



**TOWN OF WINCHESTER
 PLANNING BOARD MEETING
 TUESDAY, MARCH 10, 2020 @ 8:05PM
 IN THE SELECT BOARD ROOM**

BUSINESS	
8:05PM	Open Planning Board Meeting, Chair's and Town Planner's Comments
8:15PM	Spring Town Meeting Articles
9:15PM	Petition No. 3900 – 12 Lockeland Road Petition No. 3901 – 184 Mystic Valley Parkway
9:35PM	New Business not known at the time of the posting
9:55PM	Action Items
10:00PM	Adjourn

CORRESPONDENCE	
	Winchester Historical Commission - 2 Cabot Street (Garage) The Building Department may proceed to issue the demolish permit without any hindrance from the Commission. (GREEN BOOK)
	Winchester Historical Commission – 70 Holland Street (Residence) Please proceed with issuance of the demolition permit for residence located at 70 Holland Street. (GREEN BOOK)

	Town of Lexington – Public Hearing Town of Stoneham – Public Hearings	(GREEN BOOK)
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	2020 MEETINGS
Tuesday March 17	7:30PM Planning Board Meeting, Select Board Room
Tuesday, March 24	7:30PM Joint Planning Board & Conservation Meeting

1. Brian, zoning bylaw 9.5.8 has a mistake; “special permit” is supposed to be “site plan”:

In the event that the Board of Appeals approves a ~~special permit~~ site plan under these provisions, any construction, reconstruction, substantial exterior alteration or addition shall be carried on only in conformity with any conditions, modifications and restrictions subject to which the Board shall have made its findings and determination, and only in conformity with the application and site plan on the basis of which the finding and determination are made.

2. Clearcutting Bylaw on private property
3. Rangeley Park property addition of 9 Meadowcroft Road

Model Land Clearing, Grading and Protection of Specimen Trees Bylaw
Communitiy Profile
Comments

Cape Cod Commission Model Bylaws and Regulations
Model Land Clearing, Grading and Protection of Specimen Trees Bylaw

Background

Growth and development have created permanent changes to the Cape Cod landscape and its natural resources. Forested areas, open spaces, and other naturally vegetated areas have been permanently lost through clearing and grading activities often associated with land development. Clearing and grading activities also impact both water quality and quantity. Loss of ground cover coupled with grading, smoothing, and compaction of the land contributes to decreased groundwater infiltration, increased stormwater flow and erosion and increased sediment runoff into streams and other water bodies. This in turn results in decreased water quality in aquatic habitats and breeding grounds. Erosion and sedimentation often results in environmental damage to abutting properties.

In addition to the physical and ecological changes associated with grading and land clearing activities, aesthetic values and community character can also be impacted. Cape Cod is defined in part by its mix of woodlands, open landscapes and scenic views. As noted in the Cape Cod Commission's "Designing the Future to Honor the Past," Cape Cod is a place of abundant nature, surrounded by and connected to the sea. Land clearing and grading activities can have a direct impact on the quality of the visual experience for both residents and tourists.

Local bylaws address the issues of clearing and grading to varying degrees, ranging from limits on clearing prior to the issuance of development permits to earthmoving regulations. However, most of the existing Cape bylaws do not address the issues of combined clearing and grading activities. In addition, while local Conservation Commissions require erosion and sediment control for projects within 100 feet of wetlands through the Wetlands Protection Act and local bylaws and regulations, they do not have authority beyond the 100 foot buffer until after an erosion problem has resulted in damage to wetlands and waterways.

Through a combination of Site Plan Review Standards and Special Permit requirements, this model bylaw seeks to minimize the loss of natural vegetation and topography and to protect specimen trees, significant forest types, and the most valuable wildlife habitat when developing a site. Minimizing the loss of natural vegetation provides for a cost-effective means of controlling erosion, flooding, and managing stormwater runoff from nonpoint sources such as development sites, streets and parking lots.

Commentary: Towns may choose between two different mechanisms for minimizing clearing and grading activities. One approach involves adopting these regulations into the zoning bylaw, requiring a special permit for clearing and grading of projects that exceed a certain size. In the alternative the town may adopt Site Plan Review standards that apply to all projects requiring Site Plan approval. Where a Special Permit is required the reviewing board has authority to approve or deny a proposed use. Site Plan Review, on the other hand, simply stipulates the conditions applicable to a given use.

01.0 Purposes: The purposes of this bylaw are to:

01.1 Protect the health, safety and property of the residents of the Town of _____ by regulating clearing and grading activities associated with land development and preserving existing trees and vegetation, preventing erosion and sedimentation of inland and coastal wetlands, ponds and other waterbodies, controlling stormwater runoff, minimizing fragmentation of wildlife habitat and loss of vegetation;

01.2 Limit land clearing and alteration of natural topography prior to development review;

01.3 Protect specimen trees and significant forest communities from damage or removal during site development;

01.4 Protect water quality of adjacent wetlands and surface water bodies;

01.5 Encourage the use of Best Management Practices that prevent and reduce nonpoint sources of pollutants;

01.6 Promote land development and site planning practices that are responsive to the town's scenic character without preventing the reasonable development of land;

01.7 Protect archaeological and/or historic resources.

02.0 Definitions: In this bylaw, the following words have the meanings indicated:

02.1 Applicant - Any person proposing to engage in or engaged in any non-exempt clearing of trees or understory vegetation within the Town.

02.2 Best Management Practices (BMPs) - A structural, nonstructural, or managerial technique recognized to be the most effective and practical means to prevent and reduce nonpoint source pollutants. BMPs should be compatible with the productive use of the resource to which they are applied, and should be cost-effective.

02.3 Caliper - American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken 6" above the ground up to and including 4" caliper trees, and 12" above the ground for larger sizes.

02.4 Certified arborist - A professional who possesses the technical competence through experience and related training to provide for or supervise the maintenance of trees and other woody plants in the residential, commercial, and public landscape.

02.5 Clearing - Removal or causing to be removed, through either direct or indirect actions, trees, shrubs and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

02.6 Dripline - An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

02.7 Essential Root Zone - An area located on the ground between the tree trunk and 10 feet beyond the dripline of a tree which is required for protection of a tree's root system.

02.8 Diameter/diameter-breast-height (dbh) - The diameter of any tree trunk, measured at 4.5 feet above existing grade.

02.9 Filling - The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

02.10 Grading - Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.

02.11 Hazardous tree - A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.

02.12 Landscape architect - A person licensed by the Commonwealth of Massachusetts to engage in the practice of landscape architecture.

02.13 Protected tree/vegetation - A tree or area of understory vegetation identified on an approved landscape plan to be retained and protected during construction.

02.14 Specimen tree - A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6" or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or american holly with a dbh of 4" or larger are eligible to be considered specimen trees.

02.15 Significant forest community - Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat patches.

02.16 Site Alteration Special Permit - A special permit issued by the Planning Board authorizing land clearing and grading activities in the town of _____.

02.17 Understory vegetation - Small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of trees.

03.0 Applicability: No person shall undertake land clearing/grading activities of an area greater than 40,000 square feet without first obtaining a Site Alteration Special Permit from the Planning Board, unless specifically exempted under Section 05.0 of this bylaw.

Commentary: The Cape Cod Commission has proposed this threshold for review, however, towns may wish to adopt a higher or lower threshold depending on their particular circumstances.

04.0 Review and Decision: Upon receipt of a completed application and required plans as described in Section 06.0 below, the Planning Board shall transmit one copy each to the Conservation Commission, Building Inspector, and Department of Public Works. Within 45 days of receipt of completed application/plans, these agencies shall submit recommendations to the Planning Board. The Planning Board shall act on applications according to the procedure specified in G.L. c: 40A, §9.

05.0 Exemptions: The provisions of this bylaw shall not apply to the following activities:

05.1 Removal of hazardous trees, as defined herein;

05.2 Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) - approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;

05.3 Construction and maintenance of public and private streets and utilities within town-approved roadway layouts and easements;

05.4 Work conducted in accordance with a valid earth removal permit issued by the Town of _____;

05.5 Agricultural activities in existence at the time a bylaw is adopted, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A Section 3.

