TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

Minutes of Meeting
Zoning Board of Appeals
October 23, 2007

The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Richard Nalette at 7:07 p.m. The following members answered the roll call: Richard Nalette – Chairman, Ronald Dew, Susan Lange, John Massicotte, alternate Michael DeClement and Zoning Enforcement Officer Marc Melanson. Ray Winn and alternates Michael Fox and Ernie Wolff were absent excused.

Chairman Nalette explained the procedures for the Zoning Board of Appeals; seated alternate Michael DeClement as a voting member.

Item 3 **Public Hearings – Variance Applications & Decisions**

#07-5017 Request for a Variance from Section 4a.2 Lot Coverage at 118 East Wakefield Boulevard for Robert Moore. Mr. Moore explained he is seeking a variance for a driveway already installed; said he received a letter from Marc Melanson regarding lot coverage but thought after a conversation pertaining to the necessity of paving the driveway apron with Pat Hague that it would be better to have the entire driveway paved; lot coverage is exceeded by 11%. J. Massicotte asked what size are the driveway and buildings since no drawings were provided. Mr. Moore said the driveway ordinance says driveways should be a minimum of 14' wide and 12' deep; this driveway is 29' X 30'; asked if the driveway apron is factored into the lot coverage amount. M. Melanson said normally no; just for the whole driveway. J. Massicotte noted the lot is 50' wide; verified there is no variance. M. Melanson said a variance was granted and the total lot coverage is now 11.3%. Mr. Moore reminded attendees that Highland lake is a recreational lake and driveways pitched toward the lake are a hazard to the Lake; referred to the aesthetics of blacktop versus dirt. M. DeClement asked if a more pervious surface was considered. Mr. Moore said no. No public comment. J. Massicotte verified a c/o was issued and asked if the driveway was done. Mr. Moore said the c/o was issued in January and the paving company came in May; noted this is one of few paved driveways around the Lake. Public hearing closed.

Decision: **Motion** by J. Massicotte **to grant variance #07-5017 from Section 4a.2 for a lot coverage variance of 11.3% for the purpose of paving the driveway for the property located at 118 East Wakefield Boulevard for Robert Moore.** Second by S. Lange. Vote: all in favor – **motion carried unanimous.** Reason: makes more sense to leave it in place than tear it up – not going to cause more problems.

#07-5018 Request for a Variance from Section 4a.2 side yard set back and 4a.2 Lot Coverage at 364 East Wakefield Boulevard for Frank Mairano. Architect Richard Kenyon present along with the applicant. Mr. Mairano distributed revised drawings and site plans; explained this is a lot from the early Carey Point subdivision; the lot is 700'+ long, 58' wide at the road and 80' at the Lake; described possible original plans; explained the current side lines require 35' which would have left about 15'; described the topography of the lot; said this proposal requires access from East Wakefield Boulevard; noted the plateau is a natural location; the house would be more sustainable; architecture is shingle,

cottage-style; the house is approximately 40' wide and is rotated to get as much southern exposure as possible; there are approximately 24 variances in the realm so settled on 12' sideyards which also allowed as much rotation as possible without harm from a design standpoint; the house, garage, terraces and porch is a little less than 6% overall lot coverage; the driveway would raise the coverage to 17.46% but could step back from that being entirely paved; would like to pave around the house and the garage if the Board doesn't want the whole surface paved; there's a wetland area with approval to cross by Wakefield Boulevard; owner would like to have the house on the plateau; noted the proximity of the neighboring houses. Mr. Kenyon explained the house has been oriented for passive solar gain as well as for the breezes; front of the house is 600' from the road, the downslope side has a walkout basement tucked around with stone walls to blend back into the environment; natural cedar shingle sided with wood-blended roof, the trees will be left around it; the maximum height at the ridge is 29'6" and the adjacent garage has a height of 24' from grade to ridge. Mr. Mairano noted the lot is flanked to the north by a 700 – 800' long driveway which serves a house on the Lake and to the south is the Land Trust land so there will be no conflict on either side. R. Dew asked how far from the Lake is the house. Mr. Mairano said 230 or 240' back. Chairman Nalette asked about the narrowness of the lot. Mr. Mairano said it's a very old lot. Mr. Kenyon said this is a natural location for the house; takes advantage of topography.

Public comment by Clare Stevens regarding the right-of-way. Mr. Mairano noted John DiCara did the survey; know the general location of the right-of-way, but no defined location was found although the topography shows where the right-of-way would go through; is shown on the A2 survey. Chairman Nalette said at least they are building further from the right-of-way. Mrs. Stevens asked if blasting would be required. Mr. Mairano said it's not intended but it is possible. Discussion followed regarding blasting contractors, requirements and procedures. Mrs. Stevens expressed concern with the amount of impervious surface of the driveway; suggested a substance that looks like asphalt but is pervious and asked that no excessive salting due to the proximity of the vegetation on the Land Trust land be considered. Mr. Mairano said the owners will be good stewards of the land; if the coverage variance is granted to include the driveway it would change from 1.6% to 2.46%; noted the whole site is 53,000+ s.f. Chairman Nalette asked if there are areas of the driveway easily made pervious. Mr. Mairano said the driveway is 9,300 s.f. total and would be alright if a portion was left unpaved; noted the driveway was located with consideration of the trees so the driveway blends in. M. DeClement asked about the construction material of the passive solar construction. Mr. Kenyon explained cedar shingles, energy glass and natural wood. M. DeClement echoed the driveway concerns and verified the area between the Lake and the house will remain woodland. Mr. Mairano stated the trees which will stay are all marked. M. DeClement asked if there will be Lake access. Mr. Mairano said eventually. Chairman Nalette distributed a copy of a 2-page letter from the Winchester Land Trust; asked if there is a way to write into the variance a way to allow them to work within the 1.6 easily. Mr. Mairano suggested a variance of 1.5% and they will stay within that. M. Melanson said 1.6% will include that.

J. Massicotte verified this is a 24' X 32' 1-story garage; asked what the outcropping on the garage is. Mr. Mairano said it was removed from the final plan and the garage will remain 24' X 32'. J. Massicotte asked why the garage is 100' from the house. Mr. Mairano explained the client requested it; aesthetics of a cottage-style house. J. Massicotte verified there is no walkway to the Lake. Mr. Mairano said there is a stair that goes down to an existing plateau; a meandering trail will wind down between a series of existing boulders.

J. Massicotte verified there is city sewer and a well; asked the well location. Mr. Mairano explained the well will be on the plateau with the house but a pressure system will be on the right-of-way; felt this is a reasonable request and the Board will be proud of this house and what it does for the property. No further public comment - public hearing closed.

Decision: **Motion** by R. Dew **to grant variance #07-5018 from Section 4a.2 for a north side yard variance of 23', a south side yard variance of 23' and a lot coverage variance of 1.6% for the purpose of building a 34' X 40' 2-story house with a 16' X 12' 2-story jog out and a 40' X 8' covered porch. Also a 24' X 32' garage with a loft as per the drawings for the property located at 364 East Wakefield Boulevard for Frank Mairano.** Second by R. Nalette. *Discussion:* M. DeClement verified the plans for the garage. R. Nalette noted this is a unique piece of property; proposed very little. S. Lange felt this was well thought out/presented. M. DeClement noted he did not receive a notice on this. Vote: all in favor except M. DeClement (abstained) – **motion granted**. Reason: well thought out plan; large narrow lot – not infringing on anyone else.

#07-5019 Request for a Variance from Section 4a.2 rear yard setback, 4a.2 side yard set back and 4a.2 lot coverage at 544 West Wakefield Boulevard for James & Carol Genthe. Mr. & Mrs. Genthe present. Mr. Genthe explained they would like a deck to exit the house; explained they were here last month but the Board felt it was excessive; this is a substantial reduction to the deck; the hardship is the egress; the proposed deck is full width; the lot size is 5,155 s.f. and the dwelling occupies 804 s.f. including a 6' X 11' deck without a stairway; proposing to have a 213 s.f. deck which has been reduced from 345 s.f.; the stairway is on the waterfront side so no further impingement on the side yard and have reduced the overall coverage by .06% by removing approximately 250 s.f. of asphalt; distributed photo of seawall; noted the stairway and back deck will not impact on the 35' back variance and the seawall runs at an angle with 37½' being the nearest point. Chairman Nalette verified the asphalt driveway is gone. Mrs. Genthe stated the neighbors are pleased with the proposal but are unable to attend tonight. M. DeClement verified the driveway is included with the apron. Mr. Genthe said he has made it back to sand/gravel so the coverage will be less including the deck. S. Lange verified this will not be roofed; is strictly a deck. R. Dew verified the new deck will be added and the existing decks will remain; clarified the existing and proposed decks on the plan. No public comment. J. Massicotte asked about the 29' rear yard setback. M. Melanson noted the motion reads 5½'. Public hearing closed.

