



TOWN OF WINCHESTER ZONING BOARD OF APPEALS

Held Remotely (Via Zoom)

and was streamed live on YouTube:

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

October 27, 2020 – 7:00PM

Regular Meeting Minutes

Chairman Phillip Allen called the meeting to order at 7:02PM. 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 Massicotte, Hal Wilkes and Alternates David Carter (7:05PM) and Paul Marino.

Also present for this meeting was Zoning Enforcement Officer/Building Official Marc Melanson.

John Pollack was absent excused. Mr. Marino was seated in his stead.

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 #20-5253 – Special Exception Location: 134 Shore Drive Applicant/Owner: Lynette McCarthy and Robert McCarthy Proposal: Expansion of Existing 20'x8' Deck to 22'x10' Deck; Raze and Reconstruct Single Family Residential Unit.

Lynette McCarthy, accompanied by Professional Engineer Rob Colabella, appeared before the Board regarding this application. Mr. Colabella reviewed the site plan, noting the existing house as being 32.2' x 22.4'. He explained the proposed new dwelling will be reduced slightly, as it is designed to be 32'x22'. Mr. Colabella explained the existing deck was proposed to be increased by 2' in length and 2' in depth.

Mr. Colabella noted that the height of the house was being made taller with a third level being added. He reported the existing height as 21½' with the new home planned at 25' 6½". Mr. Colabella indicated that the proposed height fell within what was permitted with the Zoning Regulations.

Mr. Colabella noted that the impervious surface was being reduced by 20 square feet. He explained that the site was very small.

Mr. Carter questioned whether the increase to the deck met the setback requirement. Mr. Colabella confirmed that it did.

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

MOTION: Mr. Allen, Mr. English second, to grant a Special Exception for Application #20-5253 to demolish a non-conforming structure and to rebuild a new 32'x22' two story residence with a walkout basement and to expand the deck from a 20'x8' deck to a 22'x10' deck per Section III.C.4.g, and Section III.C.6.b.1 of the Zoning Regulations and per the drawings submitted, for the property located at 134 Shore Drive; unanimously approved.

B. ZBA #20-5254 – Special Exception Location: 140 Shore Drive Applicant: Pete Rogala Owner: Michele H. Miller Proposal: Renovate Cottage to Add Full Walls for 2nd Floor.

Peter Rogala appeared before the Board regarding this application. He reported that the project's scope included no change to the existing footprint of the home and instead only involved giving the property owners access to a full second floor. He explained that the second floor already existed but only had four (4') foot high knee walls. Eight (8') foot walls will be added as part of this project, according to Mr. Rogala. Mr. Allen questioned whether the height will be changed. Mr. Rogala indicated the height to be expanding by about five (5') feet, with the front or highest point of the dwelling being 29' with it sloping down from there.

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

MOTION: Mr. Allen, Mr. Marino second, to grant a Special Exception for Application #20-5254 to allow putting a full 2nd floor on the existing 1st floor footprint per Sections III.C.4.f.ii and III.C.4.h of the Zoning Regulations and per the drawings submitted, for the property located at 140 Shore Drive; unanimously approved.

C. ZBA #20-5255 – Variance Location: 851 East Wakefield Boulevard Applicant: Matthew Closson Owner: Gerald Crispino and Robin Crispino Proposal: Modification of Variance #05-4939 – Enlarge Proposed House.

Matthew Closson appeared before the Board regarding this application. He explained that he was representing his parents who had a contract to purchase this property. Mr. Closson explained that he had been advised that the cupola depicted in the elevation drawings will exceed the height requirement of the Zoning Regulations. Therefore, Mr. Closson indicated he was withdrawing the cupola from the submitted proposal accordingly. He noted that a variance had been received in 2005 for a new home and for a deck. Mr. Closson indicated the proposed home will be 30'x40' with a 15'x12' covered porch on the front. He noted a 15'x12' deck will also be located on the front of the home. An 8'x8' covered porch is included for the rear of the dwelling, according to Mr. Closson.

Mr. Closson reported the proposal as a reduction of the existing variance. He indicated the site plan satisfies the Town's *Driveway Ordinance*. Mr. Closson reported letters of support from abutting property owners had been submitted to the Planning Office including one from Linda Frano of 847 East Wakefield Boulevard and one from Michael Peacock of 850 East Wakefield Boulevard.

Mr. Marino questioned the previous variance approval. It was noted that the 2005 variance permitted a deck that didn't meet the side yard setback requirements. It was noted that the deck has been replaced with dwelling but would not be as close to the side yard as the deck would have been. Mr. Closson noted that the previous approval allowed a deck 30' off the

property and the house 34' off the property. He explained that the current proposal is to locate the house 33.2 feet off the property with no deck. Inquiry was made to Mr. Closson relative to the proposed impervious surface. Mr. Closson reported it as 14.9%.

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

MOTION: Mr. Allen, Mr. Wilkes second, to approve Variance Application #20-5255 , to modify Variance #05-4939 to reduce the west side yard setback variance from 5' to 2', for the purposes of building a 40'x30' two story residence with a 15'x12' covered porch and a 15'x12' deck on the front of the residence and an 8'x8' covered porch on the rear, as per the drawings submitted, for the property located at 851 East Wakefield Boulevard; unanimously approved.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – September 22, 2020:

MOTION: Mr. English, Mr. Massicotte second, to approve the September 22, 2020 Minutes;
Motion passed with Mr. Allen, Mr. English, Mr. Marino, and Mr. Wilkes voting in favor while Mr. Massicotte abstained.

6. BILLS PRESENTED:

None.

7. CORRESPONDENCE:

None.

The agenda was modified to add the approval of the 2021 meeting calendar under Other Business.

8. OTHER BUSINESS:

A. Approval of 2021 Meeting Calendar.

The Board reviewed a proposed meeting calendar that continues their tradition of holding regular meetings on the fourth Tuesday of each month.

MOTION: Mr. English, Mr. Allen second, to approve the 2021 meeting calendar as presented; unanimously approved.

9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

None.

10. ADJOURNMENT:

MOTION: Mr. Marino, Mr. Massicotte second, to adjourn at 7:48PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk