

Town of Winchester  
Zoning Board of Adjustment  
Minutes  
5-5-22

Meeting opened: 7:00pm.

Members present: Colby Ebbighausen, William McGrath, Lou Fox (Chair), Jason Cardinale (V. Chair), and Becky Roy. Margaret Sharra is the Land Use Administrator.

Public: Denis & Walter Edwards & family.

First order of business: The board reviews the minutes of 4-5-22 for approval. **B. McGrath moves to approve, J. Cardinale seconds. The vote is 5 yes.**

Second order of business: The board reviews an application for a variance submitted by Walter & Denise Edwards of 48 Gosselin Road to build a duplex on property the own at 15 Gosselin Road. Map 1, lot21-4. The LUA reads the notice of hearing and application and confirms all notices were sent and posted.

B. McGrath isn't sure if the correct section of the ordinance was referenced. He and the LUA review it. It was determined that B. McGrath was looking at multifamily and not duplexes but the LUA realized verbiage was missing from duplexes regarding lot sizes w/o water & sewer after the change this year. It is a variance to III, J, I.

**L. Fox moves this proposal is not a DRI, B. McGrath seconds. The vote is 5 yes.**

**B. McGrath moves to accept the application as complete, C. Ebbinghausen seconds. The vote is 5 yes.**

**L. Fox moves to open the hearing, B. McGrath seconds. The vote is 5 yes.**

Denise Edwards presents. She introduces her family, notably her daughter who will occupy one half of the duplex and Denise and her husband the other. The plan is that her son with children will move into the existing house next door. There is a 3 bay garage on the property under discussion. They would like to build a 64x28 ranch duplex. B. McGrath asks if the home will be a modular. It will be either a modular or stick built. Denise speaks to the criteria:

1. Will not be contrary to public interest- Because it will appear to be a single family home. It will not look out of place because it will be used as a family home. It will be physically appealing.
2. The spirit of the ordinance is observed- Because it will fit in with the area and not appear any different.
3. Substantial justice would be done: This will help our growing family since we don't need our large home next door. They want to stay in town, but not in a large home. It will increase the tax base and values of surrounding properties.
4. The value of surrounding properties will not be diminished- Because the care and details we will put into this building will be visually pleasing and not appear out of place.
5. Hardship- Denise was struggling with the question. It is a reasonable use since there are other family homes in the area. This is a family home.

L. Fox gives examples of hardship and tries to pull other reasons from her. She says we are downsizing and want to stay in town but want to be logical. Each unit will be a 2 bedroom one bath unit with a well and septic. There are no municipal utilities in this area of town.

The size of the building is 64x28 (1792 sqft). This is the size of single family homes with 4 bedrooms and 2 baths. The only difference is a separating wall. The LUA mentions how ADU are permitted by right but can't exceed 750sqft. This is close.

There is no public present. **B. McGrath moves to close the hearing, J. Cardinale seconds. The vote is 5 yes. 7:20pm.**

Discussion: L. Fox explains how a variance stays with the property as long as it has been acted upon. He needs to think of the future and not just with these owners. J. Cardinale and B. Roy debate whether this can be determined to be an ADU.

B. Roy says this 4 bedroom 2 bath home can be built anywhere and no one would know. It is the same as a single family home. J. Cardinale says if it were serviced by town water and sewer it wouldn't need a variance. What's the difference with a lot with a septic system? There is none. B. McGrath says it doesn't make sense just because its in the country. B. McGrath and B. Roy agree based on their knowledge of septic systems.


L. Fox says the Edwards could state this is unreasonable. (They shake their heads yes) J. Cardinale, B. Roy and B. McGrath agree this is unreasonable because the lot can clearly hold the septic and well. L. Fox is not seeing a hardship. J. Cardinale sees a hardship, this is unreasonable and not equal. B. McGrath thinks this is an acceptable idea for the neighborhood and should have no problems trying to accomplish it. C. Ebbighausen thinks while the applicant could do a BLA, that is an unnecessary hardship because it would make no difference in the outcome. J. Cardinale says the burden is going through something they shouldn't have to. The rules encourages deception.

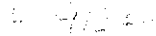
**B. McGrath moves to approve the variance, C. Ebbighausen seconds. They vote is 4 yes and 1 no (LF).**

The board discusses past cases and how it appears easier now to get a variance. They do know that every application is different.


**B. McGrath moves to adjourn, J. Cardinale seconds. The vote is 5 yes. 7:45pm.**

Minutes respectfully submitted by:

Margaret Sharra, LUA 

Minutes approved by the board on: 

Minutes signed by:

  
Lou-Fox, Chair