



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

*Minutes of Meeting
Zoning Board of Appeals
March 25, 2008*



The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Nalette at 7:05 p.m. The following members answered the roll call: Richard Nalette-Chairman, Ronald Dew, John Massicotte, alternates Michael DeClement and Ernie Wolff and Zoning Enforcement Officer Marc Melanson. Ray Winn, Susan Lange and Alternate Michael Fox were not present.

Chairman Nalette seated Alternates Michael DeClement and Ernie Wolff for this meeting.

Item 3. 7:00 P.M. Public Hearings – Variance Applications & Decisions

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

#08-5034 Request for a Variance for section 5.2 South side yard set back at 425 Platt Hill Rd, for Robert C. Hansen.

Robert C. Hansen presented his application and submitted his Certification of Notification to M. Melanson.

Chairman Nalette asked M. Melanson if he had the letter from DEP regarding this application. M. Melanson provided the letter to Chairman Nalette. Chairman Nalette said that the letter came in to the office late and he will provide the applicant with a copy. The DEP letter stated that DEP received notification of this public hearing, they have reviewed it and they object to the proposed variance.

Mr. Hansen said that he owns 425 Platt Hill Road and he is here tonight to ask for permission to build a 3-car garage on the south side of his property per the plans submitted showing his house and the proposed garage. He feels the garage needs to go in this location because of the unusual shape of his property which is pie-shaped. There is not a garage there now. It is just his house. To the west of his property is the leach field to his septic system so he cannot put anything to the left of the house – on the left if you are looking from where the driveway is. No matter where he places it at this point he will be encroaching on the boundary of the State Park.

There was clarification on the location of the property, house, septic system, road and State Park. Mr. Hansen said that he is very limited where he can put the garage. The A-2 survey is in the packet but Mr. Hansen drew in the house and the driveway on that survey.

Mr. Hansen said that he does not know why the State objects. He said that the garage is going to be nice and will fit nicely into the neighborhood.

J. Massicotte asked why he can't turn the garage so that he can drive right in. Mr. Hansen said that it would sit right in front of his house and he doesn't know if he can redo the driveway enough to make the turn. J. Massicotte said make it so the garage doors face the driveway. Mr. Hansen said that then he would be looking at the side of a building when he looked out from his house.

M. DeClement asked if there was any way he could put it behind the yard area in the back of the lot. Mr. Hansen said that he has a conflict with his well and a pool back there and a pond that are not shown on the map. There is no space back there. M. DeClement said that it would be helpful if, on the A-2, the leach fields, etc. were located

on the map. Mr. Hansen provided a septic layout to the Commission. Mr. Hansen showed the Commission on the map where the pool, etc. were located.

J. Massicotte asked if the 40 foot setback included the overhang. Mr. Hansen said yes. M. DeClement asked if he was going to run any utilities. Mr. Hansen said only electric.

Chairman Nalette closed the public hearing.

Motion made by R. Dew and seconded by M. DeClement to grant variance number 08-5034, from section 5.2, for a south sideyard setback variance of 40 feet, for the purpose of building a 36' x 24' garage, with storage above, as per drawings submitted, for the property located at 425 Platt Hill Rd.

M. DeClement asked to see the letter from the DEP and said that they do not state a reason for their objection on the letter. M. Melanson stated that he tried to call DEP and has received no response. M. DeClement said that it appears that it is because the 10 feet to the property line is a State Park. Chairman Nalette said that the request is a lot of variance and it seems that it is a self-imposed hardship.

*In Favor: J. Massicotte. Opposed: R. Nalette, M. DeClement, R. Dew and E. Wolff. Motion fails.
Reason: self-imposed hardship.*

#08-5035 Request for site approval for car dealership for motor vehicle licenses at 6 Willow Street, for Vincent D'elia.

Vincent D'elia was present for his application this evening. Mr. D'elia said that the property address of 6 Willow Street is Winsted Tire and has been for a number of years. There is currently zoned approval for a repair license which is in place. They are looking to change that to a dealer license. There are currently gas pumps on site and they will be removing those because they will no longer be pumping gas. Chairman Nalette asked what the difference is between a dealer license and a repair license. Mr. D'elia said that they are going to sell cars and under a dealer license they can repair as well. A repair license only covers repairs and you are not allowed to sell anything. Chairman Nalette noted that there will be no junk cars outdoors. Mr. D'elia said that they do not do junk cars and they will not leave any junk cars outside. J. Massicotte asked if there was a limitation on the number of cars. Chairman Nalette asked if there was a site plan. Mr. D'elia said that he submitted an A-2 survey that M. Melanson had in the file. Mr. D'elia said that they are looking for the display of cars on the corner of Bridge and Willow. Their property is big enough to hold about 20 cars but they are looking at only about 10 cars.

M. DeClement said that the paperwork said that they are going to be removing shrubbery and asked if they are going to have plantings. Mr. D'elia said that is going to depend on how many cars that ZBA says that they can have there. If they are able to put enough cars in that corner then they will not have to remove the shrubs. The removal of the shrubs is going to depend on the number of cars they can fit in that area.

Brian Hogan, the original owner's son and partners with Mr. D'elia stepped up to speak. In reference to the plantings, he said that he is very well educated on what the Town wants. With all the shrubbery that he had to comply with for the revitalization of Main Street, their plan in the near future is to remove one of the trailers on the east side. Their further plans are to make the whole corner uniform with the ice-cream shop. They have spoken to Public Works and the Police Chief about these plans.

Chairman Nalette said that this is not a public hearing so it does not need to be closed. If approved only documents need to be signed.

Motion made by M. DeClement and seconded by R. Dew to approve application number 08-5035, for a Used Car Dealership License site location approval, and have the Chairman sign the site plan, for the property located at 6 Willow Street.

All In Favor. Unanimous. Motion Passes.

#08-5036 Request for a Variance for section 4a.2 front yard set back, 4a.2 north side yard set back, 4a.2 rear yard set back, 4a.2 south side yard set back 4a.2 lot coverage and 3.4 first floor livable area at 543 West Wakefield Blvd., for Sherwood Dawson.

Chairman Nalette said that before they start the question has arisen that there was an application for this location and applicant in the last six months and the Commission needs to determine whether or not this application is significantly different from the last application. He asked that the applicant address the question before they start the application process.

George Cotter presented with Sherwood Dawson for the applications. Mr. Cotter said that they feel that they are significantly different because the reason given last time for the denial was the fact that there was no place to park and they have added a pervious surface area for parking on the lot and have reduced the size of the deck and they feel that qualifies. They are still doing the unit over the same footprint. The reasons for the multiple variances is the hardship on the lot which was created because the lot and structure were created prior to zoning and the zoning has now made this non-conforming.

Chairman Nalette asked how much smaller the deck is. Mr. Cotter said about 8%. Last time the deck was 15' x 8' and it is now 7'6" x 15'. Mr. Dawson asked the definition of significant change. Chairman Nalette said that it depends on the Commission—they take each case on its own merits.

Motion made by R. Nalette and seconded by R. Dew that the Zoning Board of Appeals will hear Application 08-5036 within six months of hearing and denying application 07-5025 due to the fact that the Commission feels that there is a substantial change to the application.

It was clarified that a vote of yes states that the Commission is willing to hear this application this evening and a vote of no means that they are not willing to hear it again because they do not feel there is significant change.

All In Favor. Unanimous. Motion Passes.

The application was presented by Mr. Cotter. Mr. Dawson gave M. Melanson the signed Certification of Notice. Mr. Cotter said that in the packet there is a picture from the lakeside, a picture of the side view of the structure with the adjacent residence in the background. This is a reconstructed structure that is similar in shape and size to what it on this lot. The last picture is the adjacent house from the lake view and the deck is twice as large as to what they are proposing on Mr. Dawson's lot. The structure they are proposing fits in the area. They are proposing to build the structure and will be generally in the same viewing compliance as the adjacent which fits very well into the neighborhood. They have also provided the Planning & Zoning and Wetland permits for this lot as well as a letter from Public Works regarding the pump chamber. There are also letters from the neighbors in support of the project because of the state of the existing structure. There is a letter from the adjacent property owner, Mr. Tuttle, supporting the project and the reasons.

Mr. Cotter said that this lot was created in 1908. In the 1940's the structure/dwelling unit was constructed on the lot and predates zoning. Since that time it has been re-zoned in the Highland Lake District and it requires one acre of land. The plot for this lot is 45 x 50 which is hardship in the fact that it makes the lot non-conforming. The secondary hardship on the lot is the topography changes 9 feet in elevation from the front of the lot to the lake. This structure is in need of repair. The lot doesn't conform to zoning but there is an existing unit.

