



**TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Held Remotely (Via Zoom)**

and was streamed live on YouTube:

<https://www.youtube.com/channel/UCT1ffiBjMTBQM5OEXSgKlgg/videos>

July 28, 2020 – 7:00PM

Regular Meeting Minutes

Chairman Phillip Allen called the meeting to order at 7:00PM.

1. ROLL CALL:

Mr. Allen noted that the following individuals were present in addition to himself: Aubrey English, John Massicotte (7:05PM), Hal Wilkes and Alternate Paul Marino.

Mr. Marino was initially seated for Mr. Massicotte until his arrival.

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

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.**

Staff communicated the request of the applicants that this matter be continued.

MOTION: Mr. Allen, Mr. Marino second, to continue Application ZBA #20-5247 – Special Exception Location: 131 West Wakefield Boulevard Applicant/Owner: Donald Maillet and Virginia Maillet Proposal: Install Fence in Highland Lake District;

Unanimously approved with Mr. Allen, Mr. English, Mr. Marino, Mr. Pollack, and Mr. Wilkes voting aye.

Mr. Massicotte was seated for Mr. Marino at this point in the meeting.

B. ZBA #20-5249 – Variance Location: 406 East Wakefield Boulevard Applicant: Blue Lake Properties/John Milanese Owner: Blue Lake Properties Proposal: Variance for Existing 14.9’x7.6’ Wooden Platform, 12.2’x8’ Wooden Platform and 12’x9’ Block Patio within 20’ of Lake and Irregular Shape Patio 20’x38’ Near Residence; Variance from Zoning Regulations Section II.G.b.ii. for Lot Coverage and from Section II.G.d.iv.b. for Decks/Patios within 20’ of the lake.

John Milanese appeared before the Board regarding this matter. Mr. Milanese explained that one platform had already been located at the water when he purchased the property, but a permit was being sought for the other as he was unaware that he needed a permit. The same was true for the other items.

Mr. Milanese shared photographs of the deck that was on his property when he purchased it.

Referring to the patio near the home, he explained that he had only replaced what was there to clean it up and had been unaware that he would need a permit. He noted this work had been done seven years ago.

Photographs of the platforms were reviewed. Mr. Milanese explained that the platform that rests on the lake wall was placed there because of how slippery it was at that location. Mr. Marino questioned how the platform was attached to the wall. Mr. Milanese explained that it was a square of 6"x6" landscape ties. He described how he put them together by screwing through the landscape ties and hammering in ½" rebar into the ground with the other end merely laying on the wall. Mr. Milanese explained that gravel was underneath the platform. He explained that the other platform stays put through the utilization of two buckets of cement that push up against the platform.

Mr. Allen questioned the block patio. Mr. Milanese explained that it had formerly been a brick patio when he had purchased the property but explained that he had replaced that with cement blocks. He noted that there had been 6"x6" ties around that patio, too. Mr. Allen questioned how long Mr. Milanese had lived in the home. Mr. Milanese noted that he had purchased it in 2014.

Mr. Wilkes questioned what was underneath the deck. It was noted that there was dirt under the deck.

Mr. Milanese explained that he had lake property in another town and the standard there was that a permit was only required for construction out over the water. Therefore, he was unaware that these items he already constructed needed permits.

Mr. Pollack questioned whether the rock over the lake wall is slippery now, too. Mr. Milanese noted it was not, explaining that moss and algae had grown over the rocks.

Mr. Wilkes questioned whether the larger patio was within the setbacks. Mr. Melanson noted that the larger patio was okay, but the two platforms and the smaller patio were not. Mr. Pollack questioned whether any of the neighbors had weighed in on the application. Staff reported that there had been no communication received from any of the neighbors and confirmed that the Certificate(s) of Mail had been submitted serving as evidence that the neighbors had been notified of the public hearing.

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

MOTION: Mr. Allen, Mr. English second, to approve Variance Application #20-5249, for a variance from Section II.G.b.ii., for a Lot Coverage variance of 3.2%, from Section II.G.d.iv.a., to allow a deck or patio to be closer to the property line than the existing Principle Building and from Section II.G.d.iv.b., to allow a deck or patio to be closer than 20 feet from the Lake Shore or retaining wall, for the installing of a 12'x9' Block patio, a 96.85 square foot wooden platform

near the lake and also an 88.45 square foot wooden platform near the lake, as per the drawings submitted, for the property located at 406 East Wakefield Boulevard;

Motion failed with Mr. Allen, Mr. English, Mr. Massicotte, Mr. Pollack, and Mr. Wilkes being opposed.

**C. ZBA #20-5250 – Special Exception Location: 406 East Wakefield Boulevard
Applicant: John Milanese Owner: Blue Lake Properties Proposal: Special Exception
for 28.6' x 16.8' x 15.6' x 16.8' Deck off westerly side of residence.**

Mr. Milanese noted that the deck had always been at the home. He reported that he had removed approximately eight feet on the lakeside. Mr. Milanese noted that a deck had always been there. Mr. Melanson confirmed that the Assessor's field card reflected a deck larger than what is currently there. He noted that it was made a little wider but had been reduced from coming out 18' to 16'.

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

MOTION: Mr. Allen, Mr. Massicotte second, to grant a Special Permit for Application #20-5250 to build a deck on the back of the house. The dimension against the house is 28.6', 16.8' out from the house and the outside section that is parallel to the house is 15.6', per the drawings submitted, for the property located at 406 East Wakefield Boulevard;

Motion passed with Mr. Allen, Mr. English, Mr. Massicotte, and Mr. Wilkes voting aye while Mr. Pollack abstained.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – June 23, 2020:

MOTION: Mr. Massicotte, Mr. Wilkes second, to approve the June 23, 2020 Minutes;

Motion passed with Mr. Allen, Mr. English, Mr. Massicotte, and Mr. Wilkes voting aye while Mr. Pollack abstained.

6. BILLS PRESENTED:

None.

7. CORRESPONDENCE:

None.

8. OTHER BUSINESS:

None.

9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

None.

10. ADJOURNMENT:

MOTION: Mr. English, Mr. Wilkes second, to adjourn at 7:55PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk