



**TOWN OF WINCHESTER
ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
March 28, 2017 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Vice Chairman Mike DeClement called the meeting to order at 7:01PM.

2. ROLL CALL:

Mr. DeClement reported that a quorum of the board was present: Michael DeClement, Neil Hunt, John Massicotte, John Pollack and Alternates Phillip Allen and Richard Nalette.

Additionally, Mr. DeClement noted that Dave Villa and Alternate Hal Wilkes were absent excused. Mr. Nalette was seated for Mr. Villa.

Also, present for this meeting was Building Inspector/Zoning Enforcement Officer Marc Melanson and Director of Planning and Community Development/Zoning Enforcement Officer Steve Sadlowski.

3. EXPLANATION OF PROCEDURE:

Mr. DeClement gave a brief overview of the procedure. It was explained that approval of a variance, or a Special Permit by the Zoning Board of Appeals, requires four affirmative votes.

4. PUBLIC HEARINGS – VARIANCE APPLICATIONS AND DECISIONS:

A. ZBA#16-5181 Request for Special Permit – Non-Conforming Structure at 636 East Wakefield Boulevard for Frank and Deborah Bares.

Frank Bares appeared before the Board regarding this application. Deborah Bares had accompanied him. He explained that he has an approved application from last year for a new building. Mr. Bares explained that in seeking a building permit and after a review of the submitted building plans, Building Inspector Marc Melanson had noted that with the home's close proximity to the boundary, (1'3") on the southerly side, the Building Code would require that side of the home to be a fire wall which would result in the elimination of the windows on that side. He noted that their kitchen is planned for that side. Mr. Bares reported that it was suggested that they appear before this Board to slide the home over at least five (5') feet from the property line thereby eliminating the need for a fire wall. He noted that they moved it six feet and two inches (6'2") because of the dwelling's overhang. Mr. Bares explained that he liked this idea for three reasons: it would allow them to have windows in both the kitchen on the first floor as well as in the upstairs bedrooms, that it was likely more beneficial for access in the event of a fire emergency at either his home or his neighbor's home, and it functions to make a non-conforming structure less non-conforming.

Mr. Pollack questioned what the square footage of the former home was compared to the square footage of the new home. Mr. Bares noted that the former dwelling was just under 1900 square feet and that the new home is just under 2000 square feet. Mr. Pollack noted that the application only contained the south elevation and not the north elevation. Mr. Pollack noted that it would be difficult to make a decision when it is unclear what it will all look like and that he does not know what the north side of the dwelling

will look like. Mr. Bares explained that the north side is a straight wall. Mr. Pollack noted that the plans include a garage whereas previously there was no garage. Mr. Bares explained that the proposed location of the garage, relative to the house, is not changing but that all of it was shifted a distance of 6'2". Mr. Nalette questioned whether the garage was included in the original approved application. Mr. Barres confirmed that it was. Mr. Pollack again pointed out that the former home did not have a garage. Mr. Allen questioned whether there was any alteration of the driveway from what has been previously approved. Mr. Bares indicated that there was not.

Mr. DeClement noted that it has been a policy of the Zoning Board of Appeals for four years that an A2 survey is required. He explained that it is easier to make a non-prejudiced decision when an A2 survey has been provided and noted that this application does not contain one. Mr. DeClement noted that while the application has stamped, engineered drawings, the Board would need an A2 survey. Mr. Bares explained that the drawings submitted are based off an A2 survey. Mr. DeClement explained that this Board has required an A2 survey with an embossed stamp and with a signature. He noted that he considers the application to be incomplete. Mr. Bares questioned what should be shown on an A2 survey and whether Mr. DeClement is seeking to see the movement of the house. By way of example, Mr. DeClement noted that only one sideyard setback is shown on the drawing that was submitted.

Mr. DeClement opened discussion to the Board, questioning whether they were satisfied with this site plan. Mr. Pollack noted that he was not, that he wants an A2 survey and opined that the rules of requiring an A2 survey should not be changed. Mr. Melanson explained that an engineer works off an A2 survey. Mr. Melanson explained that a licensed engineer copies an A2 drawing, and that noting it on their plans, will contain the same measurements that an A2 will represent, but also may include water and drainage details. Mr. Melanson noted that this drawing is only lacking the other sideyard setback in the table but noted that the measurements were on the drawing.

Discussion occurred regarding site plan requirements as outlined in the Zoning Regulations. Mr. DeClement opined that this application as drawn would require a Variance.

MOTION: Mr. Pollack, Mr. Hunt second, to continue this application until Mr. Bares gets an A2 survey and the Board has had a chance to review it ahead of time; unanimously approved.

5. OLD BUSINESS:

A. ZBA#16-5181 Request for Special Permit – Non-Conforming Structure at 636 East Wakefield Boulevard for Frank and Deborah Bares.

It was noted that this application has been continued to the following meeting.

6. APPROVAL OF MINUTES: January 10, 2017

MOTION: Mr. Nalette, Mr. Hunt second to approve the January 10, 2017 Minutes; Motion passed with Mr. DeClement, Mr. Hunt and Mr. Pollack voting aye while Mr. Massicotte and Mr. Nalette abstained.

7. OTHER BUSINESS:

No business discussed.

8. BILLS PRESENTED:

None.

9. CORRESPONDENCE:

No business discussed.

10. DISCUSSION WITH ZONING ENFORCEMENT OFFICER, IF ANY:

No business discussed.

11. ADJOURNMENT:

MOTION: Mr. Nalette, Mr. Hunt second, to adjourn at 7:49PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**