



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

John Pollack called the meeting to order at 7:00PM.

A moment of silence occurred prior to the Roll Call in memory of Richard Nalette, a long-time volunteer in town, who recently passed away.

1. ROLL CALL:

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

It was noted that Alternate Hal Wilkes was absent.

Also, present for this meeting was Zoning Enforcement Officer/Building Official Marc Melanson.

2. EXPLANATION OF PROCEDURE:

Mr. Pollack explained that an approval from this Board requires four affirmative votes. Accordingly, Mr. Pollack also explained that the applicants were entitled to a vote before five seated members and that the matter could be continued so as to allow a hearing before a full board. He noted that applicants usually receive a disposition on the application the same evening of the meeting. Mr. Pollack 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.

Both applicants indicated their preference to go forward with their respective application(s) and hearing(s) at this meeting.

3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS:

A. ZBA #18-5192 Special Permit – Location: 101 Newfield Road Owner/Applicant: David and Siobhan Battista Proposal: Voluntary Demolition of Non-Conforming 960 Sq. Ft. Barn – Replace with 1152 Sq. Ft. Barn.

David Battista appeared before the Board regarding this application. Mr. Battista noted for the record that he is a licensed professional engineer. Certificates of mailing, evidencing that notice of the public hearing had been provided to abutting neighbors, was provided for the record.

Mr. Battista reviewed 24"x36" drawings for the commission, pointing out the side yard setbacks in relation to the existing barn along with the proposed barn in the northwesterly corner of the property. He noted that his barn likely dates from the same time as his home, circa 1909. He noted that this barn is currently thirteen (13') feet off the property line. His proposal is to construct a similar size structure, oriented 90° from the current position, approximately two sheets of plywood larger. He noted that he is purchasing an older barn that has been

dismantled and has found one that is currently stored in pieces. Mr. Battista noted that the proposed barn would be moved back five (5') feet back from the current location. He referred the Board to the examples of English three-bay threshing barns. Mr. Battista noted that it will be far enough back should the road ever get widened or grading changes with the street occur.

In considering alternative locations for the proposed barn, notably in setting it back off the road further, Mr. Battista explained how that option had been dismissed as it would look odd to have the barn in the middle of his lawn. Along the road is how these barns are typically found, according to Mr. Battista.

Mr. Battista detailed the low impact development (LID) that he will employ, as required by the Zoning Regulations, noting that he will construct a rain garden which will function to capture the first inch of runoff.

He reviewed each of the criteria contained in Section 3J, page 56 of the Zoning Regulations, that this Board should consider with Special Exceptions: *suitable location for use, appropriate improvements, suitable transportation, adequate public utilities, adequate public services, environmental protection and conservation, long term viability, purposes, plan of conservation and development.*

Mr. Pollack questioned whether the property was a state farm. Mr. Battista indicated that it was not. In response to an inquiry regarding the foundation, Mr. Battista noted that it will be slab on grade. He noted that the roof will be metal.

The hearing was open to the public.

Walter Beam of 103 Newfield Road, noting that he has been a neighbor of the applicants for 25 years, spoke in favor of the application, opining that anything Mr. Battista does will be up to quality, will be aesthetically pleasing, period correct and perfect.

Betty Ahrens of 102 Newfield Road, spoke in favor of the application, noting that she has a direct view of the site from her office and is very much looking forward to the project.

The public hearing was closed at 7:26PM.

MOTION: Mr. Hunt, Mr. Pollack second, to grant Special Permit Application #18-5192 Voluntary Demolition of Non-Conforming 960 Sq. Ft. Barn and Replace with 1152 Sq. Ft. Barn; unanimously approved.

B. ZBA #18-5193 Variance Location: 674 East Wakefield Boulevard Owner/Applicant: Peggy Neal Proposal: Request for Variance from Section II.B.2.ii for an Impervious Surface Variance of 9.8%, Request for Variance from Section II.B.ii for a Front Yard Variance of 33.7 feet, and Request for Variance from Section II.B.ii for a Side Yard Variance of 26.1 feet.

