



## TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street  
WINSTED, CONNECTICUT 06098

### *Minutes of Meeting Zoning Board of Appeals September 25, 2007*



The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Richard Nalette at 7:05 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. Alternate Ernie Wolff was absent excused. Ray Winn and alternate Michael Fox were not present.

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**

**#07-5006** Request for a Modification of Variance #2442 at 182 Shore Drive for Steven Guarino. Mr. Guarino explained he would like to build a back 12' X 14' deck and stairs on the side of the house; noted this was an approved addition of 500 s.f. for a bedroom. S. Lange verified the location of the stairs. Chairman Nalette verified the existing porch fits within the variance but the stairs do not. Mr. Guarino said a couple of the treads do not. Chairman Nalette asked the size of the deck. Mr. Guarino said 42" X 50"; those are the only 2 structures. S. Lange verified the modification is to enlarge the deck. M. Melanson explained the original variance did not include a deck. Chairman Nalette asked if the side yards were in the original. J. Massicotte noted the deck is closer to the side yard. Chairman Nalette verified there is access to the upstairs; asked if the basement is not finished and the 2<sup>nd</sup> floor will be finished; noted the 2<sup>nd</sup> floor has windows and sun lights; very nice attic. Mr. Guarino said it was designed for storage. R. Dew verified the attic and basement will not be finished. Mr. Guarino said no and noted he understands he will have to come back if he decides to do so. No public comment – public hearing closed.

**Decision:** Motion by J. Massicotte to grant variance #07-5006 to modify variance #2442 to build a 12' X 16' deck on the rear and a 4'8" X 4'8" deck with stairs as per drawings submitted for the property located at 182 Shore Drive for Steven Guarino. Second by S. Lange. Vote: J. Massicotte and S. Lange in favor; R. Nalette, M. DeClement and R. Dew opposed – **motion failed**. Reason: self-imposed hardship.

**#07-5009** Request for a Modification of Variance #05-4913 at 123 East Lake Street for Ken & Georgeanne Farrar (*tabled from the August Zoning Board of Appeals meeting*). Richard Crane of Kemper Associates, representing the applicant, distributed a new survey; explained the existing variance was very specific; the new proposed house is smaller with a basement and attached 2-car garage; would like to move the structure further down the property; noted the difference in height will be 9' lower. Chairman Nalette verified the drawings provided will be sufficient for Marc's use. M. Melanson noted it is the same house as proposed last month, just a change in elevation. Mr. Crane noted the survey simply replaces the 1<sup>st</sup> page of last month's submission. J. Massicotte asked what the original variance said. M. Melanson noted this plan shows what the original variance said. Chairman Nalette noted the original plan called for a specific house; this house is changed. J. Massicotte verified can get away with 5 car garage doors by saying it's a

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barn. M. DeClement verified the house location has not changed. Mr. Crane noted it is moved further down the lot. Chairman Nalette said it is still within the building lot. M. Melanson noted it is 52' from the Lake. Chairman Nalette asked what a dry-laid terrace is. Mr. Crane explained not laid in cement but stone dust. No public comment – public hearing closed.

**Decision: Motion by R. Dew to grant variance #07-5009 to modify variance #05-4913 to move the house to 55.6' 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 1<sup>st</sup> floor and 1,267 s.f. on the 2<sup>nd</sup> 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 J. Massicotte. Vote in favor: all except S. Lange and M. DeClement (opposed) – motion failed. Reason: excessive.**

#07-5014 Request for a Variance from Section 4a.2 front yard set back and east front yard set back at 237 East Wakefield Boulevard for Bruce A. Oullette. Mr. Oullette explained he is looking for a 15'3" variance off of the front yard to add an attached 2-car garage with a master bedroom and bath upstairs. S. Lange asked if the downstairs is finished. Mr. Oullette said it doesn't exist. J. Massicotte verified getting rid of the deck. Mr. Oullette explained the deck will drop back to 6'7" X 14'; currently 14' X 14'. J. Massicotte verified the ribbon lays out where the addition is. Brief discussion regarding the location of the deck on the new plan. Mr. Oullette noted the deck was not included on the survey; it will be reduced by almost ½. J. Massicotte verified it is in the rear of the house. Mr. Oullette described the location; noted this will eventually be a t-shaped ranch; indicated proposed activity on pictures. J. Massicotte asked if a variance is needed for Pine Street. M. Melanson explained that is a privately owned road so no variance is needed. Mr. Oullette noted it is owned by Highland Lake Company and the other roads across are owned by R. Dew and the Town of Winchester. J. Massicotte asked what the hardship is. Mr. Oullette said the property is currently non-compliant so cannot do anything. No public comment – public hearing closed.

