

Town of Winchester
Zoning Board of Adjustment
Minutes
3-14-19

Meeting opened: 7:00pm

Members present: Lou Fox (Chair), B. McGrath (V. Chair), Jason Cardinale, and Ken Cole. Becky Roy was absent. Mike Doherty and Brandon Day were alternates present. Margaret Sharra is the Land Use Administrator.

Public: Richard Drew, Mr. & Mrs. Richard Winter.

First order of business: The Chair sits B. Day as an acting alternate. The board reviews the minutes of 11/18/18 for approval. **J. Cardinale moves to approve, B. McGrath seconds. The vote is 5 yes.**

Second order of business: The board is here to review an application for a variance. The application submitted by Richard Drew for Richard Winter, is a request to Article IX section C for property located at 886 & 904 Keene Road to adjust a boundary line. The LUA reads the application and confirms all notices were posted and certified mailings went out to all abutters. She explains how there is 2 existing lots of record even though the tax cards do not show it. This will be corrected. She explains how both lots are legal non-conforming, and if the board approves the application, one lot will become more conforming and the other will be less conforming.

J. Cardinale moves to accept the application as complete, B. Day seconds. The vote is 5 yes.

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

Dick Drew presents a plan and explains the application. There is a total of 1.5 acres with the two lots where zoning requires a 5 acre minimum with 500ft frontage, within the Highway commercial district. The present boundary line for lot 5 touches the house. This proposal is to make lot 5 a more usable lot. There are actually 3 wells on both lots but they are all now on 5A, so with an approval lot 5 will have a well on its property; the one that serves that home. J. Cardinale asked how this happened. Mr. Drew does not know exactly but these lots were created in 1917 well before Zoning in 1974. Highway Commercial was adopted about 1 year ago which has the large lot sizes and long frontage requirements all for envisioned industrial uses. K. Cole asks what is the frontage of lot 5 now? Mr. Drew responds 93ft and proposed to add 75 ft to that. If the board approves this variance then the applicant will go to the PB for a boundary line adjustment. There is more discussion about legal non-conforming, why a variance is needed relating to a "more" non-conforming lot.

There are no questions from the public. Members agree this variance is self-explaining.

B. McGrath moves to close the hearing, J. Cardinale seconds. The vote is 5 yes. 7:18pm.

Members discuss the criteria:

- 1) This proposal is not contrary to the ordinance**
- 2) The spirit is met because this does not affect the neighborhood.**
- 3) Yes, substantial justice would be done. This is a viable use of the property**
- 4) There is no diminution of properties. It improves the values of these two properties.**
- 5) Yes, there is a hardship. This approval will correct the boundary line, create side land area and place the well on the land it serves.**

B. McGrath moves to approve the variance because the criteria has been met, B. Day seconds. The vote is 5 yes. K. Cole verifies there are separate wells on each lot.


Third order of business: Other business. The board agrees to a meeting on April 11th for a special exception request from Joyce Beaman.

The board discusses re-nominating Becky Roy and Ken Cole to the board. They will wait until the next meeting when Becky is present.

J. Cardinale moves to nominate L. Fox as Chairman, B. McGrath seconds. The vote is 4 yes, 1 abstain (LF). B. McGrath moves to nominate J. Cardinale as V. Chair, L. Fox seconds. The vote is 5 yes.

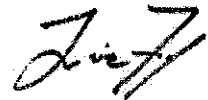
J. Cardinale moves to adjourn, B. McGrath seconds. The vote is 5 yes. 7:30pm.

Minutes respectfully submitted:

Margaret Sharra, LUA 

Minutes approved by the board on: 4/11/19

Minutes signed by:



Lou Fox, Chair