Peggy Neal appeared before the Board regarding this application. Ms. Neal reported that she is proposing a garage addition to her house to address a water drainage problem. She explained that currently rain flows down towards her house necessitating her to sometimes sweep the water away. Ms. Neal noted that the road is a higher elevation than her driveway. She explained that she also has runoff onto her property from the neighboring home despite having several catch basins on her property. Because her driveway is not tapered in the right direction, water does not flow in the right direction, according to Ms. Neal. She noted that she has a dirt

basement that becomes wet as a result of this drainage problem despite also having a sump pump. As a result, Ms. Neal explained that she lacks dry storage in her basement. She explained that she also has no dry storage in her attic as that is where her bedrooms are located.

Ms. Neal explained that by building a garage, water will be diverted at this site because it's a big building. She noted that it would also provide access to her second-floor bedroom thereby allowing her to move furniture more easily. Ms. Neal noted that a walk-up stairwell in the garage is part of the proposal.

Ms. Neal explained that the second floor of the proposed garage will function as a loft or attic which shall function to allow her an area for storage. She noted that this space will not be finished, or sheet rocked and will remain open to the garage space below.

Ms. Neal explained that the garage is an exchange of impervious surface, meaning that the current area of the proposed location for the garage is already an impervious, paved driveway area. She noted that in order to reduce the impervious surface area, she is proposing to remove some of the impervious area as well as install an engineered pervious surfaced driveway. The current impervious surface will be reduced from 33.9% to 24.8% as part of the proposal.

Mr. Pollack questioned the history of the variances that have already been received at this location. Ms. Neal reported that a 2006 variance was received, allowing her to take out a porch that had lead out to the deck thereby providing for a three-story addition between the main home and the deck. Subsequent to that, a 2010 variance was received as part of a project to enclose the deck, making it year-round living space on the lake-side of the property.

Mr. Pollack questioned whether the proposed two-car garage will be attached to the existing house. Ms. Neal confirmed but explained that there is a ten (10') foot section that connects the firewall of the garage to the existing home. She noted that her well would need to be relocated in order to change that part of the design.

Noting the layout of the proposed design, Ms. Neal confirmed that pulling her car into her garage will not be possible with a single swing but instead she will have to pull in and then back up a bit to pull forward into the garage. Mr. Pollack questioned whether the living space will be almost doubling, from an existing 980 square feet coupled with a proposed addition of 720 square feet. Ms. Neal noted that she was unsure of the size of the square footage. Mr. Pollack questioned how the Board can be assured that the addition won't be converted to living space in the future with a different owner. Ms. Neal noted that she could not predict the future but that she would not be using it as such.

Keith Tracy of 677 East Wakefield Boulevard noted that he is sixteen lots across from the applicant, owning the property to the right, center, and left of the subject site. Mr. Tracy noted that he has supported the applicant in the past with her other variances but was apprehensive about this latest request. He agreed that the applicant needs a garage but sees a few issues with this request. Mr. Tracy noted for the record that he was a former carpenter and is currently an engineer. He opined that it would change the character of the neighborhood and would obstruct the views of the lake. Mr. Tracy noted that one alternative to the design which would still function to add a garage was to reduce the roofline and eliminate the dormer on the right-hand side of the garage which would still allow both a two-car garage and ample storage.

Ms. Neal noted that she is willing to work with her neighbor to come up with an agreeable design.

MOTION: Mr. Massicotte, Mr. Hunt second, to continue the hearing to the next regular meeting; unanimously approved.

4. APPROVAL OF MINUTES – MARCH 27, 2018:

MOTION: Mr. Allen, Mr. Hunt second, to approve the March 27, 2018 Minutes; Motion passed with Mr. Allen, Mr. Hunt, and Mr. Pollack voting aye while Mr. Massicotte abstained.

5. BILLS PRESENTED:

None.

6. CORRESPONDENCE:

None.

7. OTHER BUSINESS:

A. Election of Officers.

MOTION: Mr. Massicotte, Mr. Pollack second, to nominate Phillip Allen as Chairman; unanimously approved.

MOTION: Mr. Pollack, Mr. Allen second, to nominate John Massicotte as Vice Chairman; unanimously approved.

MOTION: Mr. Allen, Mr. Hunt second, to nominate John Pollack as Secretary; unanimously approved.

8. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:

No business discussed.

9. ADJOURNMENT:

MOTION: Mr. Allen, Mr. Hunt second, to adjourn at 8:05PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**