05.6 Construction of roadways and associated infrastructure for subdivisions approved in accordance with the Town Subdivision Rules and Regulations.

05.7 Construction of any state or town agency project approved by the town manager, town council, or town selectmen.

05.8 Construction or installation of public utilities.

05.9 Non-commercial cutting for fuel, provided that clear-cutting does not occur.

06.0 Application Requirements: Unless determined otherwise by the Planning Board the following submittals are required at the time of application:

06.1 Survey of existing vegetation conducted by an individual qualified through appropriate academic credentials and field experience. A statement of credentials should be submitted with the survey.

The survey of existing vegetation shall include the following information:

06.1.1 major upland vegetational communities located on the site, including trees, shrub layer, ground cover and herbaceous vegetation;

06.1.2 size and height of trees, noting specimen trees and/or forest communities;
06.1.3 location of any rare and endangered species as mapped by the Massachusetts Natural Heritage Program or Association for the Preservation of Cape Cod;

06.2 Submission of a locus map at a scale of 1" = 500' showing the proposed site in relation to the surrounding area.

06.3 Submission of a plan at a scale of 1" = 40' of the project site showing existing and proposed contour lines at intervals of not more than 2 feet prepared by a registered civil engineer or land surveyor.

06.4 Soil survey or soil logs indicating predominant soil types on the project site, including information on erosion potential from the Natural Resources Conservation Service.

06.5 Delineation of all bodies of water, including wetlands, vernal pools, streams, ponds, and coastal waters within 100 feet of the project site/limit of work and delineation of the 100-year floodplain.

06.6 Submission of a plan at a scale of 1" = 40' indicating the limit of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. The plan or accompanying narrative shall document the species and quantities of specimen trees and/or other vegetation to be removed or relocated within the project area.

06.7 Construction schedule which describes the timing of vegetation removal, transplanting or replacement in relation to other construction activities.

06.8 Plans and/or description of Best Management Practices to be employed in development of the project site.

06.9 Submission of an erosion and sedimentation control plan at a scale of 1" = 40'. This plan shall include BMPs for erosion and sediment control (vegetative and/or structural) to prevent surface water from eroding cut and fill side slopes, road shoulders and other areas and measures to avoid sedimentation of nearby wetlands and ponds. The following information shall be submitted on erosion control and sedimentation plans submitted with the project application:

06.9.1 Plans and details of any sediment and erosion control structure drawn at a scale of 1" = 40', details @ _____ scale

06.9.2 Spillway designs showing calculations and profiles

06.9.3 Notes and construction specifications

06.9.4 Type of sediment trap

06.9.5 Drainage area to any sediment trap

06.9.6 Volume of storage required

06.9.7 Outlet length or pipe sizes

06.9.8 A description of the sequence of construction activities which specifies the time frame for soil stabilization and completion and any necessary winter stabilization measures.

Commentary: Some of the application submittals may require the review of the town engineer or a landscape architect. The town may retain a technical expert to review the application at the expense of the applicant. The town must first adopt the provisions of Chapter 593 of the Acts and Resolves of 1989, which allows towns to establish special accounts to hire consultants. If the Planning Board

wishes to use developer funds for review of special permits, it must adopt regulations specifying a procedure for the submission and expenditure of such funds. Such rules and regulations must be adopted under G.L. c. 40A.

07.0 Review Standards:

Commentary: The following section contains standards that could be added to existing Site Plan Review Bylaws, independent of this bylaw. However, and as previously discussed, towns may also wish to adopt these standards only for larger projects, as defined by a size threshold.

The applicant shall demonstrate that the following measures are employed in development of the site:

07.1 Minimize site alteration/land clearing:

07.1.1 Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage channels on the site.

07.1.2 Clearing of vegetation and alteration of topography shall be limited to _____% of the site with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat.