**Decision: Motion by S. Lange to grant variance #07-5014 from Section 4a.2 for a front yard setback variance of 15.3' for the purpose of building a 24' X 30' 2-story addition on the east side of the house as per drawings submitted for the property located at 237 East Wakefield Boulevard for Bruce Oullette. Second by J. Massicotte. Discussion: R. Nalette questioned the setback. Vote: all in favor – motion granted. Reason: reasonable request.**

#07-5015 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. Mrs. Genthe explained they would like a deck to exit the house from the rear in case of an emergency instead of going down 2 sets of stairs to go out the front exit. Mr. Genthe noted the deck and stairway will allow a safe exit from the 1<sup>st</sup> floor; the proposed deck is 12' X 23'8" and will be 27.5' from the water front and the stairway will be 13.9' from the sideyard. Mrs. Genthe noted the deck is not wider than the house itself; the neighbors are not opposed. Mr. Genthe said it will improve the view of the property from the water; this was a modular and the neighbors have expressed that a nice deck and plantings would improve the curb appeal. Mrs. Genthe noted it would also alleviate the exit concerns. Mr. Genthe noted there is a doorway from the basement to the yard, but the stairway is only 7' from the front of the house. S. Lange verified the location of the deck and stairs and that there will be no roof on the deck. Chairman Nalette asked about the deck, balcony and stairs. Mr. Genthe noted want to go out the



same elevation and stay away from the sideline; the lot is relatively level. Chairman Nalette verified the house is 8.4' on one side and 17.9' on the other and will reduce it to 13'9". J. Massicotte asked if can go to 9' from the sideline for the deck and about lot coverage. M. Melanson noted it is an existing structure prior to zoning regulations. J. Massicotte asked what the hardship is for not coming off the balcony for the egress. Mrs. Genthe noted the balcony is flat to the house. Mr. Genthe said if you came off the balcony, you wouldn't want the stairway to come down on the waterfront side as it would look rude and the other side is the 8'+ sideline so don't think would be permitted to put one there. J. Massicotte said the stairs could still go along the backside of the house without going towards the water for an egress; wouldn't look nice but it would be an egress; trying to find the hardship for having a 365 s.f. deck. Mr. Genthe said part of it is already there. M. DeClement said he's echoing John's sentiments; an egress is important but it's a pretty good-sized deck; the physical property was extended by a previous owner out into the Lake quite a bit compared to the neighbor on each side – maybe 15 or 20'; deck would appear to be close to the Lake. Mr. Genthe noted it would be 27.5' from the Lake. Mrs. Genthe noted it is safety not just in the case of fire; neighbors are happy we're there and want to do things with their wishes as well. S. Lange asked if they considered putting stairs off the existing back deck since they have access to the back deck. Mr. Genthe said it's a balcony; a stairway to the water, even 6' X 11' possibly with a stairway to the side, although it's the narrow sideline. J. Massicotte questioned the side yard setback and rear yard. Mr. Genthe reinforced the need for a 2<sup>nd</sup> egress and would like to have a deck. No public comment – public hearing closed.

