



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

*Minutes of Meeting  
Zoning Board of Appeals  
January 22, 2008*

JAN 28 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, Ray Winn, John Massicotte, alternate Michael DeClement and Zoning Enforcement Officer Marc Melanson. Susan Lange and alternates Michael Fox and Ernie Wolff were not present.

Chairman Nalette seated Michael DeClement for this meeting.

Item 3 Public Hearings – Variance Applications & Decisions

**#07-5025 Request for a Variance for section 4a.2 Front Yard set back, 4a.2 side yard set back, 4a.2 rear yard set back, 4a.2 Lot coverage and 3.4 Required Floor Area at 538 West Wakefield Blvd for Sherwood Dawson.**

R. Winn questioned why the application was tabled from the last meeting. Chairman Nalette said that it had not been legal noticed for required floor area.

Sherwood Dawson and Mr. George Carter presented the application. Mr. Dawson submitted the Certification of Notice to M. Melanson. Mr. Carter said that they made a presentation last month for this variance. They are going to remove the existing structure on an existing lot that goes back to 1908 and at the last meeting also went through the need for variances to reconstruct a structure on the same footprint that exists, relocate the sewer pump chamber by attaching it to the structure, place the chimney on the north side of the building and enclose the jog in the structure for functional purposes. They will also be putting on an 8 x 15 deck on the water side.

The reason that they are here tonight is because the first legal notice did not include floor coverage. Mr. Carter said that the hardship on this application is the size of the lot which is 40 x 50. It is the last summer cottage in the area that is in disrepair and they want to put in a new structure that will go with the neighborhood.

M. DeClement asked what is going to happen with parking. Mr. Dawson said that there is a lot across the street that he owns and that can be used. J. Massicotte asked if it was part of the deed of this property. Mr. Dawson said no. J. Massicotte said that in the future event that the property is sold there will be no parking. Mr. Dawson said that he has an acre of land and can park there although he would like to eventually add a two-car garage to the property because he wants to live there year round.

M. DeClement said that he is restricted with lot size but according to the plan his deck is going to be 3.9 feet from the lake. Mr. Dawson said yes. M. DeClement asked the height of the roof line. Mr. Carter and Mr. Dawson said for reference that it will be the height of the house next door.

Chairman Nalette called for public comment. There was none.

Mr. Carter said that they have an existing lot and the hardship is that they are trying to make something presentable for the town and for the owner.

Chairman Nalette closed the public hearing

**Motion made by R. Winn and seconded by R. Dew to approve variance for section 4a.2 for a frontyard set back variance of 42.8', a north side yard set back variance of 24.5', a rearyard set back variance of 31.1', a south sideyard setback variance of 22', lot coverage variance of 9% and from section 3.4 (required floor area) variance of 330 square feet for the first floor and overall square footage of 690 square feet for the purpose of building a 15'6" x 22'4", 2 story year round residence with a 4' x 4' sewer pump chamber, 5' x 2'4" chimney, a walk out basement, and a 15'6" x 8' deck on the rear as per drawings submitted for the property located at 538 West Wakefield Blvd for Sherwood Dawson.**

Chairman Nalette called for discussion.

M. Melanson corrected that the overall square footage should be 390 not 690. R. Winn changed the motion to be correct with overall square footage of 390.

J. Massicotte said that his concern is that it is taking a non-conforming lot and making it more non-conforming and that there is no parking.

**In favor: R. Nalette, R. Dew, R. Winn. Opposed: M. DeClement and J. Massicotte. Motion fails.**

Reason per M. DeClement is lack of parking and the deck less than four feet from the lake.

**Application #08-5027 Request for a variance for section 5.2 side yard set back at 115 Laurel Way for Ami Bierbower**

Ami Bierbower presented for her application and submitted her Certification of Notice to M. Melanson. Ms. Bierbower said that she is looking to add on to the rear of her house with a pantry, expand the back and put in a closet and she needs a variance to do this. Chairman Nalette clarified with M. Melanson that it is a side yard set back. The Commission reviewed the submitted plans.

Chairman Nalette called for public comment. There was none.

Chairman Nalette closed the public hearing.

