



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
2nd Floor – P. Francis Hicks Room
November 26, 2019 – 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: Neil Hunt, John Massicotte, John Pollack, Alternates Aubrey English and Paul Marino.

Hal Wilkes was absent. Mr. English was seated in his stead. Also, present for this meeting was Zoning Enforcement Officer/Building Official Marc Melanson.

2. EXPLANATION OF PROCEDURE:

Mr. Allen explained that an approval from this Board requires four affirmative votes. Accordingly, Mr. Allen also explained that the applicants were entitled to a vote before five seated members. He noted that applicants usually receive a disposition on the application the same evening of the meeting. Mr. Allen explained that the proceedings include the applicant's 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.

3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS:

**A. ZBA #19-5229 Variance Location: 10 Bridge Street Applicant: Marty Goldin
Owner: XKL Capital, LLC Proposal: Boundary Line Adjustment.**

Licensed Land Surveyor John DiCara appeared before the Board regarding this application. The Certificate of Mail receipts were submitted, providing evidence that the abutting property owners had received notice of the public hearing.

Mr. DiCara reported that the two parcels have been held by many different owners over the last one hundred fifty years but noted that they have always been under the same owner. He explained that the actual dividing line between two parcels was revealed to be found through the middle of the second building. Mr. DiCara explained that a variance was being sought so as to clear up boundary lines should one parcel be sold separately from the other. He reminded the Board that the current Zoning Regulations requires a minimum of 75% building coverage. By moving the property line, the density of Parcel 2 is reduced, according to Mr. DiCara.

Mr. Massicotte questioned the distance that the property line would be moved. Mr. DiCara indicated it as approximately seventy-five feet. Mr. Marino questioned how long ago this problem was detected. Mr. DiCara reported having begun work on this project in 2013 and having detected it then.

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

MOTION: Mr. Hunt, Mr. English second, to approve Variance Application #19-5229 for a variance from Section II.C.b.i. for lot coverage variance of 53% for purpose of adjusting the property line as per drawings submitted for the property located at 10 Bridge Street; unanimously approved.

B. ZBA #19-5230 Variance Location: 543 East Wakefield Boulevard Applicant/Owner: JoAnn Serkey Proposal: New Deck and Concrete Walk.

Professional Engineer Mike Sherman of Laurel Engineering, accompanied by his client JoAnn Serkey, appeared before the Board regarding this application. Mr. Sherman reported that his clients had received approval previously to lift the house in order to replace the foundation. Pictures were shown of how the home looked previously and how it looks currently. Mr. Sherman explained that concrete steps were removed and a new walk was installed as was a concrete ramp.

Mr. Sherman reported that his client had received approval from the Planning and Zoning Commission for a new retaining wall to the rear of the dwelling. He explained that after that approval was received, his client's insurance company visited the site and were told that they would not be insured unless the wall was replaced. Ms. Serkey explained that she was unaware that permission was necessary for replacing the steps and adding the walk.

Additionally, Mr. Sherman reported that during the construction process, their contractor begin completing some drainage work at which point he was retained. He noted that there was an easement obtained from one neighbor. Additionally, there were catch basins added to the patio area. Mr. Sherman noted that the walkway is now longer than what had existed previously.

Ms. Serkey reviewed the photographs. Mr. Sherman reviewed the sidewalk, noting that previously the coverage was at 34% and by converting the patio to pervious pavers and removing the steps, the proposed coverage will be at 22%.

Mr. Pollack questioned whether the retaining wall had also already been installed. Ms. Serkey indicated that it was not. That work remains to be done, according to Ms. Serkey.

Mr. Allen questioned the location of the deck. The deck was noted on the submitted site plan as *Walkway Above*, according to Mr. Melanson. Mr. Hunt questioned whether the deck was already built. Mr. Sherman confirmed. Mr. English questioned when the renovations were done. Ms. Serkey indicated they were done in the Spring. Her husband, Randall Serkey, explained that it was necessary to disturb the entire width of the property in order to complete this work and in doing so, there is only one entrance to the front of the property. He explained it was impossible to reinstall the stairs.

Mr. Marino questioned how much longer is the deck, from front to back, as compared to what had been there previously. Mr. Sherman scaled it off and indicated that it was lengthened by twenty-six feet. Mr. Allen questioned whether it was impermeable. Mr. Sherman indicated that it was not as there was bark mulch underneath it.

Mr. Massicotte questioned whether the applicant was presenting a hardship as being that her contractor did not know better. Mr. Sherman and Ms. Serkey confirmed.

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

Mr. Pollack questioned whether there were any letters received from any of the neighbors with any objections. It was noted that there were none.

The hearing was closed.

MOTION: Mr. Hunt, Mr. English second, to approve Variance Application #19-5230 for a variance from Section II.G.b.ii. for a north side yard setback variance of 23.7 feet and a front yard setback variance of sixteen feet for the purpose of building a 4'1"x30'11" deck on the side of the house per drawings submitted for the property located at 543 East Wakefield Boulevard; unanimously approved.

After the aforementioned motion but prior to the vote, Mr. Massicotte questioned why the variance was necessary when there was no change reflected in the Zoning Table on the submitted plans. Mr. Melanson explained a variance was necessary because the deck was being extended.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – OCTOBER 22, 2019:

MOTION: Mr. Hunt, Mr. English second, to approve the October 22, 2019 Minutes; Motion passed with Mr. Allen, Mr. English, Mr. Hunt and Mr. Massicotte voting aye while Mr. Pollack abstained.

5. BILLS PRESENTED:

None.

6. CORRESPONDENCE:

None.

7. OTHER BUSINESS:

None.

8. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

None.

9. ADJOURNMENT:

MOTION: Mr. Hunt, Mr. English second, to adjourn at 7:37PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk