



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Held Remotely (Via Zoom)
and was streamed live on YouTube:

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

June 23, 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: John Massicotte, Hal Wilkes and Alternates Aubrey English and Paul Marino.

It was noted that John Pollack was absent. Mr. English and Mr. Marino were seated.

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 #20-5246 - Variance Location: 135 Shore Drive Applicant/Owner: Sally Carotenuti Proposal: Construct Covered Front Porch and 43'x4.5' Deck Expansion.

Sally Carotenuti appeared before the Board regarding this application. She explained that her proposal included a replacement of the existing front landing with a covered porch. Ms. Carotenuti reported that the existing landing comprised of cement and stone were deteriorating and were in need of replacement. She explained that she would like a front porch that would be safer to sit and enjoy the view as she would be protected from the elements.

Ms. Carotenuti explained that she was proposing decking off the back of the house, too, as she would like to redo her kitchen entrance from the existing deck on the back of her house so that entry can be made aside from sliders into a second bedroom.

She noted that her hardship stems from the narrowness of her property. Ms. Carotenuti referred board members to the conceptual rendering she provided. Mr. English questioned whether there would be steps going up to her front porch. Ms. Carotenuti explained that the steps would be moved to the side of her house, which would lend them to being closer to her car. She explained that the steps would then be further away from the setbacks, too.

Mr. Wilkes questioned the lot coverage. Ms. Carotenuti noted that her existing lot coverage is 21.3% and with the addition of the porch, it would go to 22.8%.

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

In closing, Ms. Carotenuti explained that the sun is strong in the afternoons on the front of her home and that she would appreciate the chance to be able to enjoy the view of the lake by sitting with some shelter.

MOTION: Mr. Allen, Mr. English second, to approve Variance Application #20-5246, for a variance from Section II.G.b.ii, for a Front Yard Setback Variance of 45 feet, a North Side Yard Setback Variance of 8.1 feet, a South Side Yard Setback Variance of 31 feet and an Impervious Surface Coverage Variance of 7.9%, for the purpose of building a 24'x8' one-story addition on the front of the house, a 6'x6' one-story addition on the southeast side of the house, and a 4'6" x 43' rear deck expansion, as per the drawings submitted for the property located at 135 Shore Drive;

Motion passed with Mr. Allan, Mr. English, Mr. Marino, and Mr. Massicotte voting aye while Mr. Wilkes was opposed.

The reason cited for the preceding approval was that it was a reasonable request.

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

Virginia Maillet appeared before the Board regarding this application. Ms. Maillet explained that she has an existing stockade fence on the property near the road. She reported that the fence has been in this location for twenty years but was in disrepair and needed to be replaced. Ms. Maillet noted that a fence company, Pleasant Valley Fence, visited the site and confirmed that the fence could not be repaired and that it needed to be replaced. She noted that she would like to keep the 5' stockade fence as it provides privacy. Mr. Allen questioned whether the fence fronts West Wakefield Boulevard or runs down to the water. Ms. Maillet indicated that it runs along the road and provides a barrier to snow, preventing the snow from being pushed into the lake.

Ms. Maillet explained that a ten-foot opening will remain. Mr. Marino questioned whether it would be identical to what is there currently. Ms. Maillet confirmed.

Ms. Maillet reported that the fence contractor had advised that a stockade fence is going to function better as a barrier to snow than a semi-open fence would. Mr. Marino questioned what material the fence would be. Ms. Maillet noted that the fence would be cedar.

Mr. Wilkes questioned whether the proposal is for exactly the type of fence that is there currently. Ms. Maillet explained that the opening is currently larger than ten feet because a section was taken down but noted that the plants will remain exactly the same.

Mr. Melanson explained that the Board could not approve a Special Exception with this application because a variance is required for a solid fence. Mr. Melanson noted that the public hearing could be held open if the applicant wanted to return with a variance application.

Staff referred to portion in the Zoning Regulations that address the types of fences allowed in the Highland Lake Zone, which must be semi-open.

