Town of Winchester

Zoning Board of Adjustment

Minutes

5-18-23

Meeting opened: 7:00 pm

Members Present: Becky Roy, Colby Ebbighausen, Lou Fox (Chair), Bill McGrath, Neil Stetson (Alternate), Margaret Sharra (Alternate)

Members absent: Jason Cardinale (V. Chair)

Margaret Sharra and Evan O’Connor are present as the Land Use Administrators

Public Present:

**First order of business:**  The chair sits N. Stetson as an acting alternate.

**B. McGrath moves to nominate L. Fox as Chair, B. Roy seconds. The vote is 5 yes.**

**B. McGrath nominates J. Cardinale as Vice Chair in absentia. B. Roy Seconds. The vote is 5 yes.**

Second order of business: The board reviews the minutes of 3-9-23 for approval. **B. McGrath so moves, C. Ebbighausen seconds. B. Roy & N. Stetson abstain. The vote is 3 yes.**

Third order of business: The board reviews for acceptance an application submitted by Josh and Brandi Rodger requesting two Variances to construct a duplex residence relating to Article III, J1 and Article XIV, B2 of the Zoning Ordinance for property at 102 Back Ashuelot Road, map 5 lot 34. Land Use Administrator M. Sharra introduces the application and confirms notices were posted and returned.

**L. Fox moves to accept the application as complete, C. Ebbighausen Seconds. The vote is 5 yes.**

**L. Fox moves to open a public hearing, C Ebbighausen seconds. The vote is 5 yes.**

Josh Rodger presents the application. The property in question is located on town water but private septic. The property is planned to be a duplex to accommodate his mother-in-law. Plans on tearing down current property and erecting a new structure to be the duplex.

L. Fox questions if the property is currently occupied. The property is currently occupied.

B. McGrath questions how many bedrooms there are. Currently there are three bedrooms.

B. McGrath questions when the septic was installed. The septic was installed October 2022, and will still be following the Septic-Bedroom ratio once the duplex is completed.

Facts given supporting the variance request: The property addition will be aesthetically pleasing, as the existing house is in poor condition, and needs new roofing, foundation, heating, etc.. It will leave almost the same footprint the existing property has. The mother needs a place to live as she is retiring, and the new duplex will provide that. Will increase surrounding properties aesthetics.

Land Use Administrator M. Sharra speaks of the difference between ADU(Attached Dwelling Unit) and Duplex.

B. Roy questions what the two variances needed are.

Land Use Administrator M. Sharra goes into detail about the two variances needed. The first, relating to Article III, J1, is due to the lot size being too small for a duplex not on town water & sewer. The second, relating to Article XIV, B2, Is due to the lot already not being the correct frontage of the road, and expansion is needed but not encroaching any further towards the road.

**L. Fox moves to close the public hearing, B. McGrath seconds. The Vote is 5 Yes.**

The public hearing is closed at 7:21 PM

L. Fox indicates it was a clear application with no complications.

B. McGrath goes over the facts supporting the Variance request.

1. Granting of the variance will not be contrary to the public interest.

2. It is in the spirit of the ordinance because it is only expanding slightly. It is not against the ordinance.

3. Justice would be done to help the Rodger family.

4. Value of surrounding properties would not be diminished only improved.

5. The proposed use is reasonable, and won’t pose a noticeable difference to the community, an acre and a half seems unreasonable for such a request.

**B. McGrath moves to approve both variances, L. Fox seconds. The vote is 5 yes.**

Fourth order of business: B. Roy recuses herself as a member of the board.

The Chair sits M. Sharra as an acting alternate.

The board reviews for acceptance an application submitted by Becky Roy requesting a Special Exception to place a Caboose at 76 Ashuelot Street, map 25 lot 17, to be used for short term rental (lodging). Land Use Administrator E. O’Connor introduces the application and confirms notices were posted and returned.

**B. McGrath moves to accept the application as complete, L. Fox Seconds. The vote is 5 yes.**

**L. Fox moves to open a public hearing, M. Sharra seconds. The vote is 5 yes.**

B. Roy Presents the application, The caboose is planned to be placed on a slab in a vacant lot, to be used as a short-term rental/lodging facility. There will be a door on each end and decks at each entrance. A kitchen stove is wanted for the caboose.

The board discusses what building type this would be classified under, tiny home, mobile home, etc.. The caboose will be classed as short-term lodging. The board discussed the difference between a kitchen and a kitchenette, and whether a kitchenette would be permitted in short to medium term lodging.

B. McGrath questions if the driveway will be paved. It is currently uncertain whether the driveway will be paved or not.

B. Roy goes on to explain why a special exception is needed.

The special exception is needed for article XXII section 1 of the Winchester Zoning Ordinance. The proposed use shall be permitted in the district by special exception. The specific site is an appropriate location for such a use as it has been vacant for many years, will have a low impact, and has water + sewer. There is no negative impact on the surrounding area, surrounding properties may benefit from a vacant property being improved. The caboose will be placed on existing foundation, the yard will be fenced in, and will include off street parking. The proposed use will comply with all frontage, setbacks, minimum land area, sign, and parking requirements.

B. McGrath questions the setback from the road. The setback is at least 25 feet, not certain, but meets requirements, can be adjusted to 30 feet.

B. McGrath motions to close the public hearing, C. **Ebbighausen seconds. The vote is 5 yes.**

N. Stetson indicates that all seems in order with the application.

L. Fox indicates that the application was well presented, and he doesn’t think the setback will be an issue.

**L. Fox moves to grant the Special Exception- With the condition that the road setback be 30 feet. C. Ebbighausen seconds.**

**B. McGrath abstains** because he questioned if this was setting a precedent.

The other members don’t believe a precedent was set because each application is unique depending on specific circumstances.

**The vote is 4 yes.**

**B. McGrath moves to adjourn at 8:10 pm, C. Ebbighausen seconds, the vote is 5 yes.**