



TOWN OF WINCHESTER ZONING BOARD OF APPEALS

Held Remotely (Via Zoom)

and was streamed live on YouTube:

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

February 23, 2021 – 7:00PM

Regular Meeting Minutes

Vice Chairman Paul Marino Allen called the meeting to order at 7:05PM. 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 (7:32PM), and Alternate David Carter.

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

2. 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.

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. After consultation with his attorney and his engineer, applicant for the variance request at 149 Newfield Road opted to proceed with the four seated members.

4. PUBLIC HEARINGS:

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

It was noted that a continuance had been requested for this application.

B. 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.

East Coast Assistance Dogs (ECAD) Executive Director Dale Picard, accompanied by Attorney Patsy Renzullo, Professional Engineer Jason Dismukes, and Architect Mike Boe, appeared before the Board regarding this application. Attorney Renzullo provided the Board with a description of the current dog training facility at the subject property, reporting that a Special Permit application is currently pending before the Planning and Zoning Commission. He noted that the Zoning Regulations and code requirements had changed since the existing building was constructed in 2016. Attorney Renzullo explained that a variance was being sought to the limit of the impervious coverage for this area.

Mr. Dismukes noted that the existing training facility was from the 2016 approval. He indicated that there was another building approved as part of that site plan with associated parking. Mr. Dismukes shared a 2016 plan, depicting an upper building and parking for a future building. He explained that in 2016, the driveway was considered pervious. Mr. Dismukes noted that the Planning and Zoning Commission conditioned their approval that the driveway be widened from 12' to 16' due to the State Fire Code.

Mr. Dismukes explained that the gravel driveway is now counted as impervious coverage which results in the coverage exceeding the 15% maximum cover allowed. Additionally, Mr. Dismukes noted that the current State Fire Code requires the driveway to be increased to 20'. Mr. Dismukes reported a proposal to add a text amendment to the Zoning Regulations to allow for a 5% increase in impervious coverage if LID techniques are employed to offset the increase. He had explained that the proposal was very similar to what is allowed in the Highland Lake Zone. Mr. Dismukes explained that the text amendment application had been denied by the Planning and Zoning Commission who had then referred it to this Board to pursue approval for a variance.

Mr. Boe relayed the history and reasons behind the increase in the width being changed within the Fire Code.

Mr. Marino questioned what had changed since with the building since the 2016 approval. Mr. Dismukes reviewed the 2016 site plan for the 5000 square foot building. He noted that there was currently an appeal filed in court for a 5000 square foot building with an outdoor exercise run. Mr. Dismukes explained that the site plan has been revised to incorporate that run to within the building so that there are no dogs barking outside that may cause a nuisance. He noted that this was the primary difference between the two plans. Mr. Picard noted that the building had been planned in 2016 to be 5000 square feet and was now proposed at slightly more than 7118 square feet.

Mr. Wilkes joined the meeting at this point in the discussion. Discussion ensued regarding whether Mr. Wilkes would be able to participate with this application after having missed earlier testimony. It was agreed that there would be a brief, ten-minute recess so that staff could attempt to reach the town's attorney.

MOTION: Mr. Carter, Mr. English second, to recess the public hearing for ten minutes while a legal opinion was sought; unanimously approved.

The meeting was recessed at 7:31PM and resumed at 7:41PM

Staff confirmed that the public hearing should either be continued or go forward only with the original seated four members. After discussing with his client and Mr. Dismukes, Attorney Renzullo indicated that they would like to go forward at this meeting with the four members seated.

Mr. Marino again sought clarification on the changes to the footprint of the building, after having it noted that the 2016 footprint for the subject building was planned at 100'x50'. Mr. Boe reported the proposed footprint as 116' x 63' 3". Mr. Boe reviewed the floor plan.

Mr. Dismukes reviewed the 2016 plan, noted changes made in a 2018 modification, and the current plan. He noted that the plans were okay up until the time that the driveway both had to be counted as impervious and had to be widened.

Mr. Pollack questioned whether the current access encroaches onto a neighboring property. Mr. Dismukes indicated that there were two properties comprising ECAD, explaining the driveway crosses Parcel A, with an easement, and then onto Parcel B, where it follows up to the proposed spot of the new building. Mr. Pollack questioned whether the proposed building could be located on Parcel A. Mr. Dismukes explained that the training facility is on Parcel B. Mr. Picard explained that there was not enough information on Parcel A.

The Board reviewed photographs of the existing building and the location of the proposed building shared by Mr. Boe.

Mr. Pollack questioned how many dogs would be trained at this location. Mr. Picard reported a population of 40 dogs with some of them in foster homes and approximately 20 in daily training.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – January 26, 2021:

MOTION: Mr. Carter, Mr. Marino, to approve the January 26, 2021 Minutes;

Motion passed with Mr. Allen, Mr. Carter, Mr. Marino, and Mr. Pollack voting in favor while Mr. Wilkes abstained.

6. BILLS PRESENTED:

None.

7. CORRESPONDENCE:

None.

8. OTHER BUSINESS:

None.

9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

No business discussed.

10. ADJOURNMENT:

MOTION: Mr. Marino, Mr. Carter second, to adjourn at 8:02PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk