



TOWN OF WINCHESTER ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
2nd Floor – P. Francis Hicks Room
March 26, 2019 – 7:00PM
Regular Meeting Minutes

Chairman Phillip Allen called the meeting to order at 7:05PM.

1. ROLL CALL:

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

It was noted that Hal Wilkes was absent excused and that while John Pollack was not present for roll call, he was expected to be arriving before the hearings begin. He arrived at 7:09PM as Mr. Allen was concluding with *Explanation of Procedure*.

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.

Mr. Allen also explained that he would be seating different alternate members for the applications as some board members had indicated their preference in this regard for various reasons.

3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS:

**A. ZBA #19-5205 Variance Location: 118 Birdsall Street Applicant: Stephen Lasar
Owner: Csaba Tirol Proposal: Relief from Side Yard Setback: Variance of 3'.**

Mr. Marino was seated for Mr. Wilkes.

Architect Stephen Lasar appeared before the Board regarding this application. Mr. Lasar indicated that the parcel was a non-conforming lot, explaining that it was long and narrow. He noted that the current home is dilapidated and includes a one and half car detached garage located very close to the property line. Mr. Lasar explained that his client was seeking to build a new house with an attached two car garage.

The variance request was for three feet even though his client would likely only need two, according to Mr. Lasar. He noted that the non-conformity was improving with this application. Mr. Lasar explained that the garage will face the street as the lot would not allow for a car to be

able to turn around. Mr. Marino noted that this lot was very narrow, even more than the other lots in that area that were similarly narrow and agreed that the request was modest.

The hearing was open to the public.

Andrew Jones of 3 Cherry Street spoke in favor of the application, explaining that he had no problem with it.

The hearing was closed.

MOTION: Mr. Hunt, Mr. Marino, to approve Application #19-5205 for a Variance from Section II.A.4.b., for a north side yard setback variance of 1.8 feet and a south side yard setback variance of 2 feet, for the purpose of demolishing a single family residence and constructing a 29'4"x68'4" two-story house with an attached garage, as per the drawings submitted, for the property located at 118 Birdsall Street; unanimously approved with Mr. Allen, Mr. Hunt, Mr. Marino, Mr. Massicotte, and Mr. Pollack voting aye.

B. ZBA #19-5206 Special Exception Location: 714 West Wakefield Boulevard Applicant: Brett Stone Owner: Northwest Investments, LLC Proposal: Move Location of Dwelling to Improve Non-Conforming Setbacks by Centering House on Lot.

Brett Stone appeared before the Board regarding this application. He explained that he had received a demolition permit for the dwelling he characterized as a shack. Mr. Stone noted that the current structure was located two (2') feet from the neighboring property on the side and that he was seeking a permit to move it over an additional five (5') feet from that spot.

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

The hearing was closed.

MOTION: Mr. Marino, Mr. Hunt, to grant a Special Exception to Application #19-5206 to demolish the existing single-family residence and to construct a 30'x27', two-story residence with a walkout basement and a 9'x28' deck, and to relocate the structure at a distance of 7.6 feet from the south side yard, per the drawings submitted, for the project located at 714 West Wakefield Boulevard, unanimously approved with Mr. Allen, Mr. Hunt, Mr. Marino, Mr. Massicotte, and Mr. Pollack voting aye.

Mr. Pollack recused himself from the following two applications and exited the meeting room. Mr. English was seated in his stead.

C. ZBA #19-5207 Special Exception Location: 736 Lake Drive Applicant/Owner: Richard Synnott and Elizabeth Synnott Proposal: Special Permit – Demolition of Existing Dwelling and Detached Garage; Build New Dwelling and Attached Garage.

Project Engineer Tom Grimaldi of R.R. Hiltbrand Engineers and Surveyors, LLC, accompanied by Richard Synnott and Elizabeth Synnott, appeared before the Board regarding this application. Mr. Grimaldi distributed a revised Site Layout Plan, containing changes to the Zoning Table, to reflect the height of the existing dwelling as 23.4' and the height of the proposed dwelling as 27.9'.

Mr. Grimaldi reviewed the plans, noting that the composite plan shows the .17 acre lot as having fifty-five (55') feet of lake frontage and thirty-six (36') feet of road frontage. He noted that the existing detached garage is 3.2' from the nearest property line. Mr. Grimaldi explained that his clients are seeking to demolish the existing dwelling and detached garage and rebuild a new

home with an attached garage, better centering the structure on the lot. He noted that the new house will be more of an equal distance from all of the property lines.

Mr. Marino questioned the impervious surface and the driveway. Mr. Grimaldi explained that the driveway width will be reduced. He noted the pump chamber will be relocated but the well will stay where it is currently located.

The hearing was open to the public.

Mr. Synnott referenced a letter that had recently been submitted. Mr. Allen read a letter from a neighbor, Ed Rapposelli of 726 Lake Drive, in support of the application.

Mark Ricci of 738 Lake Drive spoke in favor of the application, noting that the proposal has his support and that of his wife.

The hearing was closed.

MOTION: Mr. Hunt, Mr. English second, to grant a Special Exception for Application #19-5207 to demolish the existing single-family residence and detached garage, and to construct a 24'x46' two story residence with a walkout basement, a 24'x18' one story attached garage, a 6'x4' front covered porch and an 8'x16' two story dock on the back of the house with stairs, and to relocate the structure, as per the drawings submitted, for the property located at 736 Lake Drive; unanimously approved with Mr. Allen, Mr. English, Mr. Hunt, Mr. Marino and Mr. Massicotte voting aye.

