

Town of Winchester
Zoning Board of Adjustment
Minutes
4-21-16

Meeting opened: 7:05pm.

Members present: Lou Fox (Chairman), Becky Roy, Bill McGrath, and Ken Cole. Jason Cardinale is absent. Mike Doherty is an alternate present. Margaret Sharra is the Land Use Administrator.

Public: Wendy Pelletier.

First order of business: The Chairman sits Mike Doherty as an acting member. The board reviews the minutes of 3-10-16 for approval. **B. McGrath moves to approve the minutes, K. Cole seconds. The vote is 5 yes.**

Second order of business: The LUA reads the application. This is a request of a variance to Article VI, section C of the Zoning Ordinance relating to required frontage. The property is located at 171 & 175 Clark Road. Map 8, lot 56. There are two dwellings on one lot and the owner wishes to subdivide but even though there is enough required frontage available to make two lots of 200' each, due to the layout of the dwellings, it is asked for one lot to have 113' of frontage and the other would be 287'. Wendy Pelletier is representing the owner Malorie Paine. There is a letter to that affect. The LUA notes that all notices were done and two certified letters did not return. There is a brief discussion on what that means. The LUA informs the board that state statute requires notices are to be sent out in a certain time frame to all abutters but it does not require abutters to reply.

B. McGrath moves to accept the application as complete, M. Doherty seconds. The vote is 5 yes.

K. Cole moves to open the public hearing, B. McGrath seconds. The vote is 5 yes. 7:10pm.

Wendy Pelletier presents the request. This is a three acres parcel with two dwellings. The owner would like to subdivide and sell. This property could each have 200' of frontage but it would create a messy situation. Land of one owner would be in front of the other dwelling and that could cause problems in the future. Both dwellings are located on the right hand side of the property and have been there since the early 70's, prior to zoning. They propose the small lot with the mobile home have 113' of frontage where 200' is required. These properties are being rented. There are two separate septic systems and one well. The LUA reminds the board the subject is frontage. If the variance is granted the request of subdivision goes to the PB who will address septic and wells.

The Chairman explains how the applicant needs to express why this meets the criteria for a variance. The criteria was responded to in writing in the application but more is needed.

B. McGrath asks what the square footage is of the homes. Wendy does not know. B. McGrath hopes the PB will look into the septic systems to make sure they are approved. There is a discussion that prior to 1967 systems were not registered with the state. Also it is noted that even after that date the state may not have the information. Wendy informs the board that prior to subdivision approval tests pits will be done to obtain subdivision approval from the state. M. Doherty reminds the board they are here for the frontage issue. B. McGrath thinks a variance would be needed if the buildings are under 800sqft. Wendy replies the buildings are existing non-conforming.

1) Granting would be a benefit to public interest: These lots would be individually taxed so more taxes would be taken in. B. McGrath reads from the requirements. He believes the intent is to create the minimum lot size in the district. This is not going to affect the neighbors. The board agrees.

2) The use would not be contrary to the ordinance: This is a residential use. L. Fox thinks this is contrary because the district requires larger lot sizes. B. McGrath disagrees because the lots do meet the minimum lot size in the district. The board agrees.

3) Substantial Justice: This action will bring the lot into compliance. As asked by the town years ago; to subdivide the property so there is one dwelling on a lot. B. McGrath states there is no harm to the public and this a gain to the town in the way of taxes and it benefits the property owner.

4) Diminution of property values: These homes have been here for years and since there will not be noticeable changes there will not be any change in values of surrounding properties. L. Fox wants to know about any planned changes in the future. Wendy cannot speak of the future, only today. B. McGrath can't predict the future and if needed, there would be additional approvals addressed.

5) Hardship: The town in 1998 asked for the property to be subdivided. Also if the lots were to be 200' frontage each, the land in front of the house, owned by the mobile home lot owner, would impact the use and value of the house.

K. Cole asks about the driveways; he says shared driveways work well. B. McGrath feels the property is burdened by zoning now. It is a special condition because of the two dwellings on one lot. L. Fox adds, the property cannot be used in strict conformance to the ordinance and a variance therefore is necessary to have a reasonable use of it. B. McGrath says this application fits the criteria.

K. Cole asks when the subdivision plan is drafted will tests pits be required? Yes test pits will be done but the existing systems are grandfathered since they are pre 1967 and have not failed. K. Cole asks if the property will be sold. Yes it will be for sale. B. McGrath comments buyers beware.

There are no other questions. The Chairman suggests to Wendy Pelletier to be better prepared in the future to present variance requests. She was fortunate to have B. McGrath on the board to assist you in the application.

B. McGrath moves to close the public hearing, B. Roy seconds. The vote is 5 yes. 7:47pm.

B. McGrath moves to approve the variance, L. Fox seconds. R. Roy comments this application makes sense. The vote is 5 yes.

B. Roy asks if a copy of the tax map could be sent with the application in the future. Agreed.

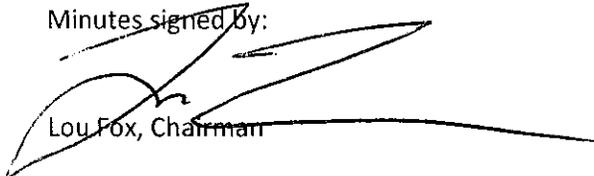
B. Roy moves to adjourn, M. Doherty seconds. The vote is 5 yes. 8pm.

Minutes respectfully submitted:

Margaret Sharra, LUA 

Minutes approved by the board on: 5/12/16

Minutes signed by:


Lou Fox, Chairman