Decision: **Motion** by S. Lange **to grant variance #07-5019 from Section 4a.2 for a north side yard setback variance of 18', a south side yard setback variance of 26.6', and a rear yard setback variance of 5.5' for the purpose of building a 9' X 20' deck with stairs off of the rear as per the drawings submitted for the property located at 544 West Wakefield Boulevard for James & Carol Genthe.** Second by J. Massicotte. Vote: All in favor – **motion granted**. Reason: worked with the board to make more conforming by removing the driveway and adding stairs to the back of the house; considered the Board's comments.

#07-5020 Request for a modification of Variance #05-4913 at 123 East Lake Street for Ken & Georgeanne Farrar. Jack Kemper of Kemper Associates, representing the applicant (also present), distributed revised drawings and site plans. Mr. Farrar explained the proposed modification is to make this as small as possible; the lot is 190' wide at the street and 112' wide at the Lake; footprint is smaller and the house is lower; it's a cape-style house with a basement; a 12' X 12' screened in porch is important and is the only thing that hangs outside the variance; the property was bought in February of last year and would

like the house ready for next Summer; tried to do this so it does not impinge on the neighbors; setbacks are still in excess of the 30' on each side. Mr. Kemper noted the existing variance was granted for a specific plan – a ranch house with a walkout basement; took that floor plan and put this roof pitch on it; this is 3' lower and moved up on the lot to the approximate location of the originally proposed house; trading the walk-out basement for the attic; taken the master bedroom off the 1st floor and put the 2 bedrooms proposed for the basement in the attic; the materials will be wooden shingles as previously proposed, architectural shingles for the roof; bungalow-style befitting the Lake. S. Lange noted this is a long driveway. Mr. Kemper said planning the do the area surrounding the barn with gravel; noted the slope of the land; added the total coverage is 13% including the paved driveway. Mr. Farrar said if there are things better for the Lake will consider breaks in the pavement and the use of pervious material as the Board feels is appropriate. Chairman Nalette said while the Board would appreciate any groundwater retention, can't ask you to do that since you are allowed 15% and are only 13%. Mr. Farrar said he will work with Marc to make it better.

Public comment by Joanne Tierney. Chairman Nalette said the house is 65' from the inlet or 85' from the Lake. No further public comment – public hearing closed.

Decision: **Motion** by M. DeClement **to grant variance #07-5020 to modify variance #05-4913 to move the house to 65.7' from the rear lot line and to change the house to a 65' X 48' 2-story structure with 1,115 s.f. on the 1st floor and 1,267 s.f. on the 2nd floor and inclusive of a 21' X 24' garage, a 6'8" X 15' front porch, an 8' X 21'6" screened porch, a 8' X 21'6" rear deck and a 4' X 21'6" upper balcony on the rear as per drawings submitted for the property located at 123 East Lake Street for Ken & Georgeanne Farrar.** Second by R. Dew. *Discussion:* R. Dew said this is 930 s.f. smaller than was granted in the original variance. Vote: all in favor – **motion granted.** Reason: less than what was granted in the original variance.

Item 4 **Approval of Minutes of August 28, 2007 and September 25, 2007 meeting**
Motion by R. Nalette **to approve the minutes of August 28, 2007.** Second by J. Massicotte. Vote: All in favor – **motion carried unanimous.**

Motion by R. Nalette **to approve the minutes of September 25, 2007.** Second by S. Lange. Vote: All in favor – **motion carried unanimous.**

Item 5 **Old Business**

- Application Rates – nothing

Item 6 **New Business** - none

Item 7 **Bills Presented – Motion** by R. Dew **to pay secretary hours of 1.5 for the September meeting.** Second by S. Lange. Vote: all in favor – **motion carried unanimous.**

Motion by R. Nalette **to approve purchasing recording supplies.** Second by R. Dew. Vote: All in favor – **motion carried unanimous.**

Item 8 **Correspondence** – none

Item 9 **Discussion with ZEO** – Discussion regarding issuing citation fines and the use of temporary garages.

Item 10 **Motion to adjourn at 8:34 p.m.** by S. Lange. Second by R. Dew. All in favor - **motion carried unanimous.**

Respectfully Submitted,

Laurie Bessette
Minutes Secretary, Zoning Board of Appeals

ZBA 10-23-07

Call to order by Richard @ 707

Reviewed procedures for ZBA Super Majority

Seat Michael DeClement as a voting member

Appl of 8/28 Rich John unan

9/25 Rich Sue unan

(1) Rich / Ron - motion to get supplies

Motion t app 1.5 hrs ~~John~~ Ron Sue } unanim

(9) John asked about citation fines; asked about temp garages Marc said they usually come down in Winter - ~~[illegible]~~ junk vehicles

adj @ 8:34p Sue Ron

Wrong page reason not to vote