Land Use	% Clearing Allowed
Agriculture	50%
Residential	35%
Institutional, Commercial, Industrial	40%

Commentary: The percentages for land clearing within specific land use types, and even the types themselves may need to be adjusted according to the constraints and land use patterns of the town, and relative to lot size. An alternate method could employ the Significant Natural Resource Area Map of the 1996 Regional Policy Plan as a way of identifying clearing limits. For example, projects within a Significant Natural Resource Area (SNRA) may only clear 35% of the site; land outside of SNRAs may clear up to 50%, and areas both outside of SNRAs and in certified growth centers may clear up to 60%. These percentages could be further fine tuned within the Town's zoning bylaw/ordinance. For example, the town may wish to limit clearing within residential districts more strictly than within non-residential districts.

07.1.3 Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

07.1.4 Protect hilltops and/or scenic views within the town of _____:

07.1.4.1 Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

07.1.5 Protect wildlife habitat:

07.1.5.1 Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

07.1.6 Avoid impacts to archaeological resources:

07.1.6.1 Applicants shall submit a response from the Massachusetts Historical Commission (MHC) regarding the potential for archaeological or historical resources on the site.

07.1.7 Preserve open space and specimen trees on the site:

07.1.7.1 In the design of a development, priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

07.1.8 Understory vegetation beneath the dripline of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

07.1.9 Forested areas shall be preserved if they are associated with:

07.1.9.1 significant forest communities as defined herein;

07.1.9.2 wetlands, waterbodies and their buffers;

07.1.9.3 critical wildlife habitat areas;

07.1.9.4 slopes over 25 percent.

07.1.10 Minimize cut and fill in site development:

07.1.10.1 Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.

07.1.10.2 Other efforts to minimize the clearing and grading on a site associated with construction activities shall be employed, such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. in areas already planned for permanent structures. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

07.1.10.3 Finished grades should be limited to no greater than a 2:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.

07.1.10.4 Employ proper site management techniques during construction:

- (a) BMPs shall be employed to avoid detrimental impacts to existing vegetation, soil compaction, and damage to root systems.
- (b) The extent of a site exposed at any one time shall be limited through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

07.1.10.5 Protect the site during construction through adequate erosion and sedimentation controls:

(a) Temporary or permanent diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as are necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed to BMPs such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 2:1.

(b) Erosion and sedimentation controls shall be constructed in accordance with the DEP Stormwater Guidance manual.

(c) Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.

(d) Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 2:1 or exceed 10 feet in height. During the months of October through March when seeding and sodding may be impractical, anchored mulch may be applied at the Board's discretion.

(e) Runoff from impervious surfaces shall be recharged on the site by stormwater infiltration basins, vegetated swales, constructed wetlands or similar systems covered with natural vegetation. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are not feasible. All such basins and wells shall be preceded by oil, grease, and sediment traps. The mouths of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.

(f) The applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events.

07.1.10.6 Revegetate the site immediately after grading:

(a) Proper revegetation techniques shall be employed using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Revegetation shall occur on cleared sites within 7 (seven) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.

(b) A minimum of 4" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

(c) Finished grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of 6" or more at the base of the tree is proposed, a retaining wall or tree well may be required.

08.0 Required Security: The Planning Board may require a performance guarantee in a form acceptable to the town to cover the costs associated with compliance with this bylaw under a Site Alteration Special Permit.

08.1 The required performance guarantee in the amount of 150% of the cost of site restoration shall be posted prior to the issuance of a Site Alteration Special Permit for the proposed project.

08.2 The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Site Plan Review Committee/Planning Board to ensure establishment and rooting of all new plantings, and may be reduced from time to time to reflect completed work. Plantings which die within the prescribed maintenance period shall be replaced. Securities shall not be fully released without a final inspection and approval of vegetation replacement by the town.

09.0 Monitoring and Inspections:

09.1 Prior to commencement of construction, the applicant, land owner, contractor and construction crew, town engineer or zoning enforcement officer, and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections. Commentary: Towns should decide what official is appropriate to review clearing and grading proposals, and require that official to report to the Planning Board.

09.2 Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing or grading has begun.

09.3 Routine inspections of preserved areas and erosion and sedimentation controls shall be made at varying intervals depending on the extent of site alteration and the frequency and intensity of rainfall.

09.4 Effective stabilization of revegetated areas must be approved by the town before erosion and sedimentation controls are removed. The town shall complete an inspection prior to removal of temporary erosion and sedimentation controls.

