



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
2nd Floor – P. Francis Hicks Room
June 25, 2019 – 7:00PM
Regular Meeting Minutes

Chairman Phillip Allen called the meeting to order at 7:01PM.

1. ROLL CALL:

Mr. Allen noted that the following individuals were present in addition to himself: Neil Hunt, John Massicotte, John Pollack, and Alternates Aubrey English and Paul Marino.

Hal Wilkes was absent. Mr. English was seated for Mr. Wilkes.

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 #19-5215 Variance Location: 654 Main Street Applicant/Owner: The Law Works, Inc. Proposal: Boundary Line Adjustment: Variance for Building Coverage.

Attorney Charlene Lavoie appeared before the Board regarding this application. She submitted the Certificates of Mail, serving as proof that notice of the public hearing had been provided to the abutting neighbors.

Attorney Lavoie explained that a variance was being sought for the minimum building coverage requirement. She noted that the current regulations were written to prevent too much parking lot in front of buildings in the downtown area and to prevent the strip mall type development on Main Street. She explained that this location is one of the large lots on Main Street. Attorney Lavoie noted that her client does not currently meet the 75% minimum building requirement. She noted that the law firm located next door has proposed donating .013 acres, or 5600 square feet, in the upper northwest corner of the lot. Ms. Lavoie explained that the boundary line adjustment would result in Howd Lavieri, & Finch becoming less nonconforming but that The Law Works becomes more nonconforming.

Attorney Lavoie explained that the subject land is not very visible from Main Street. She opined that the proposal is in harmony with the neighborhood and with the regulations in general.

Mr. Hunt questioned the purpose for acquiring the subject parcel. Attorney Lavoie explained that it would be used merely to add to the open space of the lot. She noted that the parcel abuts the driveway that leads to a house back in that area. Mr. English questioned whether the donation of the land has already been made. Attorney Lavoie indicated that it had not.

The hearing was open to the public.

Victor Plummer of 90 Hillside Avenue questioned the location of the land in question. The survey included as part of the application was referred to and Mr. Plummer indicated that his questions had been answered.

Patricia Ferreira of 3 Hillside Place spoke in opposition of the application, noting her right of way through the parking lot. She noted that the subject area was very littered when she bought her home in 2000 and indicated that she had been maintaining the property for some time. Ms. Ferreira disagreed with any suggested hardship that would justify the transfer.

The hearing was closed.

MOTION: Mr. Hunt, Mr. Pollack second, to approve Application #19-5215 for a variance from Section 2.C.b. for a minimum lot coverage variance of 64.4% for the purpose of allowing the realignment of property lines for the property located at 654 Main Street; Motion failed with Mr. Allen, Mr. English, Mr. Hunt, Mr. Massicotte, and Mr. Pollack opposing.

The reason for the denial was indicated as the Board having found no hardship.

B. ZBA #19-5216 Variance Location: 342 East Wakefield Boulevard Applicant/Owner: Andrew Jason Champagne and Lynn Carter Proposal: Modification of Variance 16-5172, Demolish Current Dwelling and Rebuild Single Family Residence: Variance for Front Yard Setback, Side Yard Setback, and Rear Yard Setback.

Andrew Champagne, accompanied by Lynn Carter, appeared before the Board regarding this application. Mr. Champagne noted that his application included an A2 survey prepared by Land Surveyor John DiCara and proposed architectural drawings prepared by Litchfield Architect Clifford Cooper. Mr. Champagne noted that his family had been in the area for over fifty years but that he and Ms. Carter purchased the subject parcel last year. He reported that the previous owners had received a variance in 2016 to demolish the current cottage and rebuild a new home. As their family situations are different from the previous owners, Mr. Champagne recognized that what was being sought was a modification of a preexisting variance.

Mr. Champagne noted that their lot is sized at approximately 55'x175' with some angular variations at the front and rear of the property. Being a narrow property, Mr. Champagne testified that he understood a variance could only be granted by this Board should the regulations prevent reasonable use.

Mr. Champagne discussed the difficulties in defining reasonable use. He noted that one of the challenges with a narrow piece of property were meeting the side yard setbacks. Mr. Champagne noted that much consideration was given to the design with the goal of preservation of the general character of the neighborhood.

Mr. Champagne reviewed the site plan, noting that Mr. DiCara had included the existing conditions in black, the approved 2016 variance in blue, and the proposed changes in green.

He noted that the 2016 variance that included a two-car garage had been modified to a one-car garage to allow for a proper front door and to eliminate the need for a front yard variance.

Regarding the side yard setbacks, Mr. Champagne noted that their request is for an increase of eighteen inches on both sides to what was previously approved in 2016. He explained that it would not be carried the entire length of the building. Mr. Champagne reported that the steps off the porch were included in the variance request.

