



TOWN OF WINCHESTER ZONING BOARD OF APPEALS

Held Remotely (Via Zoom)

and was streamed live on YouTube:

<https://www.youtube.com/channel/UCT1ffiBjMTBQM5OEXSgKlqg/videos>

March 23, 2021 – 7:00PM

Regular Meeting Minutes

Vice Chairman Paul Marino Allen called the meeting to order at 7:15PM. Because of the COVID-19 pandemic, the meeting was held remotely via the online platform ZOOM. The meeting ID and passcode were carried on the agenda and the meeting could be viewed in real time as a link was also on the agenda and available through the main page of the town's website.

1. ROLL CALL:

Mr. Marino noted that the following individuals were present in addition to himself: Aubrey English, John Pollack, Hal Wilkes, and Alternate David Carter (7:24PM).

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

The agenda was modified as the Board waited for Mr. Carter to arrive.

2. APPROVAL OF MINUTES – February 23, 2021:

The February 23, 2021 Minutes were reviewed with the following modifications suggested:

- The call to order was completed by Vice Chairman Paul Marino, and not Vice Chairman Paul Marino Allen as drafted.
- Just before Other Business, under the Public Hearings, the following should have been included regarding Application ZBA #21-5260 – Variance Location: 149 Newfield Road Applicant: East Coast Assistance Dogs Owner: Dale Picard Proposal: Add Kennel/Office Building to Site – Impervious Surface Coverage Variance:

MOTION: *Mr. Marino, Mr. Carter second, to grant a Variance pursuant to II.F.b.ii. of the Zoning Regulations for Application # 20-5260 for a 3.83% variance in maximum allowed coverage to add a kennel/office building, per the drawings submitted, for the property located at 149 Newfield Road; Motion failed with Mr. Marino, Mr. Carter, Mr. English, Mr. Pollack, and Mr. Wilkes opposed.*

- The vote on the approval of the January 26, 2021 Minutes should have reflected that Mr. English, Mr. Carter, Mr. Marino, and Mr. Pollack voted in favor while Mr. Wilkes abstained.

MOTION: Mr. Marino, Mr. English second, to approve the February 23, 2021 Minutes as amended; *unanimously approved.*

3. EXPLANATION OF PROCEDURE:

Mr. Marino explained that applications would be reviewed the way they always are. He noted that the review of each application will include an 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. He explained that the public will have an opportunity to ask questions and make comments, too. Mr. Marino explained that an approval from this Board requires four affirmative votes.

4. PUBLIC HEARINGS:

A. ZBA #20-5258 – Special Exception Location: 504 East Wakefield Boulevard Applicant/Owner: Shawn Stanziale Proposal: Renovate Garage to Add Second Floor Living.

Mr. Pollack recused himself from this application, explaining that he is an abutting property owner.

Shawn Stanziale, accompanied by Professional Engineer Michael Sherman and contractor Matthew Closson, appeared before the Board regarding this application.

Mr. Marino explained to the applicant and his team that with only four seated members, the proposal would require unanimous approval in order to receive a variance. He provided them with a choice with either going forward or continuing to the following meeting so that the proposal could be considered by a full complement of the board. Mr. Stanziale requested to proceed with the applications with the four seated members.

Mr. Stanziale noted that he and his wife purchased the home last August to use and enjoy with his two children, aged 13 and 16. He noted that adding a second floor to the garage allows his family to have additional living space.

Mr. Sherman reviewed the proposed plans, explaining that his client would like to put a deck on the back of the garage and explained that there would be no further encroachment to the sideyard setbacks. Mr. Sherman shared photographs of the site. Mr. Stanziale reported the finished height as proposed would be 24.6'. Mr. Sherman reviewed how the driveway would be relocated, further away from the property of Mr. Pollack's. Mr. Sherman noted the presence of a lot of ledge at the site. He explained how the ledge blocks the view of the lake from the road and as part of it is removed, the view may be improved slightly.

Mr. Sherman reviewed the pervious paver system that will be used for the patio.

Staff reported approval from the Inland Wetlands and Watercourses Commission as having been received at their March 17, 2021 regular meeting.

The hearing was open to the public.

Michael Goncalves of 522 East Wakefield Boulevard spoke in favor of the application, noting that the improvements will be located nearer to his home and was still in favor.

John Pollack of 502 East Wakefield Boulevard spoke in favor of the application.

The hearing was closed to the public.

MOTION: Mr. Marino, Mr. Carter second, to grant a Special Exception pursuant to III.C.4.b. of the Zoning Regulations for Application # 20-5258 to add a second floor to existing garage, per the drawings submitted, for the property located at 504 East Wakefield Boulevard; unanimously approved.

B. ZBA#21-5261 - Variance Location: 504 East Wakefield Boulevard Applicant/Owner: Shawn Stanziale Proposal: Variance for Addition to Cottage, Covered Porch, and Deck. Shawn Stanziale, accompanied by Professional Engineer Michael Sherman and contractor Matthew Closson, appeared before the Board regarding this application.

Mr. Stanziale explained how important it was to his family that they be good neighbors while still wanting to expand their home to meet their family's needs. He opined that the current design was the best way to be neighborly and not go up despite the current design being more costly.

Mr. Closson noted that a small section of the house will be removed with this proposal and a 25 ½' x 22' addition to the southwest side of the property along with a covered porch. He noted that a patio will be underneath a wood deck on the lakeside of the property.

Mr. Sherman reviewed the elevation drawings, noting the dormers that will be added. He noted that the same height will be maintained. He noted that all the runoff from the house will drain to a new rain garden. Mr. Sherman reviewed how the water would be handled on the site.

Mr. Sherman explained that with anything done on this property, a variance would be required. Mr. Marino questioned the sideyard as proposed as 7.8'. Mr. Sherman indicated that the table needed to be corrected.

Mr. Sherman confirmed that the impervious surface was being reduced. The areas of impervious surface were reviewed and discussed. Mr. Marino questioned how it would be reduced. The driveway accounted for most of that, according to Mr. Sherman.

Mr. Sherman noted the proposed building would be in harmony with the other properties along the lake.

Noting that this Board deals with hardships with the land, Mr. Wilkes questioned what the hardship was with this property. Mr. Stanziale explained that he was trying to work with the contours of the land to update his 1910 house. He noted it had virtually no updates and explained how close his house was to the neighbor's property. Mr. Wilkes directed his inquiry to Mr. Marino, explaining that he was unsure what the hardships were with the land and was less concerned with the conveniences of the applicant. Mr. Marino indicated that variances should be reviewed with consideration to whether the proposal is in harmony with the purpose put forth within the regulations and that literal enforcement of the regulations will result in unusual hardship as the same has been defined by the courts. Mr. Marino noted that hardship may also be viewed as due to the unique shape, topography, or other inherent condition. The personal hardship of the owners such as age or family condition is not a legal hardship that would support approving a variance, he noted.

Mr. Stanziale referred to the photographs he submitted as he described the interior of the home including the center chimney that provides limited ability to change much. He noted that the bathroom is so small that a person can barely fit and explained that there was not much of an easy way to change it due to the center chimney. Mr. Stanziale explained that the kitchen was so small that the door to the refrigerator could not be opened without hitting the cabinets. He explained that with his wife's hip dysplasia and son's medical problems from two leg surgeries, they wanted to make the house useable for his family. Mr. Stanziale noted that with a 1910 house, the topography of the land, and trying to improve the usage of it despite the center fireplace, there were few options.

Mr. Marino noted that the hardship of the property must be unique to the property in the sense that it has a characteristic which is not exhibited by other properties in the area and which makes it appropriate for special treatment. Merely being too small or too narrow is not a legal hardship unless it restricts the property from being put to reasonable use permitted within the subject district, according to Mr. Marino as he read from the Zoning Board of Appeals regulations.

Mr. Sherman questioned whether the variance could be approved simply because it was in harmony with the neighborhood. He explained his client pushed his expansion to the south in order to be in harmony with his neighbors rather than going straight up, despite being able to do so legally, so as to avoid blocking the view of those same neighbors.

Mr. Wilkes noted that the property was purchased in this condition with the applicants knowing what they were buying.

Brooke Stanziale, also of 504 East Wakefield Boulevard, shared a photograph by holding her phone to her monitor to demonstrate the location of the home's chimney and describe the small size of the bedrooms.

The hearing was open to the public.

John Pollack of 502 East Wakefield Boulevard spoke in favor of the application, noting that he had been opposed to the idea of the house having additions on to it with original plans to go higher. His concern with the house having additions to its height lay with how that might affect his views and how it might affect runoff.

Michael Goncalves of 522 East Wakefield Boulevard spoke in favor of the application and opined that it was keeping in the use of the property.

Mr. Stanziale requested to continue the application to allow him a chance to consult with his engineer regarding concerns put forth during the public hearing.

MOTION: Mr. English, Mr. Carter second, to continue Application ZBA#21-5261 - Variance to the next regular meeting scheduled for April 27, 2021 to be held either in person in the P. Francis Hicks Room at Town Hall, 338 Main Street or again via Zoom, at 7PM; unanimously approved.

5. OLD BUSINESS:

None.

6. BILLS PRESENTED:

None.

7. CORRESPONDENCE:

None.

8. OTHER BUSINESS:

None.

9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

No business discussed.

10. ADJOURNMENT:

MOTION: Mr. English, Mr. Carter second, to adjourn at 8:51PM; unanimously approved.

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