



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
May 25, 2021 – 7:00PM
Regular Meeting Minutes

Chairman Phillip Allen called the meeting to order at 7:07PM. As this meeting was the first in-person meeting in fifteen months, staff reported to the Commission that the Town Manager had requested a message be communicated to the public who might be viewing remotely either by YouTube or via cable on Channel 194. It was noted that in order to actively participate in the meeting, attendance to the meeting would be necessary given the technology currently available.

1. ROLL CALL:

Mr. Allen noted that the following individuals were present in addition to himself: Aubrey English, John Pollack, Hal Wilkes, and Alternate David Carter.

Mr. Marino was absent excused. Mr. Carter was seated in his stead.

2. EXPLANATION OF PROCEDURE:

Mr. Allen explained that an approval from this Board requires four affirmative votes. Accordingly, Mr. Allen also explained that the applicants were entitled to a vote before five seated members. He noted that applicants usually receive a disposition on the application the same evening of the meeting. Mr. Allen explained that the proceedings include the applicant's opportunity to provide information regarding the application, a chance for the Board to question the applicant and/or representative as well as closing comments by the applicant.

3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS; APPEALS:

A. ZBA#21-5261 - Variance Location: 504 East Wakefield Boulevard Applicant/Owner: Shawn Stanziale Variances Requested: Side yard setback, Rear yard setback, Impervious coverage, and to allow a deck to be closer to property line than the principal building. Proposal: Variance for Addition to Cottage, Covered Porch, and Deck.

Staff confirmed a request for a continuance had been received from the applicant.

MOTION: Mr. Allen, Mr. English second, to continue Application ZBA#21-5261 to the June 22, 2021 regular meeting; unanimously approved.

B. ZBA #21-5262 – Special Permit Location: 240 Perch Rock Trail Applicant: Peter D’Addeo Owner: Shady Drive Three LLC Proposal: Install a Fence on the Property Line.

Peter D’Addeo of 240 Perch Rock Trail appeared before the Board regarding this application. Mr. D’Addeo submitted an additional copy of the Certificate of Mail serving as evidence that notice of the public hearing had been provided to the abutting property owners. Mr. D’Addeo submitted a copy of a boundary line agreement with his abutting neighbor, reporting the same is recorded in the Town of Winchester Land Records. He noted that a letter has also been submitted from the current owner acknowledging the existence of the deeded right. Mr.

D'Addeo reminded the Board that they have been provided with a copy of rendering of the fence. He noted that the proposal is to install a fence on top of the existing retaining wall on the property line. He noted that all of the heights have been provided relative to the wall as it exists. Mr. D'Addeo noted that the varying heights have been noted.

Photographs were submitted of the existing site and proposed fence.

Mr. Pollack questioned whether there were plans for this type of fencing along the other side of the site. Mr. D'Addeo indicated there was not. He explained that there had previously been white pine trees that were old and substantially deteriorated. He noted that they were trimmed and replaced as they died until they were replaced. Mr. D'Addeo indicated that no stumping was ever undertaken at this site. His 2008 approval from the Planning and Zoning Commission had indicated that the trees remain or be replaced with better, according to Mr. D'Addeo. He noted that there is now arborvitae and rhododendron.

The hearing was open to the public. No comment was received. The hearing was closed.

MOTION: Mr. English, Mr. Pollack second, to grant a Special Permit for Application 21-5262 to install a fence on the property line per the drawings submitted for the property located at 240 Perch Rock Trail; unanimously approved.

C. ZBA#21-5263 – Variance Location: 304 East Wakefield Boulevard Applicant/Owner: Harris Daigle Variances Requested: Side yard setback, Rear yard setback, Impervious coverage. Proposal: Variance for Addition to Cottage, Covered Porch, and Deck.

Staff confirmed a request for a continuance had been received from the applicant.

MOTION: Mr. Allen, Mr. Pollack second, to continue Application ZBA#21-5263 to the June 22, 2021 regular meeting at 7P at Town Hall; unanimously approved.

D. ZBA#21-5264 – Special Exception Location: 626 Wynne Road Applicant/Owner: Kevin L. Winn and Marcia Lynn Winn Proposal: Addition to Non-conforming Structure.

Kevin Winn and Marcia Winn, accompanied by Professional Engineer Dave Battista, appeared before the Board regarding this application. Ms. Winn read from a prepared statement wherein she explained how after utilizing the home as a seasonal place up until the time that she and her husband utilized it during the COVID-19 quarantine. She noted the efforts undertaken with her architects and engineers to design the improvements so as to avoid the need for a variance but to provide aesthetics that would be pleasing to the area.

Mr. Battista confirmed that Certificates of Mail had been provided to town staff serving as evidence that notice of this public hearing had been sent to the abutting property owners. Mr. Battista confirmed the dates of both his engineered drawings as well as the architectural elevation drawings prepared by the architect. He noted the site as a non-conforming lot. He noted that the parcel is a corner lot. Mr. Battista noted the front yard setback as currently 28.6' and reported the minimum front yard setback in the HL (Highland Lake District) as 50'. Mr. Battista reported the existing northerly side yard setback as 23.3' and reported the minimum side yard setback according to the Zoning Regulations should be 35'. He noted that the proposed development includes areas of two proposed additions, explained the screened porch would be converted to a three-season room, and a new deck. Mr. Battista reported the closest point of the southerly addition would be 29.9' whereas the existing front corner of 28.6', so new conditions would be further away. He noted that on the northerly side, it would be 24.35' from the north side line whereas the existing closing point is 23.25'. Mr. Battista reported the

impervious surface coverage not exceeding the 15% maximum under neither the existing nor the proposed.

