



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
2nd Floor – P. Francis Hicks Room
September 24, 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, and Alternates Aubrey English and Paul Marino.

John Massicotte, John Pollack, and Hal Wilkes were absent excused. Mr. English and Mr. Marino were seated for the regular members. 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 provided the applicant the option of continuing the meeting to the following month in order for her to have the opportunity to be heard by a full board. The applicant chose to go forward with the application at this meeting. 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 #19-5220 Appeal from ZEO Decision Location: 142 Laurel Way Owner: Alain Jacques and Jacqueline Jacques Applicant: Attorney William A. Conti Proposal: Appeal from Zoning Enforcement Officer's Decision 1. Cease and Desist Use of Accessory Apartment; and 2. Obtain Building Permit for Deconstruction of Unit.

MOTION: Mr. Hunt, Mr. Marino second, to continue Application #19-5220 until the October 22, 2019 meeting per email received from Attorney Conti; unanimously approved.

B. ZBA #19-5221 Variance Location: 668 East Wakefield Boulevard Owner: Ken and Mary Ann Colucci Applicant: Matthew Closson Proposal: Construct Addition to Residence; Construct Deck within Side Yard Setback.

Matthew Closson appeared before the Commission regarding this application. The Certificate(s) of Mail, providing evidence that the neighbors received notice about this public hearing were provided. Mr. Closson also submitted letters from the following:

- Keith and Brenda Tracy of 667 East Wakefield Boulevard;
- Peggy Neal of 674 East Wakefield Boulevard;
- David and Melanie Boucino of 666 East Wakefield Boulevard; and
- Matt Smith, owner of 662,665, and 670 East Wakefield Boulevard.

All of these letters were later confirmed to be in support of the proposal and application.

Mr. Closson explained that his clients were seeking to enclose an existing deck and convert the space occupied by an existing shed to living space. This proposed addition will be to the rear of the house and on the lake side of the parcel. Mr. Closson reported that the building currently sits at 23.7' from the back-yard property line and that his clients were seeking approval to be at 20.1' as a result of these improvements. He noted that a side-yard variance is required as the finished distance would be at 9.1'. Mr. Closson explained that a deck is proposed for the rear of the property wherein the back-yard setback of twenty (20') feet from the lake and nine (9') feet from the side boundary line will be met. However, he explained that the steps off the deck do not meet the setbacks, as they are currently located at 6.5' from the side yard property boundary and are proposed at 5.5' on the new deck.

Mr. Closson noted that a portion of the flagstone patio will be removed which will drop the lot coverage from 38.5% to 34.6%.

Mr. Closson explained that the irregular shape of the parcel presented a hardship in that it is fifty-six (56') feet at the front yard and narrows down to fifty (50') feet as it extends to the water.

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

MOTION: Mr. Hunt, Mr. English second, to approve Application #19-5221, for a variance from Section II.G.b.ii, for a north side yard setback variance of 25.9 feet, a south sideyard variance of 29 feet, a rearyard setback variance of 14.9 feet, a lot coverage variance of 19.6%, from Section II.G.d.iv.a, for a variance of 2.4 feet, and from Section II.G.d.iv.c., for a variance to not install the landscape buffer as required, for the purpose of squaring off both rear corners of the house and building a 16'x13'6" angled deck, with stairs on the rear of the house, as per drawings submitted, for the property located at 668 East Wakefield Boulevard; unanimously approved.

Mr. Allen cited the reason for approval as a reasonable request, reduction of non-compliance in more ways than it increases non-compliance.

C. ZBA #19-5222 Special Exception Location: 545 East Wakefield Boulevard Owner: Ryan A. Horvay and Margaret C. Horvay Applicant: Ryan Horvay Proposal: Proposed New 1872 Sq Ft Dwelling Meeting Setbacks and Coverage Requirements – Convert Existing Non-Conforming Dwelling into In-Law Apartment.

Ryan Horvay appeared before the Board regarding this application. The Certificate(s) of Mail, providing evidence that the neighbors received notice about this public hearing were provided.

Mr. Horvay explained that his parcel is just shy of an acre and that he and his wife after purchasing their home three years ago, realized that they needed a larger home. Additionally, his wife's parents who rent from her brother, currently serving in the military, will be in need of a home as the brother will soon be discharged. Mr. Horvay explained that he would like his in-laws to be able to occupy the current log house and were seeking approval for he and his wife to be able to construct a new larger home on the parcel.

Mr. Horvay reviewed the lot coverage, noting that it will increase from 3.9% to 10.6% post-construction. He explained that because the Zoning Regulations permit only 900 square feet for an accessory apartment, he plans to modify the home by converting the bump-out which currently serves as a closet to a porch. This building adjustment will reduce the living space and that be doing so, they will gain compliance with the maximum of 900 square feet. Additionally, Mr. Horvay noted that the garage and shed will be removed as part of this proposal.

Mr. Marino questioned whether there were two driveway entrances off of East Wakefield Boulevard currently. Mr. Horvay confirmed.

The elevation drawings of the proposed new home were passed around for the Board to review.

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

MOTION: Mr. Hunt, Mr. Marino second, to grant a Special Exception for Application #19-5222 to allow for a detached accessory apartment in addition to the primary single-family residence, per the drawings submitted, for the property located at 545 East Wakefield Boulevard; unanimously approved.

D. ZBA #19-5223 Variance Location: 408 East Wakefield Boulevard Owner: Robert J. Birney and Patricia L. Birney Applicant: Mark Beecher Proposal: Construct Deck within Setbacks.

Mark Beecher appeared before the Board regarding this application. The Certificate(s) of Mail, providing evidence that the neighbors received notice about this public hearing were provided.

Mr. Beecher explained that his clients are looking to construct a deck on the existing cottage. He noted that the cottage sits at the property line, with it being only three to four feet from the boundary. He also noted that the deck would only be five feet from the side property line and would be right up against the lake front on the front part of the property.

Mr. Beecher explained that the deck will function to provide safe access in and out of the cottage for his clients. Currently it is difficult for his clients, residents of California, to gain access to the cottage when they come back east to visit.

Mr. Marino questioned whether the proposed deck will provide wheelchair access. Mr. Beecher confirmed. Mr. Allen questioned whether the deck was permeable. Mr. Beecher confirmed.

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

MOTION: Mr. Hunt, Mr. English second, to approve Application #19-5223, for a variance from Section II.G.d.iv.a., for a variance of 9 feet, from Section II.G.d.iv.b, for a variance of 20 feet and from Section II.G.d.iv.c, for a variance to not install landscape buffer for the purpose of building a 24'x15' deck on the front and a 9'x16'7" on the easterly side of the cottage along with a ramp and stairs per the drawings submitted for a property located at 408 East Wakefield Boulevard; unanimously approved.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – JULY 23, 2019:

MOTION: Mr. Hunt, Mr. Marino second, to approve the July 23, 2019 Minutes; unanimously approved.

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 7:40PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**