Mr. Champagne indicated that a very comprehensive stormwater management plan will be provided to the Inland Wetlands and Watercourses Commission. He noted that while the porch will be covered, he and Ms. Carter are amenable to stipulating to a permanent restriction that at no time would the porch be enclosed and converted to living space.

Mr. Pollack questioned the square footage of the current dwelling. It was noted as being 796 square feet currently. Mr. Pollack noted that the dwelling is three stories. Mr. Champagne explained that the third floor is proposed as storage. He noted that the total square footage proposed is around 2000 square feet depending on how much of the third floor is utilized for storage. Mr. Pollack questioned the height of the building now versus what was proposed. Mr. Champagne noted that the home is currently just under sixteen feet and it would be constructed at just less than twenty-nine feet. However, once the grade is adjusted, it will likely be about twenty-seven feet, according to Mr. Champagne.

Mr. Champagne discussed coverage, noting that the 2016 variance allows for 31.2%. He explained that his proposal reduces the coverage to 29.8% through reducing 300 square feet of the driveway. He noted that the shed will be removed.

Mr. Pollack questioned what the hardship was. Mr. Champagne noted that the narrowness of the property prevents them from reasonable use. He noted that the angular variations pose additional challenges. Mr. Pollack questioned the stormwater management. Mr. Champagne noted that their plans will be reviewed with the Wetlands Commission but indicated that none of the water will go directly into the lake but will instead recharge the ground water. He explained that they may utilize dry wells and a cistern.

The hearing was open to the public.

Charles Cusson of 338 East Wakefield Boulevard spoke in support of the application, noting that he favored these architectural elevation drawings more than those submitted as part of the 2016 variance.

Richard Cussion of 336 East Wakefield Boulevard also spoke in favor of the application and urged the Board to approve the request.

Russ Buchner of 337 East Wakefield Boulevard spoke in favor of the application, noting that investments like these help the entire neighborhood.

George Mackiewicz of 332 East Wakefield Boulevard, spoke in support of the application, noting that the many improvements observed around Highland Lake are also functioning to improve the stormwater runoff.

The hearing was closed.

MOTION: Mr. Hunt, second, to approve Application #19-5216, to modify Variance #16-5172, to eliminate the front yard setback variance, to modify the North Side yard setback variance from 18.2 feet to 21.2 feet, to modify the North Side yard setback variance from 18.2 feet to 21.2 feet, to modify the South Side yard setback variance from 17.6 feet to 20.6 feet, to modify the rear yard setback variance from 3 feet to 14.8 feet and to modify the lot coverage variance from 17.1% to 14.8%, for the purpose of demolishing the existing structure and building a 58'x24', 3-story residence with a 12'x21' rear covered porch, as per drawings submitted, for the property located at 342 East Wakefield Boulevard; Motion passed with Mr. Allen, Mr. English, Mr. Hunt and Mr. Massicotte voting in favor while Mr. Pollack was opposed.

The reason cited for the approval was that they found it “reasonable modification of the 2016 variance”.

C. ZBA #19-5217 Variance Location: 80 Holabird Avenue Applicant: Winsted Senior Center Owner: Town of Winchester Proposal: Variance for Monument Sign in Town Center Residential Zone.

Senior Center Director and Municipal Agent Jennifer Kelly appeared before the Board regarding this application. She reminded the Board about an accident that had occurred last fall at the Senior Center, damaging the vestibule. Ms. Kelly explained that as a result, the entrance was being rebuilt. She noted that the center is located within a residential neighborhood and has traditionally not been easily recognized. The variance requested was for a monument sign at the corner of Holabird Avenue and Chestnut Street, according to Ms. Kelly.

Mr. English questioned whether there was any additional lighting proposed. Ms. Kelly indicated that there was not.

The hearing was open to the public.

Russ Buchner of 337 East Wakefield Boulevard spoke in favor of the application, noting the benefit that signage provides to seniors.

MOTION: Mr. Hunt, Mr. Massicotte second, to approve Application #19-5217, for a variance from Section III.G.10, Sign Type and Quantity Table, to allow a Monument sign, for the purpose of installing a monument sign on the property, as per drawings submitted, for the property located at 80 Holabird Avenue; unanimously approved.

The reason cited for the granting of the variance was reasonable request.

D. ZBA #19-5218 Variance Location: 332 East Wakefield Boulevard Applicant/Owner: George Mackiewicz Proposal: Demolish Current Dwelling and Rebuild Single Family Residence: Variance for Front Yard Setback, Side Yard Setback, and Rear Yard Setback.

