence. His concern is that the shed does look like it ZBA

is more than 5 feet from the house and he will be out there measuring for these dimensions. Mr. Genthe said that he put it two feet from the fence assuming the fence is on the lot line. It was discussed and explained to Mr. Genthe that this cannot be assumed because that may not be the case. As it appears with the numbers the shed may be on the neighbor's property.

Mr. Genthe showed on the map where Agent Eisenlohr and he discussed where the pin was on the property corner and Agent Eisenlohr said it looked like it was two feet off the retaining wall and Mr. Genthe said that he believes that the shed is on his property.

Chairman Nalette explained to the Genthes that if they give them a variance with these numbers and the shed is not within these numbers they will have to come back for a variance with the proper numbers or move the shed. If the application is tabled for a month and he can get it located by a surveyor then he will have the right numbers. But if M. Melanson goes out and measures and the distance between the shed and the house is 7 feet then they will be in violation of the variance. Mr. Genthe said that he believes the neighbor's fence is appropriate and M. Melanson stated that he does not believe that there was a permit for the neighbor's fence so it may not be.

After discussion with the Genthes on several different options on how to locate and properly measure to discern the location of the shed, the Genthes opted to table their application to the September meeting in order to make sure that they have the appropriate measurements and that they are two feet from their lot line.

Chairman Nalette said that the Commission is not so concerned with the lot coverage being asked for but that they need to know the measurements and that what is on the drawing is correct and that the variance is appropriate for where the shed is.

M. Melanson said that this property may have an as-built survey in his office because it was put up in 2005.

Motion made by R. Dew and seconded by S. Lange second to table application number #08-5052 to next month's meeting.

All in Favor. Unanimous. Motion passes.

Item 5. Approval of Minutes of July 22nd, 2008

Motion made by R. Dew and seconded by R. Nalette to approve the minutes of July 22, 2008.

All in Favor. Abstain: S. Lange and J. Massicotte. Motion passes.

Motion R. Dew and seconded by S. Lange to postpone application of 08-5054, Sandy Drive Three LLC for one month.

All in Favor. Unanimous. Motion Passes.

Item 6. Old Business - Application Rates

M. Melanson said that the Town Manager is looking for this information. After a brief discussion the Commission agreed that they had originally agreed that \$350 was appropriate. Chairman Nalette said that since M. Melanson is physically in the building with the Town Manager on a daily basis that he should get this information to the Town Manager.

Item 7. New Business

None

Item 8. Bills Presented

Motion made by R. Nalette and seconded by R. Dew to pay the clerk's hours of 1.5 hours.

All in Favor. Unanimous. Motion passes.

Item 9. Correspondence

None

Item 10: Discussion w/ZEO, if any

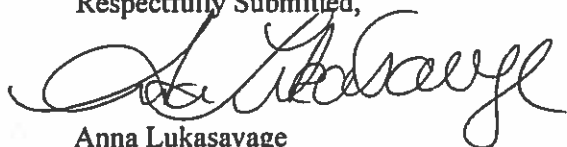
None

Item 11: Adjournment

Motion made by R. Nalette and seconded by R. Dew to adjourn.

All in Favor. Unanimous. Motion passes.

Respectfully Submitted,



Anna Lukasavage