**Decision: Motion by M. DeClement to grant variance #07-5015 from Section 4a.2 for a north side yard setback variance of 21', a south side yard setback variance of 26.6', a rear yard setback variance of 8' and lot coverage of 11.5% for the purpose of building a 12' X 23'8" deck with a 2' X 8' jog and stairs as per the drawings submitted for the property located at 544 West Wakefield Boulevard for James & Carol Genthe. Second by R. Dew. Discussion: R. Nalette felt it is a little excessive. Vote: all opposed except R. Dew (in favor) – motion failed. Reason: unreasonable request – excessive.**

#07-5016 Request for a Variance from Section 4a.2 south side yard set back, 4a.2 north side yard set back, 4a.2 front yard set back and 4a.2 lot coverage at 106 Shore Drive for James Rose. Mr. Rose explained the original house was built in 1923 and had additions done over the years; there is substantial rot in the basement; want to keep the look of the house the same just adding about a foot to the footprint and move it back but keep it looking aesthetically the same; there is a stone fireplace which comes out about 2 ½'; width is 24' and back 5' toward the street; garage was taken down several years ago; trying to keep the house the same height; want to raise the house about 4' and put a basement under; due to the shape of the property trying not to disturb the property, but the lot is odd-shaped and nothing fits within the guidelines. Chairman Nalette asked how many stories. Mr. Rose said goal is to match the neighbor's floor level, but it will stay 2 stories – just squaring it off a little bit and putting a foundation. Chairman Nalette verified the drawings are sufficient. Mr. Rose noted the neighboring views will not be obstructed. Chairman Nalette asked whose garage is on the print. Mr. Rose said the neighbors; distributed photos of the neighbor's house. M. DeClement asked about decks. Mr. Rose said there is one on the front; did consider moving the house away from the Lake and use the foundation as a retaining wall but it would look funny; houses will line up nicely. M. DeClement verified the location of the previous garage; asked if there is a foundation now. Mr. Rose said no, it's rocks plus block walls; it's pretty bad. M. DeClement asked how much is this increasing the square footage. Mr. Rose said it is 20.5 X 37 and going to 24 X 42. J. Massicotte asked how a machine will get in there; verified the stairs and

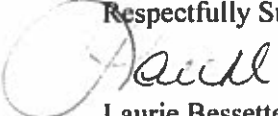


walkways will be torn up and re-done. Mr. Rose explained his family owns a construction business; explained the plans. Chairman Nalette asked who designed the house; asked about moving the landing so it does not impose on the neighbor another 4'. J. Massicotte noted the red on the plans is the existing house to be razed; asked about the existing deck. Gloria Rose said this drawing was done in 1994 when they were considering lifting the house; the deck wasn't there.

**Decision: Motion by R. Nalette to grant variance #07-5016 from Section 4a.2 for a north side yard set back variance of 27.2', a south side yard setback variance of 25.5', a front yard set back variance of 12'9", a rear yard setback variance of 4'4" and lot coverage variance of 23.5% for the purpose of building a 24' X 42' 2-story house with a walk-out basement and a 12' X 24' deck with stairs as per the drawings for the property located at 106 Shore Drive for James Rose. Second by R. Dew. Vote: all in favor – motion granted. Reason: reasonable request.**

- Item 4**      **Approval of Minutes of August 28, 2007 meeting - Tabled**
- Item 5**      **Old Business**
  - ◆ Application Rates – pending correspondence with the Board of Selectmen
- Item 6**      **New Business - none**
- Item 7**      **Bills Presented – Motion by R. Dew to pay secretary hours of 4.0 for the August meeting. Second by J. Massicotte. Vote: all in favor – motion carried unanimous.**
- Item 8**      **Correspondence – none**
- Item 9**      **Discussion with ZEO – M. Melanson said can now issue fines for zoning violations.**
- Item 10**     **Motion to adjourn at 8:30 p.m. by R. Nalette. Second by M. DeClement. All in favor - motion carried unanimous.**

Respectfully Submitted,



Laurie Bessette  
Minutes Secretary, Zoning Board of Appeals

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RESEARCH INTERESTS  
The research interests of the laboratory are in the synthesis and properties of novel materials, particularly those that exhibit unique electronic and magnetic properties. The laboratory is currently working on the synthesis of new materials with tailored electronic and magnetic properties, and on the study of the physical properties of these materials.

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ZBA 9-25-07

Call to order @ 9:05

Seated Michael DeClement

Rich reviewed the procedures for ZBA

Motion to appv Secretary Ron  
John } Unanim

Disc re: Application rates - pending corresp w/ BOS

Marc - can now issue ~~the~~ fines for zoning violations

adj @ 8:30p Rich  
Mike } Unanim

wednesday - 3:00 PM  
grad house on left  
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