



**TOWN OF WINCHESTER ZONING BOARD OF APPEALS**  
**Town of Winchester Town Hall, 338 Main Street**  
**P. Francis Hicks Room – 2nd Floor**  
**July 24, 2018 7:00PM**  
**Regular Meeting Minutes**

Chairman Phillip Allen called the meeting to order at 7:14PM.

**1. ROLL CALL:**

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

Hal Wilkes and Alternate Paul Marino were absent excused. 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 #18-5197 Variance Location: 728 Lake Drive Applicant: Bryan Southergill and Grace Southergill Owner: Able Sentry Limited Proposal: Demolition of Existing House; New 2-Story Garage with Walk-out Lower Storage.**

Brian Southergill appeared before the Board regarding this application, accompanied by his architect, Sharon Adkins of Hinkel Design Group, LLC and his builder, Gary Beecher of Northwest Builders. Mr. Southergill reminded the Board that several years ago he had received approval to demolish a 100-year old cottage and replace it with an Adirondack style home at 730 Lake Drive. As part of the compromises achieved through that approval, a single-car garage was included in that project. Mr. Southergill explained that he had bought the adjoining property last year but similarly, it included a 100-year old, unwinterized cottage with no insulation. Mr. Southergill described his proposal to knock it down, merge the parcel with 730 Lake Drive, and construct a garage further back from the lake. Mr. Southergill explained that the distance of the driveway will be two-thirds of what it is currently. He noted that it will be located seventy (70') feet from the lake as opposed to the fourteen (14') feet that it is currently. The views will also be opened up, benefitting the neighboring property, according to Mr. Southergill. He explained that the height variance is due to the proposed cupola, noting that it will be a nice architectural feature for the garage.

Ms. Adkins explained how other towns include sections within their Zoning Regulations regarding cupolas, establishing twenty-five square feet as a threshold for whether they must be considered part of the height. Ms. Adkins explained that the cupola in this proposal was designed with that twenty-five square foot rule of thumb as a guide.

Mr. Southergill described how the proposed rain garden will address the drainage problems that currently exist on this lot.

Mr. Southergill reminded the Board that a letter of support had been received from both his neighbors to the west and east, Kevin O'Donnell and Edward Rapposelli.

Mr. Pollack questioned whether the applicant had a garage already. Mr. Southergill confirmed but noted how small and full his current one-car garage is. Mr. Pollack questioned the square footage of the proposed garage. It was noted that the proposed garage is approximately 2600 square feet altogether with the walk-out comprising six hundred square feet and the first and second level each containing 1000 square feet. Mr. Pollack questioned whether the applicant also owns the property across the street. Mr. Southergill confirmed that they did and had previously applied for a garage on that property but was denied. He opined that this site is better suited. Mr. Pollack questioned what the third floor of the proposed garage will be used for. Mr. Southergill noted that it would be utilized for storage as his house lacks storage space.

With regards to hardship, Ms. Adkins noted that the property cannot be built on and to rebuild a garage on the existing footprint would mean that it would be very close to the lake and require a very long driveway.

Mr. Allen noted questioned how the hardship relates to the land itself. Mr. Melanson advised that the setbacks may be considered a hardship if the lot is considered a single lot because the Zoning Regulations have prevented anything from being constructed on the lot. He noted that the Board may also consider that approval of the request would result in the lot becoming less non-conforming than what is already there.

The zoning table was reviewed.

Mr. Melanson clarified that the front yard setback and the height variances, if granted, would result in greater non-conformities for those two aspects. Mr. Massicotte questioned whether the applicant was agreeable to forgoing the cupola, thereby not requiring a building height variance.

The hearing was open to the public for comment. None were received.

Ms. Adkins noted that the cupola feature of the proposed building would likely be a beautiful compliment to the building and benefit to the neighborhood. She also noted that the project itself will be better for the lake and will contribute to the neighborhood with improvements to drainage.

Mr. Massicotte questioned whether the building will include gutters. Mr. Beecher explained that the other home did not have gutters but instead had a drip line with a curtain drain along the house, coupled with crushed stone with a pipe connecting to the drainage system.

The public hearing was closed at 7:46PM.

**MOTION:** Mr. Hunt, Mr. Massicotte second, to grant Variance Application #18-5197, from Section II.G.b.ii, for a frontyard setback variance of 19.5 feet, an easterly sideyard setback variance of 17.3 feet, and a lot coverage of 23.3% for the purpose of merging Lot 38 and 39, demolishing the structures on Lot 38 and building a 26'x50' 2-story garage with a walkout basement and 2 pillars on the front corners as per submitted drawings; Motion passed with Mr. Allen, Mr. Hunt, Mr. Massicotte, and Mr. English voting aye while Mr. Pollack was opposed.

Prior to the vote on the preceding motion, Mr. Pollack shared his concern with a precedent that could be set with approval of this application, noting that the lot is too small and opining that the house should not be changed to a garage. He indicated that the Zoning Regulations should be adhered to and could not agree with a hardship. Mr. Hunt noted that the existing building and the proposed buildings will be very similar in size.

The reason cited for the approval was that they deemed it a reasonable request.

**4. NEW BUSINESS.**

**A. ZBA #18-5198 Request for a DMV Motor Vehicle License Approval Location: 928 Main Street Applicant: Talal Algozy Owner: Indian Meadow Management, LLC Proposal: Used Car Dealership and Repair Shop.**

**MOTION:** Mr. Hunt, Mr. Massicotte second, to continue Application #18-5198 Request for a DMV Motor Vehicle License Approval Location: 928 Main Street Applicant: Talal Algozy Owner: Indian Meadow Management, LLC Proposal: Used Car Dealership and Repair Shop; unanimously approved.

**5. APPROVAL OF MINUTES – June 26, 2018:**

The June 26, 2018 Minutes should be amended to correct the following:  
In the second paragraph, Explanation of Proceedings, “Mr. Pollack” should read “Mr. Allen”.

**MOTION:** Mr. English, Mr. Massicotte second, to approve the June 26, 2018 Minutes as amended; unanimously approved.

**6. BILLS PRESENTED:**

None.

**7. CORRESPONDENCE:**

None.

**8. OTHER BUSINESS:**

None.

**9. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:**

None.

**10. ADJOURNMENT: MOTION:** Mr. Hunt, Mr. Massicotte second, to adjourn at 7:57PM; unanimously approved.

**Respectfully submitted,  
Pamela A. Colombie  
Recording Clerk**