Mr. Battista noted the inclusion of a raingarden as part of the proposed design.

Mr. Allen questioned whether the application falls within the purview of the Inland Wetlands and Watercourses Commission. Mr. Battista indicated that it will only be for review of the erosion control plan but not for regulated activity.

Mr. Melanson noted that the plan lacked dimensions on the proposed structures. Mr. Battista pointed out that the relevant distances to the boundary lines are called out on the plans. Mr. Battista noted that the CAD file from the architectural drawings was directly laid on an A2 survey. He confirmed that when calculating coverage, the areas were digitized for that purpose.

Mr. Carter questioned whether there was a maintenance plan for the raingarden. Mr. Battista noted that the only real maintenance necessary is to take leaves out of there in the fall.

The hearing was open to the public. No comment was received. The hearing was closed.

MOTION: Mr. English, Mr. Wilkes second, to grant a Special Exception for Application 21-5264 to put an addition on the house per the drawings submitted for the property located at 626 Wynne Road with the condition of approval that the engineer is to submit updated site plans with new addition dimensions called out; *unanimously approved.*

E. ZBA#21-5265 – Variance Location: 353 Platt Hill Road Applicant/Owner: David Campbell and Alesia Campbell Variances Requested: Modify variance # 4794 for a front yard setback. Proposal: Addition of a covered porch.

David Campbell and Alesia Campbell appeared before the Board regarding this application. Mr. Campbell explained that the variance being sought was for the front porch to extend out approximately 7' from the front doorway of the home and extending the width of the house, approximately 23' wide. Mr. Campbell explained that the front porch would not exceed what is currently the front stoop. He noted that the porch would not extend all the way down to the corner of the home but would instead be back one foot from that. He explained that there is no porch on this home currently. Additionally, Mr. Campbell explained that this home was built in the 1940s and noted that no improvement to the front of the house would ever be able to comply with the Zoning Regulations.

Mr. Campbell confirmed that the space under this porch would remain open.

Mr. Campbell noted that he may even have to come in more with the end of the porch.

Mr. Campbell explained that in 2002, he was granted a variance to expand the house in the rear portion of the home. He noted that this was never completed, and that proposal has since been scrapped. Mr. Campbell indicated that they would like to modify that variance in favor of this proposal.

The hearing was open to the public. No comment was received. The hearing was closed.

MOTION: Mr. English, Mr. Allen second, to approve ZBA Application 21-5265 to modify Variance #4-7924, to not build the addition that was proposed and to request a front yard setback variance of 25.5' for the purpose of building a 7'x24' covered porch on the northeast

side of the residence as per the drawings submitted for the property located at 353 Platt Hill Road; *unanimously approved.*

F. ZBA#21-5266 – Variance Location: 534 Wheelers Point Applicant/Owner: Robert and Beth LaChance Variances Requested: Side yard setback and Impervious coverage. Proposal: Variance for Adding a 2nd floor deck over an existing deck.

Staff confirmed a request for a continuance had been received from the applicant.

MOTION: Mr. Allen, Mr. English second, to continue Application ZBA#21-5266 to the June 22, 2021 regular meeting at 7P at Town Hall; unanimously approved.

G. ZBA#21-5267 – Special Permit Location: 534 Wheelers Point Applicant/Owner: Robert and Beth LaChance Proposal: Add a dormer over an existing 1st floor.

Staff confirmed a request for a continuance had been received from the applicant.

MOTION: Mr. Allen, Mr. Pollack second, to continue Application ZBA#21-5267 to the June 22, 2021 regular meeting at 7P at Town Hall; unanimously approved.

H. ZBA#21-5268 – Special Permit Location: 542 East Wakefield Blvd Applicant/Owner: JoAnn Serkey Proposal: Install a fence on the property.

Randall Serkey appeared before the Board regarding this application. He noted that the proposal was to install four sections of 4'x8' white picket fence on their property with a gate leading to the walkway. Mr. Serkey shared a mocked up photo reflecting the proposed fence. Mr. Allen questioned the parking area depicted in the photograph and noted that it was not included on the site plan. It was noted that the parking area was located on the Town's property.

The hearing was open to the public. No comment was received. The hearing remained open as an application was currently before the Inland Wetlands and Watercourses Commission.

MOTION: Mr. Allen, Mr. English second, to continue the public hearing on Application #21-5268 pending Inland Wetlands and Watercourses Commission approval and the application continued to the June 22, 2021 regular meeting at Town Hall at 7PM; unanimously approved.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES:

A. April 27, 2021 Regular Meeting

The approval of the April 27, 2021 Minutes was deferred to the June 22, 2021 regular meeting.

6. BILLS PRESENTED:

None.

7. CORRESPONDENCE:

The Board was reminded that they should have received an email inviting them to a Freedom of Information training session for 5PM on Thursday, July 8 at Town Hall.

8. OTHER BUSINESS:

None.

9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

No business discussed.

10. ADJOURNMENT:

MOTION: Mr. English, Mr. Carter second, to adjourn at 8:21PM; unanimously approved.

**Respectfully submitted,
Pamela A. Colombie
Recording Clerk**