Mr. Cotter said that the structure that they are building is over the footprint. They are not asking to enlarge the structure to make it more non-conforming. The reasons for the variances are the fact that the house is non-conforming by the setbacks. The chimney and the pump chamber require a variance. It doesn't impact the side yard and doesn't impact setback between the two houses and the neighbor and the reason to close off the front of the unit is to allow for access between the floors and keep it on it's existing foundation footprint. Mr. Cotter said that because of the topography and slopes on the lot there is no real usable area and the deck will provide that usable area.

Chairman Nalette called for public comment. There was none

M. DeClement asked for the applicant to point out the planned parking which they did. M. DeClement asked if it was going to be built up. Mr. Cotter said that it doesn't need to be built up because there is a 9 x 18 parking space that has been used there and you can park on the level area on the top.

M. DeClement said that he was having trouble with the deck being in the position it is in and asked if they had considered another placement. Mr. Dawson said that what he has submitted to ZBA is what was submitted to Wetland for their approval. He said that he went through a lot of hurdles to please Wetlands and do what they wanted. He said that he has worked so hard to try and please all boards for obtaining permits and due to the fact that the size of the building he was really restricted and Planning and Zoning and Wetlands helped him through it. The hardship is really the foundation and the unit itself and he's really not concerned about what the neighbors do and approvals but he is really just concerned. Mr. Cotter further stated that the only usable space on the lot is the small area in the back. The neighbor's is a little further back but not significantly. By putting the deck on the second level they have allowed for that area to still remain as a grass area and a green area and the deck's proximity to the lake doesn't impact the lake or the adjacent property owner.

Chairman Nalette closed the public hearing.

Motion made by J. Massicotte and seconded by R. Dew to grant variance number 08-5036, from section 4a.2, for a frontyard setback variance of 42.8 feet, a north sideyard setback variance of 24.5 feet, a rearyard setback variance of 30.6 feet, a south sideyard setback variance of 22 feet, lot coverage variance of 9% and from section 3.4, required floor area, for a variance of 329 square feet for the 1st floor, for the purpose of building a 15'6" x 22'4", 2 story residence, with a 4' x 4' sewer pump chamber, 5' x 2'4" chimney, a 3' x 5' stair landing on the north, a walkout basement, and a 15'6" x 7'6" deck on the rear, as per drawings submitted, for the property located at 538 West Wakefield Blvd.

All In Favor. Unanimous. Motion Passes.

Item 4. Executive Session (Valigorsky 205 West Wakefield Blvd.)

Motion made by R. Dew and seconded by J. Massicotte to go into Executive Session to discuss Valigorsky at 8:15 p.m. Unanimous. Motion passes.

Motion made by R. Nalette and seconded by M. DeClement to end Executive Session at 8:20 p.m. Unanimous. Motion passes.

Item 5. Approval of Minutes of February 26, 2008

Motion made by R. Dew and seconded by J. Massicotte to accept the minutes of February 26, 2008. Unanimous. Motion passes.

Item 6. Old Business

None

Item 7. New Business

The Town Clerk, Sheila Sedlack, was served a Summons to Appear from Peter Kores and Harris Daigle vs. Town of Winchester ZBA. The summons has a return date of 4/8/08. After a brief

discussion of the summons, M. Melanson offered to call the Town Attorney, Kevin Nelligan, and forward a copy of the summons to him.

Item 8. Bills Presented

Motion made by R. Dew and seconded by M. DeClement to accept clerk's bill and authorize to pay. Unanimous. Motion Passes.

Item 9. Correspondence

Marc Melanson passed out a copy of a letter from Connecticut Federation of Planning & Zoning Agencies regarding nominations for Length of Service/Lifetime Achievement Awards.

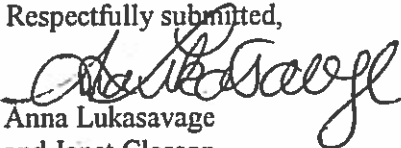
Item 10 Discussion w/ZEO

None

Item 11 Adjournment

Motion made by R. Nalette and seconded by R. Dew to adjourn at 8:27 p.m. Unanimous. Motion passes.

Respectfully submitted,


Anna Lukasavage
and Janet Closson

