



**TOWN OF WINCHESTER  
ZONING BOARD OF APPEALS  
Town of Winchester Town Hall, 338 Main Street  
P. Francis Hicks Room – 2nd Floor  
June 28, 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 Alternates Mr. Richard Nalette and Mr. Hal Wilkes.

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

**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. He noted that the applicant will likely receive a disposition on the application this evening. Mr. Villa explained 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**

**A. ZBA #16-5171 Request for Variance from Section 4.2 Northeast side yard setback variance of 26 feet, a northwest side yard setback and a lot coverage variance of 7.2%, for the purpose of building a 26' x 36', a 2 story addition with a landing and stairs on the front, as per the drawings submitted, for the property located at 348 East Wakefield Boulevard.**

Mr. Bob Leach appeared before the Board regarding this application. Mr. Leach detailed how he came to own the subject parcel located at 348 East Wakefield Boulevard. He noted that last year he had approached with a different application that had included a garage and deck but that it had been denied. He noted that this proposal is without those and instead includes only a 26' x 36' home. Mr. Leach explained that his family has been burning through thirteen cords of wood per winter. He also characterized the foundation to the home as non-existent, explaining that the building was erected on stones in the 1920s. Mr. Leach noted that he has sewage problems in the winter and water freezing.

Mr. Villa questioned what the hardship is that is being presented. Mr. Leach explained that if he were to remove the entire structure and attempt to erect it in the middle of the yard, he did not believe he would be able to be in the setbacks. He noted that notwithstanding the setback issues with the center of the yard, the water runs through the center of the yard.

Mr. Villa questioned whether the other existing structure of the property is a garage. Mr. Leach explained that it is used to hold a pump house but currently has a bathroom, a little kitchenette and houses guests occasionally.

With regards to the water that runs through the center of the property, Mr. Pollack questioned whether the applicant has ever tried to do anything with it. Mr. Leach indicated that he has not done any site work or erected any type of retaining walls and that the problem is just a result of the natural grade of the land. He noted that to attempt to divert it would likely result in a problem for the neighbor or the street. Mr. Leach also noted that he has not received suggestions from an engineer as to what he can do to divert the water. Mr. Pollack questioned whether with the new home, the applicant thinks the problem will go away. Mr. Leach opined that he believes he will always have this problem with the water.

Fellow applicant Jennifer Leach, then addressed the Board. She explained that it was her opinion that the house was constructed where it was because of how wet the property is. Ms. Leach noted that the second structure on the property is utilized for off-season storage.

The young children of the applicants then testified before the Board. The daughter reported how cold her room gets in the winter time. The son explained that he would like a new home because he is almost a teenager and that his room is very small.

**Mr. Gary Koplak of 364 Norwood Road** spoke in favor of the application being granted, noting that he is a heating contractor and that the applicants need a new home due to the issues with the heating.

**Mr. Harris Daigle of 304 Row 1** spoke in favor of the application, explaining that his home is the closest house to that of the applicant's. He cited the heating being a concern at the home.

Mr. Leach concluded his presentation, indicating that he hopes to be able to rebuild over the winter.

Mr. Allen questioned whether the portion of the house that would remain will undergo any work. Mr. Leach noted that he was likely going to have his concrete subcontractor shore it up.

The public hearing was closed at 7:23PM.

**MOTION:** Mr. Pollack, Mr. Hunt second, **to grant Variance Application #16-5171 from Section 4a.2 for a northeast side yard setback variance of 26 feet total, a northwest side yard setback of 18.1 feet, a south side yard setback variance of 29 feet and a lot coverage variance of 7.3%, for the purpose of building a 26' x 36', two-story addition with a landing and stairs on the front, as per the drawings submitted, for property located on 348 East Wakefield Boulevard; unanimously approved.**

The reason provided for the granting of the variance was reasonable use.

**5. APPROVAL OF MINUTES: May 24, 2016**

**MOTION:** Mr. Hunt, Mr. Pollack second, **to approve the May 24, 2016 Minutes; unanimously approved.**

**6. OLD BUSINESS:**

None.

**7. NEW BUSINESS:**

None.

**8. BILLS PRESENTED:**

None.

**9. CORRESPONDENCE:**

None.

**10. DISCUSSION WITH ZONING ENFORCEMENT OFFICER, IF ANY:**

Mr. Pollack questioned a property that had been before this board, 406 East Wakefield Boulevard, that had been denied. Mr. Melanson explained that the application came in to Planning and Zoning Commission under Section 10.6 of the Zoning Regulations and was approved.

**11. ADJOURNMENT:**

**MOTION:** Mr. Hunt, Mr. Pollack second, **to adjourn at 7:34PM; unanimously approved.**

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Clerk**