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ZBA wins trailer case

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WINSTED — A Litchfield Superior Court judge this week dismissed a suit against the Zoning Board of Appeals, ending a long and convoluted battle over the use of a Highland Lake right of way.

The suit was filed by Frank Marchetti of Litchfield, Joseph Shoplack of Winsted and Jerry Curtiss of Northfield over a camper trailer they had parked on a right of way on Shore Drive.

"It is good news," Lorraine Yadach, one of the abutting landowners who had fought the trailer for nearly three years, said yesterday. "Our property value was going to be affected. That was our main concern."

Yadach and neighbor Janet Fazioli asked the ZBA to reinstate an order requiring the landowners to remove the trailer. The ZBA did so in April 1990, and the landowners subsequently challenged the decision in court.

The landowners' attorney, John Febbrioriello, claimed that the ZBA's order to remove "all supporting materials," from the site in addition to the trailer, violated an earlier court decision. An earlier suit in Litchfield court determined that the platform which the trailer sits on was neither a "structure," nor a "building," and therefore zoning rules did not apply. However, Judge Joseph W. Doherty in his decision stated that the ZBA was not specific in what it regarded as supporting materials, therefore it did not violate a previous decision.

In addition, the landowners' suit stated that ZBA member Joseph Cadrain had a conflict of interest, since he lives near the site. Doherty ruled otherwise. Thirdly, the suit charged that the board applied regulations defining a trailer that were amended after the trailer was placed on the property. Doherty determined that the ZBA acted properly in making its decision.

The landowners charged that the board did not properly conduct the public hearing process. Doherty ruled that the public hearing was carried out in the proper timeframe.

Community lawyer Charlene LaVoie argued the case in court for the town and for Yadach and Fazioli. LaVoie said that former Town Attorney Stephen O. Allaire did accompany her to court but she did most of the talking. LaVoie said that the landowners have 20 days to file an appeal.

"With the appeal dismissed, the ZBA order stands and is in effect now," LaVoie said. "So now it's up to the town to deal with the decision of the court and to enforce the ZBA's decision."