10.0 Enforcement: The town of _____ may take any or all of the enforcement actions prescribed in this bylaw to ensure compliance with, and/or remedy a violation of this bylaw; and/or when immediate danger exists to the public or adjacent property, as determined by the _____ Building Inspector. Securities described in Section 07.0 above may be used by the town in carrying out any necessary enforcement actions.

10.1 The _____ Building Inspector may post the site with a Stop Work order directing that all vegetation clearing not authorized under a Site Alteration Permit cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before clearing activities may resume.

10.2 The Town may, after written notice is provided to the applicant, or after the site has been posted with a Stop Work order, suspend or revoke any Site Alteration Special Permit issued by the Town.

10.3 No person shall continue clearing in an area covered by a Stop Work order, or during the suspension or revocation of a Site Alteration Special Permit except work required to correct an imminent safety hazard as prescribed by the Town.

0.11 Severability:

0.11.1 If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the [town]'s zoning bylaw.

Commentary: This Section is a generic severability clause. Severability clauses are intended to allow a court to strike or delete portions of a regulation that it determines to violate state or federal law. In addition, the severability clause provides limited insurance that a court will not strike down the entire bylaw should it find one or two offending sections.



TOWN OF WINCHESTER

OFFICE OF PLANNING DEPARTMENT

BRIAN SZEKELY

Town Planner

71 Mount Vernon Street
Winchester, MA 01890

March 10, 2020 Planning Board Meeting

PETITION 3900

12 LOCKELAND RD

Petitioner seeks a Special Permit under Section 3.5.5 so as to be permitted to construct an addition that will be located closer to the side property line than permitted as of right. The property is located in the RDA-20 zoning district and contains 30,709 SF. Lot nonconforming due to lot width.

	Requirement	Existing	Proposed
Lot Size	20,000 SF	30,709 SF	unaltered
Front Setback	35'	36.2'	unaltered
Lot Width	120'	~102'	unaltered
Rear Setback	20'	160'	159.3
Side Setback	20'	29.4' 19.8'	15.3' unaltered
Green Space	Min 35%	91.1%	88.5%
Hardscape	Max 35%	2.9%	2.8%
Frontage	100'	102'	unaltered

Petitioner proposes to destroy a 1-car garage with associated space above, and create a new, 2-car garage with living space above that will encroach on the left side setback. A rear deck and porch is also proposed that does not create any new nonconformities. The only nonconformity on the property is the lack of lot width, therefore the left side setback is an entirely new nonconformity. Generally, new nonconformities should be avoided. The other houses on the same side of the street as the petitioner have 2-car garages with the occasional 1-car garage. Most of the houses sit in the middle of the lot and do not have side setback encroachments. However, based on the size and location of the proposed garage next to the largest house in the neighborhood, I find it hard to not allow this one the relief they are seeking. Based on the lack of adverse impact on the neighbors/neighborhood and the use of matching materials, I recommend favorable action with regards to this petition.

PETITION 3901

184 MYSTIC VALLEY PKWY

Petitioner seeks a Special Permit under Section 3.5.5 so as to be permitted to construct an addition that will be located closer to the side property line than permitted as of right and will not meet the open space requirement. The property is located in the RDB-10 zoning district and contains 6,296 SF.

	Requirement	Existing		Proposed	
Lot Size	10,000 SF	6,296 SF		unaltered	
Front Setback	25'	27.2		unaltered	
Rear Setback	15'	45.7'		27.7'	
Side Setback	15'	6.5'	9.2'	unaltered	unaltered
Green Space	Min 35%	43.3%		41.7%	
Hardscape	Max 35%	28%		24.4%	
Open Space	70%	71.3%		66.1%	
Frontage	80'	52.93'		unaltered	

Petitioner proposes to add living space to the rear of the house on the first and second floors. There are currently **5** nonconformities: lot size, lot width, lot frontage, and BOTH side setbacks. The petitioner is asking for relief on open space. This is not typically something that we see before the ZBA as our open space requirement is rather generous. I understand that smaller lots tend to have zoning compliance issues, but the open space requirement almost always is adhered to even if side setbacks are encroached upon. I appreciate the use of materials and the design of the structure, but cannot support another (and new at that) nonconformity on the property. The petitioner should look at the open space areas of other houses on the street. Only then could a case be made that what the petitioner is proposing is consistent with the rest of the neighborhood. I recommend unfavorable action unless the open space requirement could be adhered to. There are simply too many nonconformities on this property already.



