



**TOWN OF WINCHESTER
ZONING BOARD OF APPEALS**
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
January 10, 2017 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman David Villa called the meeting to order at 7:00PM.

2. ROLL CALL:

Mr. Villa reported that a quorum of the board was present: Michael DeClement, Neil Hunt, John Pollack and Alternates Phillip Allen and Hal Wilkes.

Additionally, Mr. Villa noted that John Massicotte and Alternate Richard Nalette were absent excused. Mr. Wilkes was seated for Mr. Massicotte.

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

3. EXPLANATION OF PROCEDURE:

Mr. Villa gave a brief overview of the procedure, explaining that approval of a variance requires four affirmative votes by the Board. A brief review of the difference between variances and special exceptions was provided. He noted that applicants usually receive a disposition on the application the evening of the meeting. Mr. Villa explained that the proceedings include the applicant's opportunity to provide information regarding the application, a chance for the Board to question the applicant, a chance for members of the public to question the applicant, as well as closing comments by the applicant. Mr. Villa also explained that either the Board or the applicant may request that the hearing remain open for four weeks until the next meeting should there be additional or supplemental documents to the application. Additionally, Mr. Villa explained that unlike variance applications, consideration for a special permit application does not require the determination of a hardship.

Noting that he was needed at a different meeting, Mr. Villa stepped out of the room at this point in the meeting and requested that Vice Chairman Mike DeClement assume the chairman duties. Mr. Allen was seated for Mr. Villa.

4. PUBLIC HEARINGS – VARIANCE APPLICATIONS AND DECISIONS:

A. ZBA#16-5177 Request for Variance from Section II.B.2.ii for an Impervious Surface variance at 322 West Wakefield Boulevard for Gary D'Angelo.

Mr. Sadlowski reported that this application was withdrawn by the applicant, Gary D'Angelo.

B. ZBA#16-5178 Request for Variance from Section II.B.2.ii for an Impervious Surface variance and from Section II.B.2.b.ii for a Building Dimensions & Placement variance at 417 West Wakefield Blvd for Richard B. Traub.

Mr. Sadlowski explained that this application originally was seeking two variances. He explained that the coverage variance was no longer required as the applicant was able to reconfigure the driveway, with the result being that the new coverage will be less than the old coverage. Mr. Sadlowski reported that he and fellow Zoning Enforcement Officer Marc Melanson determined that because the proposal for the location of the replacement of the dwelling is not getting any closer to the lot lines in that the applicant is seeking to square it off and lined up with the street, it may be considered as an application for a Special Permit rather than a variance.

Mr. Sadlowski confirmed receipt of the notices to the applicant's neighbors informing them of this public hearing.

Mr. Sadlowski explained that the impervious surface prior to the house fire was 38%, when considering the building and the driveway. He explained that the impervious surface is now at 33.8%, even with the addition of twenty to forty square feet of the dwelling, and is made possible through narrowing the driveway. Mr. DeClement questioned whether there is infringement to the sideyard setbacks. Mr. Sadlowski noted that there is but that they are not getting any closer than before and that the proposal is to square off the dwelling.

Richard Traub, accompanied by his son-in-law, Matthew Larock, appeared before the Board on this application. Mr. Larock explained that Mr. and Mrs. Traub experienced a devastating fire this past summer on a home that had been at this location for 110 years. Mr. Larock explained that they are seeking to square off the home which previously been on a slant.

Mr. Pollack questioned the size, square footage and height of the previous cottage. Mr. Larock noted that the old cottage was comprised of two floors: the basement floor and the living floor. Mr. Traub noted that the pitch of the roof is changing, so the building may be higher. Mr. Pollack noted that it appears from the drawing that the height will be 30' and questioned what the height of the former building was. Mr. Traub indicated that it was 26' or 27' previously.

Jerry Laliberte of 415 West Wakefield Boulevard, noting that he is the only neighbor to this property, reported to the Board that he had no objection to this application.

Mr. Pollack questioned whether the new height of this building may block the view of other people around the lake. Mr. Sadlowski noted that the Regulations allow the height of buildings in this zone to go up to 30' and that it is not appreciably taller than what was previously there. He noted that the Board should consider only the footprint.

Mr. Pollack questioned the total square footage of the old house compared to square footage proposed for the new house. Mr. Hunt observed from the drawings that the old house was 749 square feet and that the new house appears to be 800 square feet. Mr. Larock noted the old house had 773 square feet. Mr. Pollack noted that he would prefer better drawings than the sketches that have been submitted.

MOTION: Mr. Hunt, Mr. Allen second, to close the public hearing in the matter of Application ZBA #16-5178 Request for Variance from Section II.B.2.ii for an Impervious Surface variance and from Section II.B.2.b.ii for a Building Dimensions & Placement variance at 417 West Wakefield Blvd for Richard B. Traub; unanimously approved.

C. ZBA#16-5179 Request for Special Permit – Non-Conforming Structure at 742 Lake Drive for John H. Hubbard.

John Hubbard appeared before the Board regarding this application. He reported that he and his wife would like to remodel their kitchen, explaining that there is not enough cabinet space and would therefore like to fill in a porch that is already there. He explained that there is a concrete slab and that the proposed kitchen remodel would not include going outside of that footprint.

Mr. Hunt questioned whether the applicants are seeking to enclose only the area which already has a concrete slab and whether there are any changes to ground coverage. Mr. Hubbard confirmed that it is only the slab and that there would be no changes to ground coverage.

Mr. Sadlowski confirmed receipt of the notices to the applicant's neighbors informing them of this public hearing.

MOTION: Mr. Allen, Mr. Wilkes second, to close the public hearing in the matter of Application ZBA#16-5179 Request for Special Permit – Non-Conforming Structure at 742 Lake Drive for John H. Hubbard; unanimously approved.

D. ZBA#16-5180 Request for Special Permit – Non-Conforming Structure at 178 Shore Drive for Edward Smith, Applicant/Paul Grossman, Owner.

Edward Smith appeared before the Board regarding this application. He noted that the owner is seeking to close in a 12'x16' portion of an existing deck.

MOTION: Mr. Hunt, Mr. Allen second, to close the public hearing in the matter of Application ZBA#16-5180 Request for Special Permit – Non-Conforming Structure at 178 Shore Drive for Edward Smith, Applicant/Paul Grossman, Owner; unanimously approved.

5. OLD BUSINESS:

A. ZBA#16-5177 Request for Variance from Section II.B.2.ii for an Impervious Surface variance at 322 West Wakefield Boulevard for Gary D'Angelo.

It was noted that this application has been withdrawn.

B. ZBA#16-5178 Request for Variance from Section II.B.2.ii for an Impervious Surface variance and from Section II.B.2.b.ii for a Building Dimensions & Placement variance at 417 West Wakefield Blvd for Richard B. Traub.

MOTION: Mr. Hunt, Mr. Allen second, to grant a Special Permit for application #16-5178, for the purpose of rebuilding a structure that was destroyed by a fire and turning the structure to fit better on the property and also to add a 4'x18.5' addition on the south side to make the building square as per the drawings submitted, for the property located at 417 West Wakefield Boulevard; Motion passed with Mr. Hunt, Mr. Allen, Mr. DeClement, and Mr. Wilkes voting aye while Mr. Pollack abstained.

C. ZBA#16-5179 Request for Special Permit – Non-Conforming Structure at 742 Lake Drive for John H. Hubbard.

MOTION: Mr. Wilkes, Mr. Pollack second, to grant a Special Permit for ZBA #16-5179, for the purpose of enclosing a 6'x11' roofed porch and also a 4.9'x6' open porch and making them living space, as per the drawings submitted, for the property located at 742 Lake Drive; unanimously approved.

D. ZBA#16-5180 Request for Special Permit – Non-Conforming Structure at 178 Shore Drive for Edward Smith, Applicant/Paul Grossman, Owner.

MOTION: Mr. Hunt, Mr. Allen second, to grant a Special Permit for Application ZBA #16-5180, to convert a 12’x16’ section of an existing deck into living space, as per the drawings submitted, for the property located at 178 Shore Drive; unanimously approved.

6. NEW BUSINESS:

None.

7. APPROVAL OF MINUTES: December 20, 2016

Motion: Mr. Hunt, Mr. Pollack second to approve the December 20, 2016 Minutes; Motion passed with Mr. Hunt, Mr. Pollack, Mr. DeClement, and Mr. Wilkes voting aye while Mr. Allen abstained.

8. OTHER BUSINESS:

Mr. DeClement noted that he observed a transfer of 539 Wheeler’s Point in the published land property transfers of December 31, 2016. He reminded the Board that the seller of this property had presented an application on four different occasions and had been denied each time. Mr. DeClement noted that the sellers went ahead with the work they had wanted to do, the problem was not resolved, and now the property has been sold. Mr. DeClement opined that the fact that this could occur is really not okay.

9. BILLS PRESENTED:

None.

10. CORRESPONDENCE:

No business discussed.

11. DISCUSSION WITH ZONING ENFORCEMENT OFFICER, IF ANY:

No business discussed.

12. ADJOURNMENT:

MOTION: Mr. Hunt, Mr. Allen second, to adjourn at 7:47PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**