**Motion made by J. Massicotte and seconded by M. DeClement to approve variance from section 5.2, for a north sideyard setback variance of 31 feet, for the purpose of building a 14' x 23', 1 story addition with landing and stairs on the south side, as per drawings submitted. Unanimous. Motion passes.**

**Application #08-5028 Request for a variance for section 10.3 Non-conforming use and 4a.2 lot coverage at 410 East Wakefield Blvd for Mark & Merrill Mandell**

Lindsay Karl, an architect, presented for the Mandell's and submitted the Certification of Notice to M. Melanson. Ms. Karl said that there is an existing lot that has two residences on the property. The main house is where the Mandell's want to live and upon inspection it was found not to have a foundation and there was considerable damage to the house during last winter because of this. Ms. Karl submitted pictures to the Commission of the condition of what is considered to be a foundation for this house. She said that the Mandell's would like to take down the house and build another one in its place.

Ms. Karl said that the new plan is not exactly in the same footprint however they are not moving any closer to the lake than the house currently is but do have the issue of two houses on the one lot. The variance they are asking for is two houses on one lot. They want to keep the second house and rebuild one house.

J. Massicotte said that 10.3 states that no existing non-conforming use shall be changed to another non-conforming use and questioned if the applicant is asking the Commission to dismiss this.

Ms. Karl said that in the sense that due to the structural issues they should be allowed to rebuild it as it were and since they are not changing it very much that is the request as they saw it. If it were to burn down then they would be able to rebuild it exactly as it was on the same footprint. And generally footprint refers to the foundation and since they don't have one it is hard to feel constrained by rebuilding on the same rock.

J. Massicotte questioned if both houses are occupied. Ms. Karl said that they are not currently occupied. It was discussed whether the house would be considered abandoned. Ms. Karl said that they have been using the house but not as a primary residence. M. Melanson clarified that abandonment is not applicable in this case. Abandoned would be more toward if a house burnt down and it is torn down and was not rebuilt within a year. That would be considered abandoned.

J. Massicotte inquired that this passes then will they have to come back for variances when they build. M. Melanson said that they only thing they would have had to come back for is lot coverage and that is added into the motion. He also said that with non-conforming use then they could do it but he thought he would clarify it by adding it to the motion and all of their setbacks meet for the house.

J. Massicotte asked if there were any architectural plans for the house. Ms. Karl said that they submitted some elevations and gave these to the Commission. She was told that the dimensions on the site plan is what was required. The Commission briefly discussed the elevations. Ms. Karl said that they are decreasing the height of the structure and because it is such a long driveway, it is not visible from the road.

J Massicotte inquired on the grinder pump area for the sewer. Ms. Karl pointed it out on the plans.

Chairman Nalette called for public comment. The neighbors from 414 E. Wakefield were interested in the plans because they are wondering if this variance will bring the Mandell's house closer to their lot. M. Melanson said that they will not be any closer to the property line. They also asked if they are going to be doing anything to the boathouse. Ms. Karl said in the future. They reviewed the plans and thought it was a great plan.

M. DeClement said that it is presented as a two story but there is mention of three stories. In the current house there was an apartment at one time but this plan is only for two stories.

With no further public comment, Chairman Nalette closed the public hearing.

**Motion made by R. Dew and seconded by R. Winn to approve variance from section 4a.2, for a lot coverage variance of 3.2% and from section 10.3, non-conforming use, for the purpose of demolishing and rebuilding 1 of the 2 existing houses on the property, as per drawings submitted.**

**Unanimous. Motion passes.**

4. Approval of Minutes of December 18<sup>th</sup>, 2007

Motion made by R. Dew and seconded by R. Winn to approve the minutes of December 18<sup>th</sup>, 2007.  
All in favor. Abstain: J. Massicotte. Motion passes.

5. Old business:

No discussion on application rates.

J. Massicotte asked what is happening with the application for a 4-foot extension on the boathouse. Chairman Nalette said that it is still in litigation.

6. New Business:

None

8. Bills Presented:

Motion to made by R. Nalette and seconded by R. Dew to approve 10 hours for the clerk. Unanimous.

9. Correspondence.

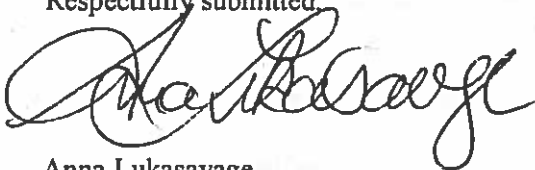
None.

10. Discussion with ZEO

None

Motion to made by R. Nalette and seconded by J. Massicotte to adjourn at 7:55 p.m.  
Unanimous. Motion passes.

Respectfully submitted,



Anna Lukasavage