RECEIVED
WINCHESTER ENR DEPT.
2020 FEB 12 PM 3:19

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a PUBLIC HEARING on MONDAY, MARCH 16, 2020 at 7:30 P.M. in the MYSTIC VALLEY ROOM, TOWN HALL, 71 MOUNT VERNON STREET, WINCHESTER, MA on the following matter:

PETITION NO. 3900 - That of TODD KOSTERMAN and STACEY IRIZARRY concerning the property at 12 LOCKELAND ROAD, WINCHESTER, MA. The petitioner is seeking a Special Permit from Section 3.5.5 of the Winchester Zoning By-Law in accordance with Chapter 40A, Section 9 of the Massachusetts General Laws so as to be permitted to construct an addition that will be located closer to the side property line than permitted as of right. The property is located in the RDA (Single Residence) zoning district and contains 30,709 +/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed at the Building Department during regular office hours.

3900

RECEIVED AND FILED

2020 FEB 14 AM 9:16

TOWN CLERK
TOWN OF WINCHESTER

FORM 2

TOWN OF WINCHESTER
BOARD OF APPEALS
71 MOUNT VERNON STREET
WINCHESTER, MASSACHUSETTS 01890
(781) 721-7115

APPLICATION FOR
ZONING HEARING

Application Date February 7th 2020

The undersigned hereby petitions the Board of Appeals for the following:
 Appeal Variance Special Permit Use Special Permit/Site Plan Review
 Special Permit Sign Special Permit (Pre-existing non-conforming structure) Site Plan Review

Property Address 12 LOCKELAND RD. Zoning District RDA

Area of Lot 30,709 sq ft Frontage _____ Year Built 1952

Street Frontage is Public Way Subdivision Control Way Private Way

Petitioner's Name TODD KOSTERMAN Address 12 LOCKELAND RD.

STACEY MIZARDY Winchester MA 01890.

Name _____ Address _____

Name _____ Address _____

Brief Description of Work:

REMOVAL OF EXISTING SINGLE GARAGE BAY - REPLACE WITH
NEW - 2- GARAGE BAYS WITH FINISHED SPACE ABOVE FOR M. BEDLON
Suite - ADD SCREENED PORCH & DECK @ REAR.

Applicants for an Appeal must complete Form 2A

Applicants for a Variance must complete Form 2B

Applicants for a Special Permit Use must complete Form 2C

Applicants for a Special Permit/Site Plan Review or Site Plan Review must complete Form 2D

Applicants for a Special Permit Sign must complete Form 2E

Applicants for a Special Permit Pre-existing Nonconforming 1 or 2 Family must complete Form 2F

Applicants for a Special Permit Pre-existing Non-conforming Other must complete Form 2G

FORM 2

The undersigned is () the owner of the subject property, or () the holder of a written option to purchase the subject property, or () the holder of a valid lease to the subject property. (Written authorization from the property owner must be submitted with the other application documents when the applicant is not the record owner of the property).

Record title to the subject property stands in the name (s) KOSTERMAN TODD +
STACEY IRIZARRY

Address of owner of record 12 LOCKELAND RD
WINCHESTER, MA.

Title Reference:

(Unregistered land) Middlesex County Registry of Deeds; Book 54067, Page 117

(Registered land) Land Court Certificate of Title No. _____ Book _____, Page _____

Date of Recording: 12/29/2007

State briefly what building and structures currently exist on the premises:

ONE SINGLE FAMILY RESIDENCE

Attorney, agent, or other representative acting for petitioner: ARCHITECT

Name GUY DIXON Address 12 JOHNSON RD.

Name _____ Address _____

Written evidence of agent's standing to represent petitioner may be requested.