Mr. Pollack remained recused and remained outside the meeting room for the following application. Mr. English was again seated for him.

D. ZBA #19-5208 Special Exception Location: 806 East Wakefield Boulevard Applicant: Wayne S. Garrick Owner: Charles A. Mantell and Eileen S. Mantell Proposal: Second Floor Addition with No Proposed Increase to Nonconformity.

Architect Wayne Garrick, AIA, appeared before the Board regarding this application. Mr. Garrick reported that the owners of this property first became his clients some forty years ago for an addition onto their home in Orange. He opined that the proposed project represents an improvement not only to their lifestyle but to the property itself. He explained that a bedroom will be shifted on the second floor and a second bedroom created where a sleeping loft currently exists. Mr. Garrick explained that the plan includes utilizing one bedroom as a proposed bathroom and to add seventy-five square feet for a third bedroom.

Additionally, Mr. Garrick noted that an existing non-conforming shed will be demolished. He noted that as the shed currently stands, forty square feet of the one-hundred, sixty foot structure encroaches onto the neighboring parcel. With one hundred twenty square feet of it being located on the subject site and a proposal to add seventy-five square feet, the project reduces the net square footage of developed space on the site.

Mr. Marino questioned whether the proposal conforms to the height restrictions of the Zoning Regulations. It was confirmed that it does.

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

The hearing was closed.

MOTION: Mr. Hunt, Mr. English second, to grant a Special Exception for Application #19-5208 to add a second floor and also to add a seventy-five square foot addition on the front of the structure as per the drawings submitted, for the property located at 806 East Wakefield Boulevard; unanimously approved with Mr. Allen, Mr. English, Mr. Hunt, Mr. Marino and Mr. Massicotte voting aye.

Mr. Pollack returned to the P. Francis Hicks Room and resumed his role as a Regular Member for this application. Mr. English stepped down as a seated member.

E. ZBA #19-5209 Variance Location: 135 Mundry Road Applicant: Ron Swartz and Caroline (Tirado) Swartz Owner: Caroline Tirado Proposal: Demolish Existing Garage and Replace with New 24'x28' Garage; Relief from Front Yard Setback: Variance of 10.7' and Relief from Side Yard Setback: Variance of 21.3'.

Caroline Swartz and Ron Swartz appeared before the Board regarding this application. Ms. Swartz explained that the current garage is deteriorating and that she and her husband would like to replace the existing non-conforming structure and enlarge and relocate it. Mr. Swartz explained that they would like to move it further back from the road and attempt to square it off with the home.

Ms. Swartz explained the problems inherent with the site. She explained that the area on the other side of the house is where the septic system and its reserve area are located as is the well. She noted the rock wall that is located in that area too. Ms. Swartz noted the wetlands that are behind the dwelling.

Ms. Swartz submitted a letter from a neighbor, Joan Krampitz of 133 Mundry Road, in favor of the application.

The hearing was open to the public.

Robert Blandino of 131 Mundry Road spoke in favor of the application, noting that he had no problem with it.

The hearing was closed.

MOTION: Mr. Hunt, Mr. Pollack second, to approve Application #19-5209 for a Variance from Section II.F.b.ii., for a front yard setback variance of 10.7 feet and north side yard setback variance of 21.3 feet, for the purpose of demolishing and existing garage and constructing a 24'x28' one story garage, with storage above, as per the drawings submitted, for the property located at 135 Mundry Road; unanimously approved with Mr. Allen, Mr. Hunt, Mr. Marino, Mr. Massicotte, and Mr. Pollack voting aye.

Mr. Marino recused himself from the following application and exited the meeting room. Mr. English was seated in his stead.

F. ZBA #19-5210 Special Exception Location: 812 Hosley Road Applicant/Owner: Mary Ann Marino Proposal: Rebuild Home in Another Area on Lot.

Mary Ann Marino appeared before the Board regarding this application. She explained the deteriorating condition of the structure, noting the condition of the very old foundation and the dirt floor of the half basement. Ms. Marino explained that the proposal includes demolishing the current non-conforming dwelling and rebuilding a new home that is better centered on the parcel

and to add a garage and screened-in porch. Ms. Marino noted that the size of the lot is very small.

The hearing was open to the public.

Grace Shaia of 800 East Wakefield Boulevard spoke in favor of the application, noting that she is the applicant's mother and would very much like to be able to live at this home.

The hearing was closed.

MOTION: Mr. Hunt, Mr. English second, to grant a Special Exception for Application #19-5210, to demolish an existing residence and build a 23.8'x23' two-story residence with a 3.5'x14.8' front porch and a 10'x20' screened porch on the west side, and also to relocate the structure on the property, as per the drawings submitted, for the property located at 812 Hosley Road; unanimously approved with Mr. Allen, Mr. English, Mr. Hunt, Mr. Massicotte, and Mr. Pollack voting aye.

4. OLD BUSINESS:

None.

5. APPROVAL OF MINUTES – FEBRUARY 26, 2019:

MOTION: Mr. Hunt, Mr. Massicotte second, to approve the February 26, 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. Allen, Mr. Hunt second, to adjourn at 7:57PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**