TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

JUN 27 2007

Minutes of Meeting
Zoning Board of Appeals
June 26, 2007

The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Richard Nalette at 7:02 p.m. The following members answered the roll call: Richard Nalette – Chairman, John Massicotte, Raymond Winn, Alternate Michael Fox and Zoning Enforcement Officer Marc Melanson. Ronald Dew and Alternate Ernie Wolff were absent excused. Susan Lange was not present

Chairman Nalette reviewed the procedures of the Zoning Board of Appeals.

Chairman Nalette seated Alternate M. Fox as a voting member.

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

#07-4995 Request for Variance from Section 4a.2 front yard setback, 4a.2 side yard setback and 4a.2 lot coverage at 126 East Wakefield Boulevard for Thomas Hinman *(continued from the May Zoning Board of Appeals meeting)*. Tom Hinman present along with Damon Hinman. Mr. T. Hinman distributed revised drawings and digital photos; noted they are removing some of the paved parking area and replacing with pea stone to reduce coverage. Chairman Nalette noted none of the drawings indicate roof height. Mr. T. Hinman said the roof will be a 12 pitch. Mr. D. Hinman explained it will be 25½' from the grade to the median height. R. Winn asked peak. Mr. D. Hinman said the median is halfway between the peak and the soffit. R. Winn asked how big is the top floor. Mr. T. Hinman said there is no 3rd floor, that's an attic. Mr. D. Hinman explained the details of the height of the building. R. Winn expressed concern the 3rd floor could be another room. Mr. T. Hinman said it's an attic – no stairs; offered to lower the pitch of the roof. Mr. D. Hinman noted can lower the collar ties. Chairman Nalette said he would rather see a lower pitch. M. Fox asked about the style of the house and matching the rooflines from the front of the house to the pitch in back. Mr. T. Hinman offered to use an 8-pitch and reconfigure the front entrance. M. Fox asked how many bedrooms are there. Mr. T. Hinman said there are 2 bedrooms and will still be 2 bedrooms.

Public comment by Marie Lauzon who was concerned about an agreement for a land swap between herself and the Hinman's that is in the hands of the attorney but has not been recorded in land records yet. Brief discussion regarding which attorney's are involved. Chairman Nalette noted this will not effect the variance since it is not off a disputed lot line. No further public comment - public hearing closed.

Decision: **Motion** by J. Massicotte **to grant variance #07-4995 from Section 4a.2 for a front yard variance of 18'4", an east side yard variance of 13'6"**

and lot coverage of 16.1% for the purpose of building a 5' X 29' 2-story addition on the east side, a 14' X 4' 2-story addition on the southwest corner and a 4' X 8' 1-story addition on the southeast corner as per the drawings submitted for the property located at 126 East Wakefield Boulevard for Thomas Hinman with the condition that the roofline be an 8-pitch. Second by M. Fox. Vote: all in favor – **motion carried unanimous.** Reason: reasonable request.

#07-4996 Request for a Variance from Section 4a.2 front yard setback, 4a.2 north side yard setback, 4a.2 south side yard setback, 4a.2 rear yard setback and 4a.2 lot coverage at 315 East Wakefield Boulevard for Richard & Barbara Mella *(continued from the May Zoning Board of Appeals meeting)*. A letter was received requesting a 30-day extension for this application. Brief discussion followed regarding the timetable for this application.

S. Lange arrived at 7:26 p.m.

#07-4999 Request for Variance from 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 213 East Wakefield Boulevard for Carl Brown. Mr. Brown explained he would like to build a 24' X 42' house on a vacant lot; request exceeds coverages. Chairman Nalette verified board members received copies of letters from Candy Stone and Jennifer Perga. Mr. Brown noted the property owned by Ms. Stone is currently for sale; explained his property has an approximate 8' slope to the back of the property so the total height in back is 17'9"; there is no attic only trusses and the house will be approximately 1' higher than the road; noted there is a sewer line in front of the property. Chairman Nalette asked what the hardship is. Mr. Brown explained the lot was considered an approved building lot but is no longer.

Public comment by Sheila Jackson who was concerned with accurate survey flagging and Jamie Coligan who was concerned with the proximity and the issue of it not being an approved building lot. Mr. Brown noted the previous owner offered adjacent property owners the option of leaving this as open land. J. Massicotte verified Mr. Brown does not own the property yet. No further public comment – public hearing closed.

Decision: **Motion** by R. Winn **to grant variance #07-4999 from Section 4a.2 for a front yard variance of 33', an east side yard variance of 30.7', a west side yard variance of 30.6', a rear yard variance of 8' and lot coverage of 23.4% for the purpose of building a 24' X 42' 2-story house with a 14' X 29' deck on the rear and a 5' X 30' on the west side as per drawings submitted for the property located at 213 East Wakefield Boulevard for Carl Brown.** Second by J. Massicotte. *Discussion:* R. Winn felt the house is way too big for the property. Chairman Nalette agreed and noted the Board can't stop what happened in the past but shouldn't perpetuate density issues. R. Winn agreed the proposed activity is too close to the border. M. Fox noted the zoning regulations don't allow it either. S. Lange was concerned that any maintenance to the structure might infringe on the

neighboring property. Vote: all opposed – **motion denied**. Reason: no hardship.

#07-5000 Request for a Variance from Section 10.4 Extending Non-conforming structures, 4a.2 side yard set back and 4a.2 lot coverage at 123 Carey Avenue for Philip & Candida Deleppo. Applicant's present. M. Fox verified the land is owned by a trust; noted the application needs to be correct. M. Melanson had Mr. Deleppo correct the application. Mr. Deleppo presented a graphic display of desired improvements to the house including front steps and a slightly bigger mudroom which needs to be replaced due to deterioration; noted the changed roof line including the desired 2 gable dormers in front, the shed dormer in back and a 2' overhang on the deck to create a closet. R. Winn verified the back stairs go upstairs. Mr. Deleppo said no, they go into the kitchen. M. Fox asked about the rear access. Discussion followed regarding turning a car in and the cut that would be required there. Mr. Deleppo noted he would prefer the side entrance. Mrs. Deleppo explained the dirt was removed from the foundation to eliminate the problem after termite damage was discovered. Chairman Nalette verified the mudroom would stay even with the side of the house. Extensive discussion regarding the mudroom, stairs and the encroachment. Chairman Nalette verified a west side yard variance is necessary if they are moving the stairs. M. Melanson said need approximately 21'. J. Massicotte verified a front yard variance is not needed. No public comment – public hearing closed.

Decision: **Motion** by S. Lange **to grant variance #07-5000 from Section 10.4 Non-conforming structures, a west side yard variance of 21' and lot coverage of 2% for the purpose of adding a 2nd floor to the building and building a 6' X 8' mudroom on the rear with a 6' X 6' stairs and landing, a 6' X 8' deck on the front with stairs as per the drawings submitted for the property located at 123 Carey Avenue for Philip & Candida Deleppo with the condition that the mudroom stairs be constructed on the rear of the building**. Second by M. Fox. Vote: all in favor – **motion carried unanimous**. Reason: reasonable request.

#07-5001 Request for a Variance from Section 4a.2 side yard set back at 619 East Wakefield Boulevard for Andrea H. Closson. Janet & Craig Closson representing the applicant (also present). Mrs. Closson explained this is a 100' X 400' lot and would like to build a house on it but need a side yard variance. M. Melanson distributed copies of letters from Lisa Traub and Attorney Cusick representing Thomas Flaherty. J. Massicotte verified the 43' X 50' includes the deck and garage. Mrs. Closson said not the garage but does include the porches. S. Lange asked if this would be gravel or pavement. Mrs. Closson said gravel but have done the calculations for pavement and it would still be under the allowed coverage. Chairman Nalette asked why the house is not in the middle of the lot. Mrs. Closson explained it is easier to go for 1 variance but she has no objection to centering it on the lot. Mr. Closson added the driveway will be on the 35' side. S. Lange asked if that is to allow for the garage. Mr. Closson said the garage will be behind the house. M. Fox asked how much of the house is porch. Brief discussion regarding the size of

the porches. Chairman Nalette noted his only issue is that one side being in the side yard. M. Melanson circulated "real drawings". R. Winn verified the decks are on the sides of the house. M. Melanson reiterated 43' X 51' includes the decks. Chairman Nalette asked about increasing the side yard variance to 17'.

Public comment by Ernie Spence. No further public comment – public hearing closed.

Decision: **Motion** by M. Fox **to grant variance #07-5001 from Section 4a.2 for a north side yard variance of 17' for the purpose of building a 38' X 32' 2-story house with a 14'6" X 5' jog in the front, a 10' X 5' deck in the back, a 5' X 12'6" covered porch on each side and an 8' covered porch on the front as per the drawings submitted for the property located at 619 East Wakefield Boulevard for Andrea H. Closson.** Second by S. Lange. Vote: all in favor – **motion carried unanimous**. Reason: reasonable request.

#07-5002 Request for a Variance from Section 4a.2 lot coverage and 10.4 extend Non-conforming at 539 Wheelers Point for Anthony & Mary Luciano. Chairman Nalette verified the application has been changed substantially from last month. R. Winn asked if this goes to the 2nd floor. Jack Kemper, representing the applicant (also present), explained they are enclosing the stairs on the garage; noted this was originally 8' wide and is now 3' wide on the inside and 4' wide on the outside so the coverage is going from 25% to 25.8%; 2nd floor deck is removed. J. Massicotte asked what the hardship is. Mr. Luciano explained because the 2 are not connected, they are exposed to the weather. J. Massicotte said they created their own hardship by not locating the house next to the garage when a variance was granted in 2000. M. Fox noted the garage not being connected to the house does not make a hardship; explained the term hardship. Mr. Kemper verified the driveway is not included in the coverage. M. Melanson said only if it is paved. Mr. Kemper noted there were things contributing to the coverage that they had no control over such as the lighthouse patio; asked if this would be permitted if stuff like that is taken down to stay under the coverage. Mr. Luciano questioned exposure to weather not being a hardship. M. Fox explained a hardship is something particular to the property but just being non-conforming is not a hardship. Mr. Luciano said he's not sure how this upsets the lot. M. Fox explained each exception piled on another does.

Public comment by Jim Seaver. Mr. Kemper noted they tried to make this as small and discreet as possible. Mr. Luciano explained when they originally applied for the house, they asked for an attached garage but was denied; they are getting older so this is a personal hardship. M. Fox verified a connected garage was originally denied so this is not the 1st time; asked the reason for the 1st denial. Mr. Kemper explained it was an additional garage and was not a full-time residence. No additional public comment – public hearing closed.

Decision: **Motion** by R. Nalette **to grant variance #07-5002 from Section 4a.2 for a lot coverage variance of an additional 1% and Section 10.4, Non-conforming structures, for the purpose of building a 5' X 15' 1-story**

connector between the house and garage and a 4' X 13'4" 2-story stairway as per the drawings submitted for the property located at 539 Wheelers Point for Anthony & Mary Luciano. Second by R. Winn. *Discussion:* J. Massicotte noted they have downsized it. M. Fox said they were denied last time for lack of a hardship. R. Nalette noted safety is an issue but the applicant has been here a number of times; the Lake is a sensitive environment and enclosure is not a hardship; already a lot of coverage on the lot. Vote: all opposed – **motion denied.** Reason: no hardship.

Item 4 **Approval of Minutes of May 22, 2007 meeting**
Motion by R. Winn **to approve the minutes of May 22, 2007.** Second by M. Fox. All in favor – **motion carried unanimous.**

Item 5 **Old Business**

- Application Rates – nothing new to report

Item 6 **New Business** - none

Item 7 **Bills Presented** – **Motion** by M. Fox **to pay secretary hours of 2.0 for the May meeting**. Second by R. Winn. Vote: all in favor – **motion carried unanimous.**

Item 8 **Correspondence** – none

Item 9 **Discussion with ZEO**
Chairman Nalette noted the driveway ordinance says the 1st 12' of a driveway must be paved. Extensive discussion followed regarding whether that should be included in the coverage limits.

Item 10 **Motion to adjourn at 8:52 p.m.** by M. Fox. Second by R. Winn. All in favor - **motion carried unanimous**.

Respectfully Submitted,

Laurie

Laurie Bessette
Minutes Secretary, Zoning Board of Appeals

Minutes - ZBA 6/26/07

Call to order @ 7:02 pm
Rich reviewed the procedures for a ZBA
Seated Mike Fox as a voting member

Mella - letter request for 30 day extension

Sue arrived 7:26 pm

1) Appvl May 22 Ray, Mike } unanim

5) nothing new

6) none

7) motion to pay 2.0 acre Mike, Ray

8) none

9) Rich - d/w ord says 1st 12' have to be paved

adj @ 8:52 Mike, Ray, Nancy