



TOWN OF WINCHESTER ZONING BOARD OF APPEALS

Held Remotely (Via Zoom)

and was streamed live on YouTube:

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

September 22, 2020 – 7:00PM

Regular Meeting Minutes

Chairman Phillip Allen called the meeting to order at 7:08PM. 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(7:13PM), Hal Wilkes and Alternate Paul Marino.

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

John Massicotte 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 #20-5247 – Special Exception Location: 131 West Wakefield Boulevard
Applicant/Owner: Donald Maillet and Virginia Maillet Proposal: Install Fence in Highland Lake District.**

Neither applicant nor a designated representative were present for the meeting. It was noted that there was no additional time left to continue this matter.

MOTION: Mr. Allen, Mr. English second, to approve Application ZBA #20-5247 – Special Exception Location: 131 West Wakefield Boulevard Applicant/Owner: Donald Maillet and Virginia Maillet, to take down existing 5' fence and replace with a 5' fence with 10' wide opening;
Motion failed with Mr. Allen, Mr. English, Mr. Marino, and Mr. Wilkes being opposed.

The reason cited for the denial was that there was no time remaining on this application and no applicant or representative was present to address the open questions.

B. 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.

MOTION: Mr. Allen, Mr. English second, to continue Application ZBA#20-5253 to the regular meeting scheduled for October 27, 2020; unanimously approved.

C. ZBA #20-5252 – Variance Location: 15 Hinsdale Avenue Applicant: Winchester Public Schools Owner: Town of Winchester Proposal: Variance from Required 35’ Buffer Between Non-Residential and Residential Use.

Professional Engineer Donald Smith, Jr., accompanied by Winchester Public Schools Superintendent Melony Brady-Shanley, Architect Paul Jorgensen, Mayor Candy Perez, Town Manager Bob Geiger, and School Building Committee Vice Chairman Dave Carter, appeared before the Board regarding this application. Ms. Brady-Shanley noted that Board of Education Doug Pfenninger and other members of the BOE as well as members of the Building Committee had joined this ZOOM meeting.

Mr. Smith reviewed the proposed site plan, reminding this Board that the project included removal of the portion of the school building currently over the watercourse. He explained that the two-story portion of the building on top of a concrete chamber that the Gilbert Home Brook flows through will be removed and the remaining portion of the building and the 1989 addition will be renovated. Mr. Smith noted that the plans include constructing an addition on the east end of the building. He noted that the area designated for the expansion is currently covered in a parking area extending up to within five feet of the easterly and southerly boundary lines.

Mr. Smith reviewed the areas proposed for new parking and the areas for the two playscapes.

Discussing hardship, Mr. Smith explained that the school site is impacted by the parcel’s unique shape including its jogs and the brook running through the property. Mr. Smith explained that one of the underlying reasons for the Town undertaking the project was to address the moisture issues.

Mr. Smith noted that the closest point to the side property lines from the existing building is 30’. He indicated that the proposed addition will be approximately 31’ at its closest dimension. Mr. Smith noted that no additional site lighting is proposed at the southerly side yard boundaries. He noted that there will be a maintenance gate between the building and property line so that the area will be kept off-limits to students. Mr. Smith explained that the area will be grass.

The driveway bisecting the property and the presence of the brook are characteristics that have presented their own challenges as the redevelopment of the school site was designed, according to Mr. Smith. Additionally, he noted that with the non-residential use in the residential area, the impact will be less than it historically has been.

Mr. Smith noted that the current parking area between the school and homes on Williams Avenue will be replaced with a grassy surface. He explained that it was not possible to add shrubs in that area as maintenance vehicles will need to gain access to that area. Mr. Smith reported the Building Committee is amenable to the addition of a six-foot-high privacy fence in that area, along the easterly property line. Additionally, he reported having received a phone call from resident Dale Savage owner of 41 Hinsdale Avenue who had communicated that he had no objections to the proposal.

Staff confirmed that the receipts for the Certificate(s) of Mail had been submitted, providing evidence that abutting property owners had been sent notice of this public hearing.

The hearing was open to the public.

Ms. Shanley Brady noted that the removal of the parking lot and increase to the buffer zone between the school and the residential properties on the east and south side of the property are an improvement.

Board of Education Chairman Doug Pfenninger concurred that the proposed work is an improvement to the site.

Tony Sandonato, of 364 East Wakefield Boulevard and identifying as a member of the Building Committee, shared his personal experience of having to relocate several times, noting the schools in a given community as being a driving factor in where to purchase.

Dave Carter, of 148 Mountain Road, spoke in favor of the application, requesting approval of the variance, citing the improvements that will be undertaken through this project.

Town Manager Bob Geiger spoke in favor of the application, explaining how the school system supports economic development in both the town and the region more generally.

Mr. Marino questioned whether there were any communications received from any of the abutters. Staff reported that there was not.

Mark Douglas of 115 Williams Avenue spoke in favor of the application, noting that the proposal will draw young families into town.

MOTION: Mr. Allen, Mr. English second, to approve Variance Application #20-5254 , for a variance from Section III.E.4.i, to allow not having a 35 foot buffer between a Commercial Use and a Residential Use, for the property located at 15 Hinsdale Avenue; unanimously approved.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – August 25, 2020:

MOTION: Mr. English, Mr. Allen second, to approve the August 25, 2020 Minutes; *unanimously approved.*

6. BILLS PRESENTED:

None.

7. CORRESPONDENCE:

None.

8. OTHER BUSINESS:

None.

9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

None.

10. ADJOURNMENT:

MOTION: Mr. Wilkes, Mr. English second, to adjourn at 7:48PM; unanimously approved.

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