

Town of Winchester
Zoning Board of Adjustment
Meeting Minutes

11-22-2022

Members present: Lou Fox (chair), Rebecca Roy, Jason Cardinale, Colby Ebbighausen, Margaret Sharra (alt), Kelsey Hilliard (LUA) and William McGrath-via teams

Public: Matthew and Deborah Newell (applicants), Ben Kilanski, Chan Stephens, and James Rokes SR

First order of business: the board will review the minutes of 11-15-2022 meeting. **J. Cardinale makes a motion to approve the minutes, C. Ebbighausen seconds, all in favor.**

Second order of business: the board is meeting to re-open the hearing for the variance application submitted by Matthew Newell for an addition to his RV. **J. Cardinale makes a motion to re-open the hearing, L. Fox seconds, all in favor.** J. Cardinale asks C. Stephens to speak first as he is the only person from the original Board of Selectmen that granted Newell's original permission to place an RV on property and reside there. Stephens states there was a mobile home on a slab originally but was removed, he thought the applicant was granted temporary permission, which is why they bought a 4-season RV, to live through the winter while they were doing work on the Kapper Dr home. Kilanski stands up to speak; he was on the 2020 Board of Selectmen who investigated the matter because they had received complaints from town residents. They were unable to find anything in writing of the original Board of Selectmen granting permission. They decided to bring Mr. Newell in for non-public to discuss the matter of whether he was granted permanent or temporary permission, in which Newell stated that they purchased a 4-season RV because they were planning on living there full-time. McGrath thinks that because there was nothing in writing from either Board of Selectmen as to whether it was permanent or temporary it was meant to be temporary. It is brought up that the applicants purchased a 4-season for that reason, to live there permanently but McGrath argues they did that because they were going to live in the RV as a temporary dwelling, which would be a full year, through a winter. Rokes states that there was not a permit for the original placement of RV. He was on the Board of Selectmen in 2020 and it was his understanding after speaking to Mr. Newell that the RV was being placed there for permanent residence. Sharra makes note that she was aware of the RV before 2016 and brought it to the building inspector's attention at the time that it needed approval from the ZBA, but she was overruled in her understanding. Fox informs the applicant that he appreciates the honesty he has given the board of the situation and states how difficult of a situation this has become for everyone. Cardinale asks if there is a paper trail of the complaints that have been mentioned, there is not. Rokes states that he received a few which is why Newell was asked to speak at the 2020 meeting with Selectmen. There were a few residents complaining about the Newell's not paying taxes like the other residents in town, but not how the property looked.

Kilanski, Rokes and Stephens all state that at the 2020 meeting they confirmed the RV was placed for permanent residence. There is talk of asking to speak with town council to hear what their opinion is, town council in 2020 is different than current council. Sharra reminds that the town council will not tell ZBA whether to grant variance or not, only going to show how to render decision. Cardinale says it is the ZBA's job to either grant or deny variance applications, not town councils. Fox asks the board if they

want to reach out to council, 2 no 1 yes. Newell steps up to apologize to the board for all of this, did not know at time of placement it would put the board, themselves, and the town through all of this. He also states that if the board would like he would put in writing that once he leaves or moves the RV another one will not be placed after. He showed the building inspector at the time the RV he was wanting to purchase before he made the actual purchase and was under the impression before placing the RV there that he would live there permanently. **Cardinale makes a motion to close the hearing, Roy seconds, all in favor.**

Fox states he doesn't feel the application meets all five criteria, McGrath states that substantial expansion on legal non-conforming goes against the Zoning Ordinance, Cardinale states that by placing the addition it will look more like a home and less like an RV, Roy states that she can't see by granting the variance it would have any negative impact on the neighbors. Sharra brings up accepting Mr. Newell's offer of putting in writing that once RV is removed, there will be no other RV moved in place.

Ebbighausen makes a motion to approve the variance, Cardinale seconds, the vote is 4-1, the motion passes.

Fox makes a motion to adjourn the meeting, Cardinale seconds, all in favor.

The meeting adjourned at 8:20pm.

Minutes respectfully submitted by Kelsey Hilliard.

Minutes approved by board on: 

Minutes signed by Lou Fox Chairman

