



**TOWN OF WINCHESTER
ZONING BOARD OF APPEALS
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
April 26, 2016 – 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: Mr. Michael DeClement, Mr. John Massicotte, Mr. Neil Hunt, Mr. John Pollack and Alternate Mr. Hal Wilkes.

Additionally, Mr. Villa noted that Alternates Richard Nalette and Philip Allen were absent excused.

3. EXPLANATION OF PROCEDURE:

Mr. Villa gave a brief overview of the procedure, noting that the applicant will likely receive a disposition on the application this evening. He noted that the proceedings shall 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.

4. 7:00 PM PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS

ZBA #15-5166 Request for Variance from section 4.2 Frontyard setback for the property located at 65 Oakdale Avenue for Patsy & Mary-Elin Renzullo.

Citing prior business dealings with the applicant, Mr. Villa announced he would recuse himself from the application, turned the hearing over to Vice Chairman Hunt and sat Mr. Wilkes in his stead. Mr. Villa then departed the P. Francis Hicks Room for the entire duration of the Hearing.

Attorney Patsy Renzullo appeared before the Board on behalf of the applicants. Attorney Renzullo provided a written certification, attesting that notice of the Public Hearing has been forwarded to all abutting land owners to the subject parcel. He then distributed a revised A2 survey as prepared by Licensed Land Surveyor David J. Little, explaining that it is identical to the one previously submitted but for the inclusion of data on the coverages. Attorney Renzullo also distributed copies of a drawing depicting the elevation of the proposed building, although he noted it is subject to change in that a cupola may be added or the window design may be slightly modified.

Noting that many reasons likely exist to cause a variance to be granted, Attorney Renzullo reported that the primary one is that this parcel is a corner lot that predates Zoning Regulations and includes two twenty-five (25') foot setbacks which diminishes the area of his lot. He noted that there are also enormous trees, as shown on the drawings, explaining that while he and his wife had a clump of them removed, plenty more still are present further limiting where this three bay garage can be located. A masonry wall also exists on this lot presenting concern with how close a structure can be erected without

compromising its stability, according to Attorney Renzullo. He noted that his excavator operator has imposed a buffer of four (4') feet between the corner of the wall and the proposed garage.

In terms of coverage, Attorney Renzullo reported his calculation coverage would be 4500 square feet and with the added 5% for the driveway, the total coverage is still well under the coverage requirement at 41.76%.

The rise from Oakdale Avenue to Fehr Avenue is an additional limiting factor, according to Attorney Renzullo. He reported that the main house on the parcel was built in 1947, which notably predates the adoption of Zoning Regulations. As the edge of Oakdale Avenue is ten (10') feet outside of the boundaries of the lot, to grant a ten (10') foot variance in effect puts the proposed building twenty-five (25') feet back from the roadway, according to Attorney Renzullo.

Mr. Wilkes questioned whether the proposed garage is going in the long way. Attorney Renzullo explained that this was originally a consideration but that it is not the plan now. Mr. Wilkes questioned what the height of the building will be. Attorney Renzullo indicated that it will be one story with storage above.

Mr. Pollack questioned whether any feedback has been received from the neighbors. Attorney Renzullo reported that two neighbors have expressed support and no objections from anyone else has been expressed. Mr. Massicotte questioned what will be done with the existing garage. Attorney Renzullo explained that it will be used for storage, or a workshop, but not for living space.

Mr. Wilkes noted that the height of the garage should be indicated on the plans. It was noted that the first floor would likely be eight (8') feet with an additional eight (8') feet for storage above and then four (4') feet to allow a cupola.

MOTION: Mr. Massicotte, Mr. Wilkes second, **to grant Variance application 16-5167, from Section 4.2, for a front yard setback of ten (10') feet, for the purpose of building a 24'x36' one story garage as per the drawings submitted, for the property located at 65 Oakdale Avenue, deeming it a reasonable use; unanimously approved.**

Once the aforementioned motion was made, discussed, and voted on, Mr. Villa returned to the P. Francis Hicks Room at 7:23PM.

5. DISCUSSION WITH ZONING ENFORCEMENT OFFICER, IF ANY:

A list of properties, that have had letters sent out to owners regarding blight, was noted as having been distributed to Board members.

Mr. DeClement distributed a copy of the Planning and Zoning Commission agenda held the previous evening, April 25, 2016, noting *Item 6B. PZC #16-05 Site Plan Review – 636 East Wakefield Boulevard (Map 038, Block 107, Lot 007) Proposal: Increase in volume of a pre-existing, non-conforming structure with a two car garage addition. Also includes a reduction in overall building and driveway coverage area.* He reported that these applicants initially went to the Planning and Zoning Commission which referred them to this Board. Mr. DeClement noted that these applicants were before this Board in July, 2015 at which time the application was unanimously denied due to lack of hardship as they requested over 43% lot coverage. He reported that the applicants are now back before Planning and Zoning, with a site plan under Regulation 10.6 and thought that this Board ought to be aware. Mr. Villa reported that the applicants are being represented and that they are making a claim under the 10.6 rule.

Mr. Melanson reported that the application before the Planning and Zoning Commission regarding 636 East Wakefield Boulevard has been sent to the town attorney for a legal opinion.

6. APPROVAL OF MINUTES: October 28, 2014 (pending), October 27, 2015, November 24, 2015, December 22, 2015 and January 26, 2016

MOTION: Mr. DeClement, Mr. Hunt second, **to approve the November 24, 2015 Minutes, the December 22, 2015 Minutes, and the January 26, 2016 Minutes; unanimously approved.**

7. OLD BUSINESS:

None.

8. NEW BUSINESS:

None.

9. BILLS PRESENTED:

None.

10. CORRESPONDENCE:

Mr. Melanson cited a newsletter that was included as part of the package prepared for Board members.

11. ADJOURNMENT:

MOTION: Mr. Hunt, Mr. Massicotte second, **to adjourn at 7:39PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**