



**TOWN OF WINCHESTER
ZONING BOARD OF APPEALS**

Held Remotely (Via Zoom) and was streamed live on YouTube:
<https://www.youtube.com/channel/UCT1ffiBjMTBQM5OEXSgKlqg/videos>

**May 26, 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, John Pollack, and Alternates Aubrey English and Paul Marino.

It was noted that Neil Hunt and Hal Wilkes were absent excused. Mr. English and Mr. Marino were seated in their stead.

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 required four affirmative votes.

3. PUBLIC HEARINGS – VARIANCE APPLICATIONS AND DECISIONS; APPEALS:

A. ZBA #20-5239 - Variance Location: 135 Shore Drive Applicant/Owner: Sally Carotenuti Proposal: Construct Garage, Covered Front Porch, 5.5'x5.5' Mudroom Addition, Enclose and Expand Existing Landing in Rear and 37'x4.5' Deck Expansion.

Sally Carotenuti appeared before the Board regarding this application. Mr. Allen reminded the Board that this application had been received at the April meeting and that this hearing was a continuation of that hearing. Ms. Carotenuti reviewed the modifications to the proposed plan that had been made since the previous meeting including reducing the impervious coverage achieved through the removal of the shed and overhang of the property. She noted that the size of the front porch had been scaled back along with the two expansions to the house that had been included for storage.

Mr. Pollack questioned the amount of square footage that had been removed since the previous meeting. Ms. Carotenuti indicated that over 350 square feet have been removed, or 4.2% of the previous proposal. She later noted that the shed with the overhang was 299 square feet and the change to the proposed front porch was 78 square feet. Mr. Marino questioned whether the connection between the home and proposed garage had been eliminated. Ms. Carotenuti indicated that it had not, explaining that the connection is an existing deck. She explained that she was proposing to construct the garage next to the deck in order to have access to the deck

from the back of the garage. Mr. Marino questioned whether the deck was currently covered or if there were plans to cover it. Ms. Carotenuti noted that she had no plans to cover it.

The Board reviewed the proposed elevation drawings for the garage as well as photos with a garage overlay to simulate the proposed development. Mr. English questioned the size of the front porch. Ms. Carotenuti indicated it would be 9'x26'. Mr. Marino questioned whether it would be a screened porch. Ms. Carotenuti confirmed but noted that she would like to put windows in for the winter months. Mr. Marino questioned whether the porch would have heat. Ms. Carotenuti indicated that she had no plans to add heat. Mr. Melanson reported that should a variance be granted, there would be nothing to prevent heat from being added to the space.

Mr. Massicotte questioned the hardship. Ms. Carotenuti noted that the hardship was a result of the district that the property is in, explaining that the house is already non-conforming and as a result she was unable to meet setbacks and land coverage.

Ms. Carotenuti noted that she had provided photographs to evidence the small impact that her proposal would have to the surrounding neighborhood.

The hearing was open to the public.

Clarice Stevens of 374 East Wakefield Boulevard spoke in favor of the application, noting that the garage appeared to be in harmony with the home and the neighborhood.

Mike Mirsky of 125 Shore Drive spoke in opposition of the application, noting that the property was non-conforming and urged the Board to protect the open space of the area.

Priscilla Podesta of 125 Shore Drive spoke in opposition of the application, noting that the value of her property would decrease without the view of the lake.

Mr. Allen read aloud a letter from Adriana Podesta of 125 Shore Drive, sharing her concerns with obstructing the lake view and potential effects to the value of her property.

The hearing was closed to the public.

Ms. Carotenuti addressed the concerns of her neighbors and how their views might be impacted, referring to a photograph from the furthest point in her yard at the border with 125 Shore Drive. Mr. Marino questioned whether the deck would be higher than what Ms. Carotenuti had shared. She noted that the deck was two feet higher than where she took the photograph. Discussion ensued about whether the view would be affected.

MOTION: Mr. Marino, Mr. Massicotte second, to approve Variance Application #20-5239, for a variance from Section II.G.b.ii, for a Front Yard setback variance of 46 feet, a North Side Yard setback variance of 23.8 feet, a South Side Yard setback variance of 31 feet, and an Impervious Surface coverage variance of 9%, for the purpose of building a 26'x9' one-story addition on the front of the house, a 6'x10.9' one-story addition on the southeast corner of the house, a 5'6" x 5'6" one-story addition on the Northeast corner of the house, a 4'6"x37' rear deck and a 22'x14' one-story garage, as per the drawings submitted, for the property located at 135 Shore Drive;
Motion failed with Mr. Allen, Mr. English, Mr. Marino, Mr. Massicotte, and Mr. Pollack opposing.

The reason cited for denial of the variance was excessive building for the site and insufficient hardship.

**B. ZBA #20-5243 – Special Exception Location: 376 East Wakefield Boulevard
Applicant: Matthew Closson Owner: Ken Albino Proposal: Construct Covered Deck in
Accordance with Submitted Drawings.**

Matt Closson, accompanied by his clients Ken Albino and Maria Mele and their professional engineer, Rob Colabella, Principal of Laurel Engineering, appeared before the Board regarding this application. Mr. Albino read aloud a prepared statement sharing background, noting that the home was recently purchased and needed some corrections to identified shortcomings. He noted that the current non-conformities preexisted prior to this purchase. Mr. Albino reported that as the house lacked air conditioning, it was primarily used for its outdoor benefits. He explained that last summer's heat made it more difficult to enjoy the outdoors with little relief from the sun.

Mr. Closson reviewed the proposed structural work to be undertaken. He explained that the existing sunroom and deck would be removed, and a new deck would be extended 3.5'. The return walkway on the south side of the property will be replaced, according to Mr. Closson. He noted that enclosing the front porch was also a part of the proposal.

Mr. Colabella reviewed the low impact development improvements to be undertaken. He explained that the deck improvements will not increase any non-conformities. Mr. Colabella noted that the gravel driveways, which are subject to an easement for access to the neighboring property, comprise a substantial portion of the impervious surface coverage amount. Additionally, Mr. Colabella pointed out how a large impervious surface coverage that currently exists along the lake wall is going to be converted to pervious material and will include a vegetative buffer. Finally, Mr. Colabella described how the roof leaders on the garage will be improved with the addition of a rain garden.

Mr. Pollack questioned the square footage of the existing dwelling. Mr. Albino indicated it to be 1800 square feet. Mr. Pollack noted that many houses built in the 1940s, like the subject dwelling around the lake, have had air conditioning added to them and questioned whether that had been considered. Mr. Albino indicated that it may be considered for the second floor in the future. Mr. Pollack noted that he had the opportunity to visit the site, had observed the steep topography of the lot and had wondered about the removal of the trees there. Mr. Albino noted that the trees were very close to the home and that the bushes had been neglected and overgrown.

Mr. Marino questioned whether the covered deck was being extended. Mr. Closson reviewed the changes, referring to both the site plan prepared by Laurel Engineering and the survey prepared by DiCara Land Surveying.

The hearing was open to the public.

Clarice Stevens of 374 East Wakefield Boulevard spoke in favor of the application, appreciating the strong sun in this area of the lake and communicated her permission to Mr. Closson to allow him to traverse her property for access to the site during construction.

Mr. Allen read aloud letters of support from Heather and Moose Dzielak of 362 East Wakefield Boulevard. He also reported signatures from Tony Sandonato, Anne Lippincott, and Jeff Lippincott in response to a request for endorsement from the owners of the subject property. Mr. Allen noted a communication in support of the proposal from Jen Perga of 378 East Wakefield Boulevard.

Prior to the closing of the public, Mr. Albino noted that from the beginning of the process, the opinions of the neighbors were sought, and their concerns were strongly considered.

The hearing was closed to the public.

MOTION: Mr. Allen, Mr. Marino second, to grant a Special Exception for Application #20-5243 to allow the construction of a 30'2"x 11'6" covered porch, a 10' 6½"x 12' 6" covered porch, a 7'x 10' covered porch with stairs and enclose the existing 6'x 4' front covered porch, per the drawings submitted, for the property located at 376 East Wakefield Boulevard;

Motion passed with Mr. Allen, Mr. English, Mr. Marino, and Mr. Massicotte voting aye while Mr. Pollack was opposed.

The reason cited for the approval was reasonable request and reduction of non-compliance.

**C. ZBA #20-5244 – Variance Location: 404 East Wakefield Boulevard
Applicant/Owner: Greg Simard and Annie Simard Proposal: Replace Lakeside Deck;
Expand Cover for Existing Front Deck.**

Greg Simard and Annie Simard appeared before the Board regarding this application. Mr. Simard explained that they had recently purchased the cottage but needed improvements to be made as there was a safety concern. He explained that the front door had a very small overhang but that it was not functional and each time it would rain, they would get soaked as they tried to access it. Mr. Simard explained that the deck had been laid over cinder blocks.

Mr. Simard reported that the existing deck had been twelve feet from the lake and the proposed deck will be pulled back so that its closest point would be further away from the water than that. Mr. Pollack questioned what had happened to the existing deck. Mr. Simard explained that it was completely rotted and was taken down because of how unsafe it was.

The hearing was open to the public.

Clarice Stevens of 374 East Wakefield Boulevard spoke in favor of the application after having shared memories with the former family that had lived at the subject property. She recalled being on the deck and noted her concerns with the proximity of the deck to the lake.

The hearing was closed to the public.

MOTION: Mr. Allen, Mr. Massicotte second, to approve variance application # 20-5244, From Section I.G.d.ii. for a Impervious surface coverage variance of 2.3%, and from section I.G.d.iv for a 10 foot variance from a deck being a minimum of 20 feet from the lake shore for the purpose of putting a roof over the front entryway deck and building a 12'x24' deck with a 12.4'x 6' jog on the rear of the structure, as per the drawings submitted, for the property located at 404 East Wakefield Boulevard;

Motion passed with Mr. Allen, Mr. English, Mr. Marino, and Mr. Massicotte voting aye while Mr. Pollack was opposed.

The reason cited for the variance was reasonable request and a reduction in non-conformity.

**D. ZBA #20-5245 – Special Exception Location: 404 East Wakefield Boulevard
Applicant/Owner: Greg Simard and Annie Simard Proposal: Expansion of Non-
Conforming Structure Pursuant to Zoning Regulations Section III.C.6.b.i.**

Greg Simard and Annie Simard appeared before the Board regarding this application. Mr. Simard explained that the overhang is only to eliminate the water from flowing under the house.

The hearing was open to the public.

Clarice Stevens of 374 East Wakefield Boulevard noted that she had no objections to the application and indicated that she understood why it would need to be replaced.

The hearing was closed to the public.

MOTION: Mr. Allen, Mr. Marino second, to grant a Special Exception for Application # 20-5245 to allow the construction of a Roof over an existing 8'x 8' front deck, per the drawings submitted, for the property located at 404 East Wakefield Boulevard;

unanimously approved.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES:

A. April 28, 2020 Regular Meeting.

MOTION: Mr. English, Mr. Marino second, to approve the April 28, 2020 regular meeting minutes; unanimously approved.

6. CORRESPONDENCE:

None.

7. OTHER BUSINESS:

None.

8. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

None.

9. ADJOURNMENT:

MOTION: Mr. English, Mr. Allen second, to adjourn at 9:11PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**