

**Minutes**  
**ZONING BOARD OF APPEALS**  
**WATERTOWN, CONNECTICUT**

**PUBLIC HEARING**  
Waters of Winnemaug, LLC  
320 Caruso Drive

**Time:** 7:30 P.M.  
**Date:** Wednesday, September 23, 2009  
**Place:** Swift Middle School Media Library Room  
250 Colonial Street  
Oakville, Connecticut

**1. Call Meeting to Order**

Chairman, Mr. Enrico Sarandrea called the meeting to order at 7:51 P.M.

**2. Roll Call**

Mr. Gary Swingle executed the roll call.

**Present:** Chairman, Mr. Enrico Sarandrea  
Mr. Roger Mitchell  
Mr. Jeffery Franson  
Alternate, Mr. Gary Swingle

**Absent:** Vice Chairman, Mr. Phil Roger  
Secretary, Ms. Joanna Abraham  
Alternate, Mr. Jason Alldridge

**Also Present:** Assistant Zoning Enforcement Officer Mr. Moosa Rafey  
Carol Allen, Planning and Zoning Secretary

Gary Swingle sat in for Joanne Abraham

**3. Hearing of Cases**

**C. Application #922 of Waters of Winnemaug, LLC for two variances of the front and side property lines setback concerning a front porch/deck and stoop at 320 Caruso Drive, Watertown, CT.**

Mr. Swingle read the legal notice into the record.

## TOWN OF WATERTOWN

### Legal Notice

The Zoning Board of Appeals of the Town of Watertown will hold a public hearing at 7:30PM on Wednesday, September 23, 2009 at the Swift Middle School Media Library Room 250 Colonial Street, Oakville, CT to hear and act upon the following applications:

Application #922 of Waters of Winnemaug, LLC for the following two variances of the Watertown Zoning Regulations: 1) a variance of 19.8 feet to front yard property line setback to permit an existing front porch located 15.2 feet from front property line and 2) a variance of 9.6 feet to side property line setback to permit an existing concrete front stoop located 10.4 feet from side property line to remain on site on a parcel of land known as a lease area Assessor's Map 129, Block 17C Lot 10 formerly known as 0 Caruso Drive currently 320 Caruso Drive, Watertown, CT in an R-30 Residential Zoning District. Section 23.5.3.a of the Watertown Zoning Regulations requires minimum 35 feet front setback and Section 23.5.3.c requires minimum 20 feet side yard setback for a principal building in an R-30 Residential Zoning District.

At this hearing interested persons and written communications will be heard. A copy of the application is on file in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT.

Dated in Watertown, CT this 12th day of September 2009

Dated in Watertown, CT this 17th day of September 2009

JoAnna Abraham, Secretary  
Zoning Board of Appeals

Mr. LaFlamme            Bob LaFlamme of 25 Hopkins Road, Watertown present and explained the variance request to the Commission.

Mr. Strub                James R. Strub from Secor, Cassidy & McPartland, PC was present and noted that Bob is the manager of the Waters of Winnemaug, LLC. He submitted the affidavit and the green cards into the record. He reviewed the site plan with the Board. He reviewed photos of the dwelling and site with the Board. The dwelling at 0 Caruso Drive is one of several in this area which are similarly situated. They are small, lakeside dwellings located on real estate with long-term leases. These dwellings constitute pre-existing, non-conforming uses. At the time Waters took title to the property, the dwelling was 11 feet from the lease line and 36 feet from the center of the improved path of Caruso Drive.

Waters obtained title to this particular dwelling during its subdivision process for its Waters of Winnemaug subdivision. Waters' predecessor in title had obtained a zoning permit to construct a "second floor expansion of existing legal non-conforming footprint," in May of 2007, and sold the property to Waters on May 16, 2007. Thereafter, Waters installed a new septic system for the dwelling and began doing work on the dwelling itself. Essentially, Waters' work entailed demolition of a large portion of the structure. Work was stopped at the direction of your office and the building department. The attempt is to be less non conforming than it was originally. He submitted photos of the original porch and discussed what it looked like. In this instance given the peculiar characteristics of this property the strict application of the zoning regulations would have prevented any new construction on this site. The building in question is a rebuilt legally nonconforming structure. The existing as-built structure inclusive of the deck located immediately between the building and the Town owned but unaccepted portion of Caruso Drive is more conforming than the structure that was replaced. A variance for this portion of deck will act to formally legalize what the applicant already considers a legal nonconforming structure with a legal nonconforming deck attached. The deck located to the side of the building extends the nonconformity as it relates to violation of the front yard setback. Thus, a variance is required to allow the deck to remain in this location. The deck extends the legal nonconformity  $\pm$  12.8 feet from the corner of the house. Given the rugged topography located to the area directly to the rear of this structure the reconstruction of the legal nonconforming building had to be located in the given location. The strict application of Regulation sections 23.5.3 and/or 23.5.4 setting a 35 foot front yard setback results in an exceptional difficulty or unusual hardship that would preclude reasonable use and enjoyment of this property as a residential dwelling. Given the historic nonconformity combined with the existing topography the hardship is unique to this specific parcel. The reconstruction of this dwelling is part of a comprehensive effort undertaken by the applicant to bring this entire portion of Caruso Drive to a more conforming status. The property is located in the R-30 zone. Since its proposed use as a residential dwelling is permitted in this zone the proposal is consistent with Watertown's comprehensive zoning plan.

Mr. Swingle

Read the following letters into the record.

Minutes  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
Waters of Winnemaug, LLC  
320 Caruso Drive

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Paul Berardis  
89 Flintlock Rd  
Watertown CT 06795  
860-274-6646 Home  
203-841-2203 Office

September 18, 2009

Zoning Board of Appeals  
Planning & Zoning Office  
Depot Square Mall  
51 Depot Street, Suite 502  
Watertown CT 06795

Dear Board Members,

I understand that a variance is being sought concerning the property located at 320 Caruso drive, application #922. I reside in the house directly adjoining this recently constructed home. I feel that the structure fits well into the neighborhood, improving its all around appearance. The home's exterior deck completes the look and feel of the lakeside home, allowing the beauty of the lake to be appreciated. I am in favor of granting approval concerning this variance application.

Please feel free to contact me with any questions relating to this matter. Respectfully,

Paul S. Berardis

Marcia Satlow MD  
96Flitlock Road  
Watertown., Connecticut 06795  
(960) 2744616

September 15, 2009

Zoning Board of Appeals  
Planning and Zoning Office

Depot Square Mall  
51 Depot Street, Suite 502  
Watertown, CT 06795.

I live at 96 Flintlock Road and have been Watertown resident for 21 years. New construction, a home at 320 Caruso Drive, is across the road from my property.

The exterior has a walkway, wooden deck and staircase which I feel enhances the overall look of the house, improving the esthetic appearance and allowing the inhabitants to enjoy the lake more fully, as I do. Therefore, I have no objection to this.

I surely appreciate the efforts of the Board to keep Watertown as lovely as it is! Sincerely,

Marcia Satlow, MD

**Public: For or against the application.**

Mr. Berardis Paul S. Berardis of 89 Flintlock Road was present and spoke in favor of the application. Mr. LaFlamme has been very informative through this process. He noted for the record of the letter from the town attorney dated 06/13/08. There should have been no confusion on this.

Mr. Rafey A copy of the Town Attorney's letter has been given to each Board member.

Mr. Berardis The porch on the front of the house is not a problem. The house looks great in the neighborhood.

**MOTION:** Mr. Roger Mitchell moved to close the public hearing.

**SECOND:** Mr. Gary Swingle.

**VOTE**

**AYES:** Chairman, Mr. Enrico Sarandrea, Mr. Roger Mitchell, Mr. Jeffery Franson, Alternate, Mr. Gary Swingle.

**NAYS:** None.

**MOTION UNANIMOUS PASS T 4-0.**

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ZONING BOARD OF APPEALS  
PUBLIC HEARING  
Waters of Winnemaug, LLC  
320 Caruso Drive

Attest:

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Chairman, Mr. Enrico Sarandrea  
Zoning Board of Appeals