Ms. Maillet requested the Board table their decision on the application.

MOTION: Mr. Allen, Mr. Marino second, to hold open the hearing for Application ZBA #20-5247; unanimously approved.

C. ZBA #20-5248 – Variance Location: 408 East Wakefield Boulevard Applicant/Owner: Robert Birney and Patricia Birney Proposal: Expansion of Single-Family Dwelling.

Professional Engineer Dennis McMorrow of Berkshire Engineering and Surveying, accompanied by Architect Mike Boe and Contractor Mark Beecher, appeared before the Board regarding this application.

Mr. McMorrow explained that his client, Mr. Birney, was getting up there in age and had grown up at Highland Lake at this spot. He explained that his client was hoping to make the cottage more useable for his family, noting that it is only 627 square feet. Mr. McMorrow referenced the survey, pointing out that the entire structure is located within the side and rear yard setbacks. As such, Mr. McMorrow noted that no expansion could be undertaken of the existing structure without seeking a variance. The proposal included expanding the cottage to a 2100 square foot dwelling, according to Mr. McMorrow. He explained that the closest point of the building to the side boundary line was .7 feet.

Mr. McMorrow reviewed the second-floor balcony and the permeable paver patio included in the proposal. The garage depicted on the site plan had been removed thereby reducing the existing impervious surface coverage as indicated, according to Mr. McMorrow.

Mr. McMorrow reported the hardship being the inability to expand due to the very unique situation of the structure being located nowhere near the building setback line.

Mr. Wilkes questioned the coverage. Mr. McMorrow noted that the existing impervious coverage for the lot was 2.36% and reported the proposed coverage to be 3.68%, explaining that 15% coverage was allowed in this zone. Mr. McMorrow reported that the projected coverage should be reduced slightly as the detached garage was counted and should not be.

Mr. Marino questioned whether any consideration had been given to retaining the current structure as a boat house and constructing a home outside the setbacks. Mr. McMorrow confirmed that there had been discussions in this regard but noted that his clients hoped that they could have their family structure in its current spot, the location where Mr. Birney grew up. Mr. Wilkes shared Mr. Marino's question regarding why a home is not constructed on the remaining part of the site.

The hearing was open to the public.

Attorney Robert Fisher, spoke on behalf of the neighboring property to the south, 410 East Wakefield Boulevard, owned by Mark and Merrill Mandell. He noted that there are other areas on this property for development that would not block the view of the lake. Attorney Fisher shared his concern regarding the form of the variance sought, referring the Board to the section within the Zoning Regulations concerning non-conforming buildings.

Agreeing that the proposed improvements do need a variance, Mr. McMorrow noted it was why his clients applied for one.

Discussion ensued regarding the types of variances that were sought as part of this application.

Candy Perez of 605 West Wakefield Boulevard shared her concerns with the proximity to the water, noting that the Zoning Regulations had been adopted with consideration being given to Highland Lake.

MOTION: Mr. Allen, Mr. Marino second, to approve Variance Application #20-5246, for a variance from Section II.G.b.ii, for a northwest side yard setback variance of 33.6 feet, a rear yard setback variance of 31.7 feet and from Section II.G.d.iv.b, for a 16.8 foot variance allow a deck or patio from being no closer than 20 feet from the Lake Shore or retaining wall, for the purpose of building a 25'1" x 20' two-story addition with a 14' x 4'4" jog, and also a second story deck of 7'6" x 6', as per the drawings submitted;

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

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – May 26, 2020:

MOTION: Mr. English, Mr. Massicotte second, to approve the May 26, 2020 Minutes;

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

6. BILLS PRESENTED:

None.

7. CORRESPONDENCE:

None.

8. OTHER BUSINESS:

None.

9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

None.

10. ADJOURNMENT:

MOTION: Mr. Allen, Mr. Marino second, to adjourn at 7:55PM; unanimously approved.

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