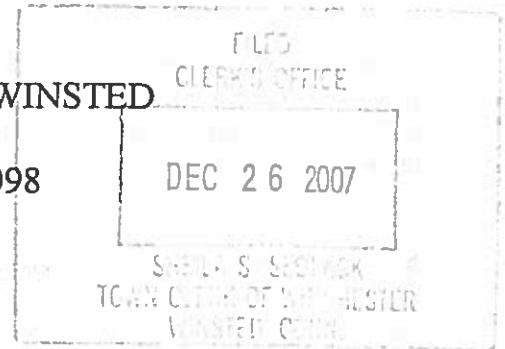




TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street
WINSTED, CONNECTICUT 06098

*Minutes of Meeting
Zoning Board of Appeals
December 18, 2007*



The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Nalette at 7:10 p.m. The following members answered the roll call: Richard Nalette-Chairman, Ronald Dew, Susan Lange, Ray Winn, alternate Michael DeClement and Zoning Enforcement Officer Marc Melanson. John Massicotte and alternates Michael Fox and Ernie Wolff were not present.

Chairman Nalette seated alternate Michael DeClement.

Item 3 Public Hearings – Variance Applications & Decisions

#07-5021 Request for a Variance for section 4a.2 Lot width, 4a.2 lot coverage, 4a.2 Front yard set back and 4a.2 side yard set back at 302 ROW 1 for Edinburg LLC

M. Melanson told Chairman Nalette that the applicant has withdrawn the application.

Motion made by R. Dew and seconded by R. Winn to allow the applicant to withdraw the application. Unanimous. Motion Carries.

#07-5024 Request for a Variance for section 10.3 non-conforming uses for a change of use at 483-485 North Main St. for Armand Gelormino

Attorney Herbst and Armand Gelormino were present. The Certification of Notice was signed by Mr. Gelormino and submitted. He said it was posted the last week of November. He also presented the list of property owners and certified receipts that were mailed.

Attorney Herbst explained that Mr. Gelormino is under contract to purchase this property which is almost directly across from the Town's water treatment facility. He said the property was the subject of a use variance seven years ago which said the property had been used for industrial since 1927 and became a non-conforming property in 1956. In 2000 the use was changed for a towing company and had office space on the 2nd floor and towed vehicles into the property and stored them in the building.

The use that is being proposed is office on the second floor and the rest of the building will be a storage facility for carpet cleaning and storing carpet cleaning vans. There would be some maintenance of these vehicles in the building. This use of the property would be a less intensive use because there will not be a lot of vehicles stored in the building or on the property as there were with the towing facility.

Attorney Herbst said that the hardship in this case is that the building existed since 1927 and the present use is non-conforming. ZBA approved it for use as a towing business. As shown by the map the property doesn't lend itself to conversion to residential because of its proximity to the road and the building itself is on the property line. Behind the building is a very steep grade.

Mr. Gelormino said that office area is only going to be renovated and nothing will be added. Downstairs they will put all new bathrooms and outside will paint and improve the building and parking lot.

M. Melanson explained that this is a change of use from non-conforming to non-conforming and that Regulation 10.3.4 says that a property can be changed from one non-conforming use to another if the use is less intensive and less intrusive. Attorney Herbst said that this application falls into both of those categories. Attorney Herbst filed a map with notations showing what was approved in 2000 by ZBA and that they are not changing the footprint in any way.

Chairman Nalette called for public comments.

Wanda Phillips, 487 North Main Street:

Ms. Phillips asked if this was just a type of storage or would there be any of the cleaning done there. Mr. Gelormino said there would be no cleaning and just storage. Ms. Phillips said that she doesn't have any problem with that.

The public hearing was closed.

Motion made by R. Dew and seconded by S. Lange to grant Application #07- 5024 request for variance from section 10.3.4, to be able to change from one non-conforming use to another non-conforming use, for the purpose of using the space as office and storage. Unanimous. Motion carries.

#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 and 4a.2 lot coverage at 538 West Wakefield Blvd. for Sherwood Dawson.

The Certification of Notice was signed by Mr. Dawson and submitted. Sherwood Dawson and Engineer George Carter presented the application. Mr. Carter gave the commission some photos of the property and said that the lot and structure goes back to the early 1900's and has been used as a residence and the structure is in disrepair. A similar plan was done on the adjacent lot. Mr. Carter said that the area of the lot is minimal and is an existing non conforming structure. There is no buildable room on the lot and they would like to remove structure and build in place. At this point the well is located in the lake and to relocate it out of the lake a sewer pump chamber has to be attached to the structure. Public works wants the structure on the outside of the unit so that they can have access to it. The existing structure has chimney and fireplace in the center of the building and they are asking to be able to put a chimney on the north side of the building. The sewer pump is a 4x4 which would basically under ground. On the north there is one riser slab that is 3x5 for entrance into the building. Because there is a jog in the structure and they are going to make it multi-level which they have approval, to function they need to close in that one space. Also and 8x15 deck out on the water side. Similar set up was done on the adjacent lot to the north. Trying to upgrade and make it into a functional living space along the lake. The adjacent property owner has no problem since it would be an upgrade and to the south there is about 150 feet before getting to the next lot. There would be a grade change of about 8 feet.

S. Lange asked if the dwelling now considered year round. Mr. Carter stated that the last owner before Mr. Dawson lived there year round. Parking is across the street. Chairman Nalette clarified that the basic structure will be within footprint with the only thing sticking out being the sewer pump chamber and chimney.

The Commission discussed with Mr. Carter that the square footage does not meet the requirements of a year round dwelling. Mr. Carter stated that they have already received approval from both PZC and IWC. Chairman Nalette asked M. Melanson if they need a variance for 377 sq foot year round and M. Melanson said as it stands it doesn't meet requirements of a year round and that they cannot add a variance of it being a year round dwelling because it was not legal noticed unless they can prove that someone was living there year round.

After discussion, Chairman Nalette suggested that the application be tabled to next meeting and re-noticed so that it is in the legal notice and then come back and if approved add to the variance that it is year round.

Motion made by R. Dew and seconded by S. Lange to table the application to the next meeting. Unanimous. Motion carries.

#07-5026 Request for a Variance for section 5.2 south side yard set back at 105 Old North Road for Donald & Jennifer Brown.

Donald & Jennifer Brown presented their application. The Certification of Notice was signed by the Brown's submitted. Chairman Nalette confirmed with M. Melanson that the certified mailings were done.

Mr. Brown stated that they were seeking variance due to the odd shape of their building. They want to put on addition and have no place to go because it is an odd shape and they are asking for a variance on the south side.

Chairman Nalette asked M. Melanson if he calculated the lot coverage. M. Melanson said no because there are no measurements for the shed or anything else.

Mrs. Brown said that the present house is much too small for the family. S. Lange asked if they tried putting the addition anywhere else on the house. Mrs. Brown said no because of the way the house is laid out that the best position for an addition is off to the south side. S. Lange asked if it is a one story addition. Mr. Brown stated that will be one room with a vaulted ceiling. Chairman Nalette asked M. Melanson if the prints were sufficient for construction as per drawings. M. Melanson said that they are going to need some more details, but yes.

M. DeClement asked approximately how far away the adjacent lots are. Mrs. Brown said that Nash has two acres of land and are almost 300 feet away. The Paavola's about 80 feet.

R. Dew asked the Brown's for the approximate size on chicken coop and shed. Mr. Brown said that the shed and chicken coop were taken down. The only shed is the one to the back.

Chairman Nalette called for public comment. There was none.

The public hearing was closed.

Motion made by R. Winn and seconded by M. DeClement to approve variance from section 5.2 for a South Sideyard setback variance of 18.9 feet for the purpose of building a 20' x 32.4', 1 story addition with a loft, a walkout basement, and a 20' x 10' deck on the East side, as per drawings submitted.

Unanimous. Motion carries.

Item 4: Approval of Minutes of November 27th meeting.

Motion made by R. Dew and seconded by M. DeClement. To approve the minutes of November 27th meeting. In favor: R. Dew, R. Nalette, M. DeClement. Abstain: S. Lange and R. Winn. Motion carries.

Item 5: Old business: Chairman Nalette called for old business.

Chairman Nalette said that he has not yet written to Selectmen and asked for new application rates.

Item 6: New business:

Election of Officers: Motion made by S. Lange and seconded by R. Winn to present the same slate of officers that served last year for the coming year. Unanimous. Motion carries.

Item 7: Executive Session - Valigorsky

Chairman Nalette did not go into executive session since there was no one in the audience.

Item 8: Bills presented:

Motion made by R. Winn and seconded by R. Dew to approve 3.75 hours for Anna. Unanimous.

Item 9: Correspondence: Chairman Nalette called for any correspondence.

Item 10: Discussion w/ZEO

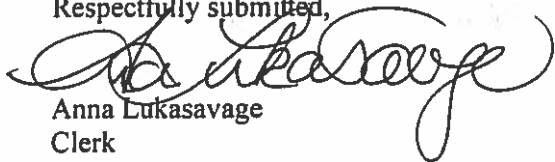
None

Chairman Nalette presented S. Lange with an Award For Service signed by the new Mayor in appreciation for her 10 years of serving on the ZBA.

Item 11: Adjournment

Motion made by Chairman Nalette and seconded by R. Winn to adjourn the meeting at 8:15 p.m.

Respectfully submitted,



Anna Lukasavage
Clerk