TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

Minutes of Meeting
Zoning Board of Appeals
May 22, 2007

The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Richard Nalette at 7:04 p.m. The following members answered the roll call: Richard Nalette – Chairman, Ronald Dew, Susan Lange, John Massicotte, Raymond Winn, Alternate Michael Fox and Zoning Enforcement Officer Marc Melanson. Alternate Ernie Wolff was absent excused.

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

Item 3 Public Hearings – Variance Applications & Decisions

S. Lange recused herself from the meeting – Chairman Nalette seated Alternate M. Fox as a voting member.

#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. Tom Hinman present along with Damon Hinman. Mr. D. Hinman explained they are looking for 3 variances; detailed the proposed activity. Chairman Nalette asked what the hardship is. Mr. T. Hinman said the lot is a hardship; noted his mother lives in the cottage year-round; work was done last year on the rear of the house and discovered the front of the house needs work as well. R. Dew asked how far will the roof be raised. Mr. T. Hinman described. Chairman Nalette noted there should be construction prints. Mr. T. Hinman thought he could have the Building Official sign off on the prints; it's all up to code. R. Winn verified that is okay with Marc. Mr. T. Hinman noted the activity is just on the front half of the house, the back was done last year. Mr. D. Hinman noted the house is not going to be taller than the houses on either side. Chairman Nalette said he needs more drawings; having difficulty visualizing what's there vs. what's proposed. M. Fox asked if the applicant could withdraw. Chairman Nalette explained the Board could table the application and allow the applicant to come back next month. Mr. T. Hinman said he would like that opportunity; asked if pictures would help. R. Winn noted the Board needs construction prints. Mr. D. Hinman said he thought he only needed site prints. Chairman Nalette said the Board needs to know the size and volume the house takes up. M. Melanson explained the Board will want to see house elevations and how the proposed work will change the house. Mr. D. Hinman verified the signs should stay up. J. Massicotte asked if a rear variance is needed. M. Melanson said it's already legal non-conforming for the back. Discussion followed regarding deck regulations. **Motion** by R. Nalette **to *table* Variance #07-4995.** Second by R. Winn. Vote: all in favor – motion carried unanimous.

S. Lange rejoined the meeting – Chairman Nalette unseated M. Fox as a voting member.

#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. Mr. Darryl Gillotte, carpenter, representing Mr. & Mrs. Mella (also present). Mr. Gillotte explained they are proposing to put a garage in the rear of the building; hardship is the shape of the lot; noted it is legal non-conforming; the location was chosen because it is the least imposing; property owners are currently storing stuff in sheds and in a registered trailer; they need a garage. J. Massicotte asked what will happen with the bulkhead. Mr. Gillotte explained it will be incorporated in the garage. J. Massicotte verified the extra 10' in width is to incorporate the bulkhead. Mr. Gillotte said that is also why there is only a single door. M. Fox asked how long have you owned the property. Mr. Mello said 7 years. S. Lange verified the proposed driveway will be asphalt. Mr. Mella said it will be gravel. Brief discussion regarding the current location of parking, etc. Discussion followed regarding the deck, location and if a variance is needed for the front yard setback. R. Winn asked if the border is being used for the driveway. Mr. Gillotte said not quite, but very close, could leave a couple of feet, just drew it to the border. Chairman Nalette asked if M. Melanson enforces driveways. M. Melanson explained only how much asphalt; gravel is not included in the lot coverage. Chairman Nalette asked if they can do without a deck due to an increase in lot coverage. Mr. Gillotte said do need a 2nd egress; can use the rear egress. Mr. Mella asked if they would be allowed a smaller deck. Chairman Nalette explained the current regulations allow for 15% coverage; current coverage is 22% and the proposed coverage is 30%. M. Fox asked if the current asphalt driveway will be removed. Mr. Mella said no; it would be nice to have a small deck, but don't need one.

Public Comment made by Susan Joyner noting a boundary line dispute; submitted correspondence from DiCara Land Surveying. Extensive discussion took place regarding the previous survey by Keefe of Ms. Joyner's property, when the current shared driveway was paved, when the houses were built, pin/monument locations and possibly relocating the driveway to the other side. Public comment also made by Carol Bellavance and John Tannimen. M. Fox noted the Zoning Board of Appeals cannot iron out a boundary dispute. Mr. Gillotte asked if something can be worked out tonight. Chairman Nalette offered to allow both parties to talk with each other and come back at the end of the agenda. *Tabled to end of agenda.*

#07-4997 Request for a Variance from Section 4a.2 north side yard setback, 4a.2 front yard setback and 4a.2 lot coverage at 114 Shore Drive for Anthony R. & Carol B. Zacchio. Mr. & Mrs. Zacchio present. Mrs. Zacchio explained they have used this house for weekends and as a summer house and would like to make it their full-time residence; read a prepared statement noting the hardship is the size of the lot, kept the proposed activity in line with the neighboring houses, will make the property less non-conforming. M. Fox verified the activity will make the house more conforming. J. Massicotte noted except for the lot coverage. S. Lange asked if there is a need for a 3-car garage; knows the area and understands

this is 2 lots but this seems excessive. Mrs. Zacchio said they have 2 cars and a boat; the boat was expensive and unsightliness, theft and/or vandalism is a hardship if they store it outside. Mr. Zacchio noted the garage is actually built into the house; condenses it, makes it less wide. J. Massicotte asked if there is a floor plan for the basement. Mrs. Zacchio explained it will be for storage; not a finished basement. Mr. Zacchio said less than ½ the basement will be storage; a concrete basement is all it's going to be. No public comment. M. Melanson distributed a letter from James Barber. Mrs. Zacchio responded. Public hearing closed.