George Mackiewicz, accompanied by his professional engineers Rob Colabella and Mike Sherman of Laurel Engineering, appeared before the Board regarding this application. Mr. Mackiewicz explained how he and his wife were searching for their retirement home when they found this cottage at Highland Lake. He explained that the cottage does not have a basement and the underneath is open to the elements.

Mr. Mackiewicz noted the challenge is with adding a garage due to the hydrant located near the current parking. He explained that their son has a physical condition resulting in his having no use of his left arm and limited use of his left leg. Mr. Mackiewicz explained that they originally had begun their designs with a two-car garage but had subsequently reduced it to an oversized

one car garage. He noted that this garage will fit into the harmony of the neighborhood, with one neighbor having a one-car garage and another neighbor having a two-car garage. Mr. Mackiewicz also referred to the high fence of his neighbor and the difficulties it presents with sight-line from the current driveway. Mr. Marino questioned what the plan is for that current parking/driveway. Mr. Mackiewicz explained that the paved area and a garden with a water feature will be removed. He noted that the project will result in a reduction of impervious pavement from .21 to .20, which complies with the current Zoning Regulations utilizing low impact development.

Mr. Sherman addressed the stormwater management plans. He noted that a retaining wall on the site will be a Gabian wall, a feature comprised of boxed stone that is often used for sediment erosion control. It will function to catch water that might flow from road, according to Mr. Sherman. He noted that what doesn't infiltrate there may be treated through a drainage pipe that discharges into a rain garden. He noted the infiltration trenches that will be added along the lake wall, too. He noted that these will function to prevent lawn clippings from making their way into the lake and it also gives a chance for rainwater to infiltrate there rather than directly into the lake.

Mr. Colabella noted the challenges with the location of the dwelling as it is neither parallel nor perpendicular to the lot lines and roads. Mr. Mackiewicz noted that the new dwelling will not be encroaching any closer to the lake.

Mr. Mackiewicz submitted letters from neighbors Sam Demonstranti of 328 East Wakefield Boulevard and Russ Buchner of 337 East Wakefield Boulevard supporting the project.

Mr. Mackiewicz noted that the current height of the existing two-story structure is 24.7' and indicated that the height of the proposed new structure is 29.9'.

Mr. Sherman explained the need for the side yard variance, noting that the home is designed for a future handicap ramp and a five (5') foot landing.

The hearing was open to the public.

Richard Cusson of 336 East Wakefield Boulevard spoke in support of the application, noting that many of the things that are being proposed will benefit the house, noting that it still sits on stilts.

Jay Champagne of 338 East Wakefield Boulevard also spoke in support of the application, agreeing with the sight line concerns described by Mr. Mackiewicz.

Lynn Carter of 338 East Wakefield Boulevard spoke in support of the application, noting that she is very familiar with the location and opined that the proposed design will be a vast improvement.

Russ Buchner of 337 East Wakefield Boulevard spoke in favor of the application, noting that being able to use the house for more than three seasons is reasonable and opined that the new design will improve the neighborhood.

The hearing was closed to the public.

MOTION: Mr. Hunt, Mr. English second, to approve Application #19-5218, for a variance from Section II.G.ii. for a front yard setback variance of 30.2 feet, for a south side yard setback variance of 25.4 feet, a north side yard variance of 5 feet, and a rear yard setback variance of 3.7', for the purpose of demolishing the existing structure and building a 62'x27', 2-story residence with a walkout basement and a 9'x14' landing with stairs on the north side of the structure, as per drawings submitted, for the property located at 332 East Wakefield Boulevard; unanimously approved.

The reason cited for the granting of the variance was that the Board found it to be a reasonable request.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – MAY 28, 2019:

MOTION: Mr. Hunt, Mr. Massicotte second, to approve the May 28, 2019 Minutes; unanimously approved.

5. BILLS PRESENTED:

None.

6. CORRESPONDENCE:

None.

7. OTHER BUSINESS:

Board of Selectmen Liaison Jack Bourque communicated to the Board that a subcommittee had been formed to review each board and commission in town in terms of the length of terms and the expirations of them. Mr. Bourque reported that the chairmen will be receiving a request to examine the number of commissioners currently serving and when their terms expire. He explained that the letter will also request that the chairmen report on whether their bylaws are up to date and whether the bylaws are being enforced. Additionally, the subcommittee is requesting a brief summary from each chairman to explain and describe what they do. Mr. Bourque explained that the Board of Selectmen will be seeking guidance and feedback on individuals who indicate that they have an interest in serving to the various commissions prior to appointments.

8. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

None.

9. ADJOURNMENT:

MOTION: Mr. Hunt, Mr. English second, to adjourn at 8:42PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk