



## **TOWN OF WINCHESTER ZONING BOARD OF APPEALS**

**Held Remotely (Via Zoom)**

**and was streamed live on YouTube:**

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

**December 22, 2020 – 7:00PM**

**Regular Meeting Minutes**

Chairman Phillip Allen called the meeting to order at 7:00PM. 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. Allen noted that the following individuals were present in addition to himself: Aubrey English, John Pollack, and Alternates David Carter and Paul Marino.

Hal Wilkes was absent. Mr. Carter and Mr. Marino were seated for the meeting.

### **2. EXPLANATION OF PROCEDURE:**

Mr. Allen 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. Allen explained that an approval from this Board requires four affirmative votes.

### **3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS:**

**A. ZBA #20-5257 – Special Exception Location: 408 East Wakefield Boulevard**

**Applicant: Mark Beecher Owner: Robert J. Birney and Patricia L. Birney Trustees/The Robert J. and Patricia Birney Trust Proposal: Second Floor 279 Sq Ft Addition to Existing Cottage.**

It was noted that the legal ad for the public hearing had been published in the Republican American the requisite two times previously and had been continued at the November regular meeting.

Mark Beecher, accompanied by Architect Michael Boe and Professional Engineer Dennis McMorrow, appeared before the Board regarding this application. Mr. Beecher explained that his clients would like to add a second floor to their house in the exact current footprint.

Staff reported approval had been received from the Inland Wetlands and Watercourses Commission.

Mr. Pollack questioned the square footage of the existing dwelling. Mr. Beecher noted that the section being added to was currently 279 square feet. He explained that the total square

footage for the building was currently less than 600 square feet and after the reconstruction is completed will be less than 900 square feet.

Mr. Pollack questioned why the improvements were not considered deeper into the property rather than being right on the water, noting the parcel is about one acre. Mr. Pollack questioned whether there were other plans for the remaining land. Mr. Beecher reminded the Board that improvements began on the existing building a couple of years ago. He noted that this property has been in the family for a long time and his clients thought it would be better to fix up what was there on the property. Mr. Boe explained that the proposal did not include adding a second floor to the portion of the house over the lake as the direction received from the Inland Wetlands and Watercourses Commission was that they would prefer that not be done.

Mr. Marino questioned whether the structure would be built on piers. Mr. Beecher indicated that the piers will be replaced with a frost wall. Mr. Marino questioned whether the foundation would be adjacent to the lake wall. Mr. Beecher indicated the lake wall would not be modified.

Mr. English questioned how often the property owners returned east to use the structure. Mr. Beecher noted that they had been back five or six times over the past several years. Mr. English questioned whether staff had received any communications from neighbors, either supporting or opposing the application. It was noted that none had been received.

Mr. Pollack questioned the age of the structure. It was noted that the Assessor's field card indicated 1940. Mr. Pollack implored his fellow board members to consider whether a structure would be allowed to be built over the lake in 2020. Mr. Beecher reminded the Board that permission had already been sought and received to remediate the structure recently. It was noted that the siding and windows had been updated in 2019.

Mr. Marino noted the elevation drawing A5 reflects the photograph that had been previously shared.

The hearing was open to the public.

Mark Mandell, of 410 East Wakefield Boulevard, while noting his appreciation for the recent efforts to fix up the structure, shared his concerns with the height of the proposed improvement obstructing his views and questioned whether there might be plans to construct a second structure on the property.

Mr. Boe indicated the height of the current building to be approximately 12' and the proposed structure height to be 21' 2 1/8". He noted that it was well below the height allowed by the Zoning Regulations.

**MOTION:** Mr. Allen, Mr. Marino second, to grant a Special Exception pursuant to III.C.4.b. of the Zoning Regulations for Application #20-5257 to allow the construction of a 28' 10 1/4" x 15' 4 1/4" by 20' 4 3/8" by 4' 11 3/4" 30'2"x 11'6" second floor addition, per the drawings submitted, for the property located at 408 East Wakefield Boulevard;

*motion failed with Mr. Allen voting in favor while Mr. Carter, Mr. English, Mr. Marino, and Mr. Pollack being opposed.*

Prior to the vote on the preceding motion, board members shared their view on the application. Mr. Marino noted that one of the factors the Board may consider with the special exception application is whether the proposal is a suitable location, noting the concern shared by Mr.

Pollack with its close proximity to the lake. Additionally, he noted that the existing and current future of the neighborhood may be considered. Mr. Marino explained that if the applicants were seeking to construct another home and keep the existing structure as a boat house, he did not foresee any objections with an application like that. Mr. Marino noted that there are several boathouses around the lake such as these but could not identify one that had two stories. Mr. English indicated that he could understand the concerns of the neighbor with respect to views. Mr. Carter noted that he, too, could be sympathetic to the concern with the view expressed by the neighbor. He indicated that the applicant had a large parcel where improvements could be made. Mr. Pollack noted that after visiting the site, he agreed that the structure would likely block the view of the neighbor.

**4. OLD BUSINESS:**

None.

**5. APPROVAL OF MINUTES – November 24 , 2020:**

**MOTION:** Mr. English, Mr. Carter second, to approve the November 24, 2020 Minutes;  
*Motion passed with Mr. Allen, Mr. Carter, Mr. English, and Mr. Marino voting in favor while Mr. Pollack 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. English second, to adjourn at 6:55PM; unanimously approved.

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