Decision: **Motion** by R. Winn **to grant variance #07-4997 from Section 4a.2 for a front yard variance of 20.3', a north side yard variance of 5' and lot coverage of 7.1% for the purpose of building a 60' X 46'6" 2-story house with a 19'5" X 16'1" deck as per the drawings submitted for the property located at 114 Shore Drive for Anthony R. & Carol B. Zacchio.** Second by R. Dew. Vote: all in favor except R. Winn (opposed) – **motion carried.** Reason: less non-conforming.

#07-4998 Request for a Variance from Section 4a.2 lot coverage and 10.4 extend Non-conforming at 539 Wheelers Point for Anthony & Mary Luciano. Jack Kemper of Kemper Associates representing the applicant (Mrs. Luciano present). Mr. Kemper distributed photos of the current structure; explained they are looking to connect the existing house to the existing garage with an enclosed glass breezeway which will also enclose the stairway. M. Fox asked what the hardship is. Mr. Kemper said the non-conforming lot. R. Dew verified the breezeway will be an actual part of the living quarters, heated, with a full bathroom in the garage. Mr. Kemper noted Planning and Zoning recently granted permission to raise the garage. Mrs. Luciano said that's very windy in wintertime – a very cold corner. R. Dew asked if this will be a single-family house. Mr. Kemper said that's the intended use.

Public comment by Robert Ensminger who asked if this is granted can he apply to allow his garage to be used as living space. Further public comment by Jim Seaver who thought this was only a connector from the house to the garage and has concerns with privacy, height, depth and future usage. Public hearing closed.

Decision: **Motion** by J. Massicotte **to grant variance #07-4998 from Section 4a.2 for a lot coverage variance of an additional 4% and 10.4 non-conforming structure for the purpose of building a connector between the house and garage as per the drawings submitted for the property located at 539 Wheelers Point for Anthony & Mary Luciano.** ***M. Melanson noted there should also be included a 4'6" X 15' deck off the exercise room.*** Second by S. Lange. Vote: all in favor – none; all opposed – **motion denied.** Reason: no proven hardship.

#07-4996 ***(Continued from earlier in the meeting)*** 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. Mr. Mella explained they have come to an agreement.

Mr. Gillotte said we think we resolved it; will get a letter from an attorney stating the Keefe survey will be used and will be acceptable to all parties. Chairman Nalette verified 30 days will be enough to hold the public hearing and provide a survey and then go from there. Mr. Gillotte noted that might change the setback slightly. Chairman Nalette said as long as the change is a small modification. J. Massicotte asked why the shed is not shown on the A2 survey. Mr. Gillotte noted the shed will be removed and explained DiCara did the survey from his office. **Motion** by R. Nalette **to *table* Variance 07-4996 until next month.** Second by J. Massicotte. Vote: all in favor – **motion carried unanimous.**

Item 4 **Approval of Minutes of April 24, 2007 meeting.**
Motion by J. Massicotte **to approve the minutes of April 24, 2007.** Second by S. Lange. All in favor – **motion carried unanimous.**

Item 5 **Old Business**

- Application Rates – Chairman Nalette asked who will write a letter to the Board of Selectmen asking for the rate change. M. Melanson explained that is for the Chairman to do.

Item 6 **New Business** – R. Winn asked how the procedure works when someone receives a notice of a variance application. M. Melanson explained the person inquiring is given a copy of the legal notice.

Item 7 **Bills Presented – Motion** by R. Winn **to pay secretary hours of 1.0 for the March meeting.** Second by R. Dew. Vote: all in favor – **motion carried unanimous.**

Item 8 **Correspondence** – none

Item 9 **Discussion with ZEO** - none

Item 10 **Motion to adjourn at 8:50 p.m.** by J. Massicotte. Second by R. Winn. All in favor - **motion carried unanimous.**

Respectfully Submitted,

Laurie

Laurie Bessette
Minutes Secretary, Zoning Board of Appeals

ZBA mtg 5/22/07

Call to order 7:04 p

Richard reviewed the procedures for a public hearing

Appv 4/24 John M
Sue W } unanimous

Motion to pay secretary hrs for March — Ray
— Ron } unan

5 - Rich ~~are~~ Marc going to write letter to Selectmen asking for rate change.

6 - Ray asked how it works when someone requests info after they rec'd notice of variance application

Motion to adj 8:50pm John
Ray } unan