Signed as a statement of fact under the pains and penalties of perjury, this <u>4th</u> day of <u>February</u> , 20 <u>20</u> .	
SIGNATURE <u>Guy Dixon</u> (Petitioner/Agent)	SIGNATURE <u>Stacey Irizarry</u> (Property Owner/Agent)
Address <u>12 Johnson Rd</u>	Address <u>12 Lockeland Rd.</u>
Tel No. <u>781-218-9489</u>	Tel No. <u>617 519 1295k</u>
Email address <u>guydixonarch@gmail.com</u>	Email address <u>Sirizarry@gmail.com</u> <u>mailtoadd@yahoo.com</u>

Note: Do not attempt to discuss the merits of your case with any member of the Board of Appeals at any time after filing this application and prior to the hearing thereon.

TOWN OF WINCHESTER
BOARD OF APPEAL
71 MOUNT VERNON STREET
WINCHESTER, MASSACHUSETTS 01890
(781) 721-7115

SUPPORTING STATEMENT
REQUESTED FINDINGS

FORM 2F
SPECIAL PERMIT
(Non-conforming)
(1 and 2 Family)

Petitioner TODD KOSTERMAN + Stacey Trizarmy seeks a Special Permit

under Section 3.5 of the Winchester Zoning By-Law for the property located at

12 Lockeland Rd, and asks that the Board of Appeal make the following findings of fact in accordance with the provisions of Section 3.5 and 9.4 of the Winchester

Zoning By-Law and Massachusetts General Laws, Chapter 40A, Section 9.

1. The existing structure is non-conforming as to certain minimum yard set-back(s), lot area, lot frontage or lot width as follows:

THE LOT WIDTH DOES NOT MEET THE
MIN. REQUIRED 120 FT.

2. The evidence that the non-conformity pre-dates the yard set-back, lot area, lot frontage or lot width requirement of the Zoning By-Law or was permitted under relief granted by the Board of Appeal is:

THE HOUSE @ 12 LOCKELAND RD WAS
BUILT IN 1952.

3. The proposed enlargement or extension of the structure will not be substantially more detrimental to the neighborhood than the existing non-conforming structure because:

THE ADDITIONAL GARAGE BAY AND FINISHED 2ND FLOOR AREA ABOVE WILL REMAIN IN KEEPING WITH THE MASSING AND STYLE OF THE EXISTING HOUSE.

Winchester Board of Appeals
Form 2F

4.

- (a) Community needs which are served by the proposal;

ENHANCEMENT OF WMB APPEAL.

- (b) Traffic flow and safety, including parking and loading;

NOT AFFECTED. EXISTING DRIVEWAY WILL BE REPAIRED.

- (c) Adequacy of utilities and other public services;

NO CHANGE

- (d) Impacts on neighborhood character, including the extent to which:

SEE
PLANS &
ELEVATIONS

- (i) Building forms and materials are compatible with the prevailing scale and character of buildings in the neighborhood;

- (ii) Architectural features add visual character to the neighborhood (for example, dormers, lintels, bay windows, open porches, chimneys); and

- (iii) Patterns and proportions of windows are consistent;

- (e) Adequacy of proposed screening and buffering;

- (f) Impacts on the natural environment, including but not limited to, changes in topography, installation of retaining walls, or the removal of mature trees;

* EXISTING MATURE TREE AT GARAGE SIZE WILL NEED TO BE REMOVED. DUE TO PROXIMITY OF ROOTS TO NEW FOUNDATION.

Winchester Board of Appeals
Form 2F

(g) Fiscal impacts, including impact on town services, tax base and employment;
and

(h) Impacts of Historic Resources, as defined in Section 10 of this Bylaw.

*Addition is in keeping with the existing style & type
for this house.*

NOTE: It is anticipated that many of the above questions may be answered by the submission of plans.

If the SPGA disagrees with the recommendation of any other town agencies or officials, it shall explain its position in its written decision.

The rights authorized by a special permit expire two years from the date the decision is filed with the Town Clerk unless exercised or extended in accordance with the terms of Massachusetts General Laws, Chapter 40A, Section 9.

Date: 01/07/2020

SIGNATURE
(Petitioner/Agent)

Robert G. Dixon

Address

12 JOHNSON RD

Tel No.

781-218-9489

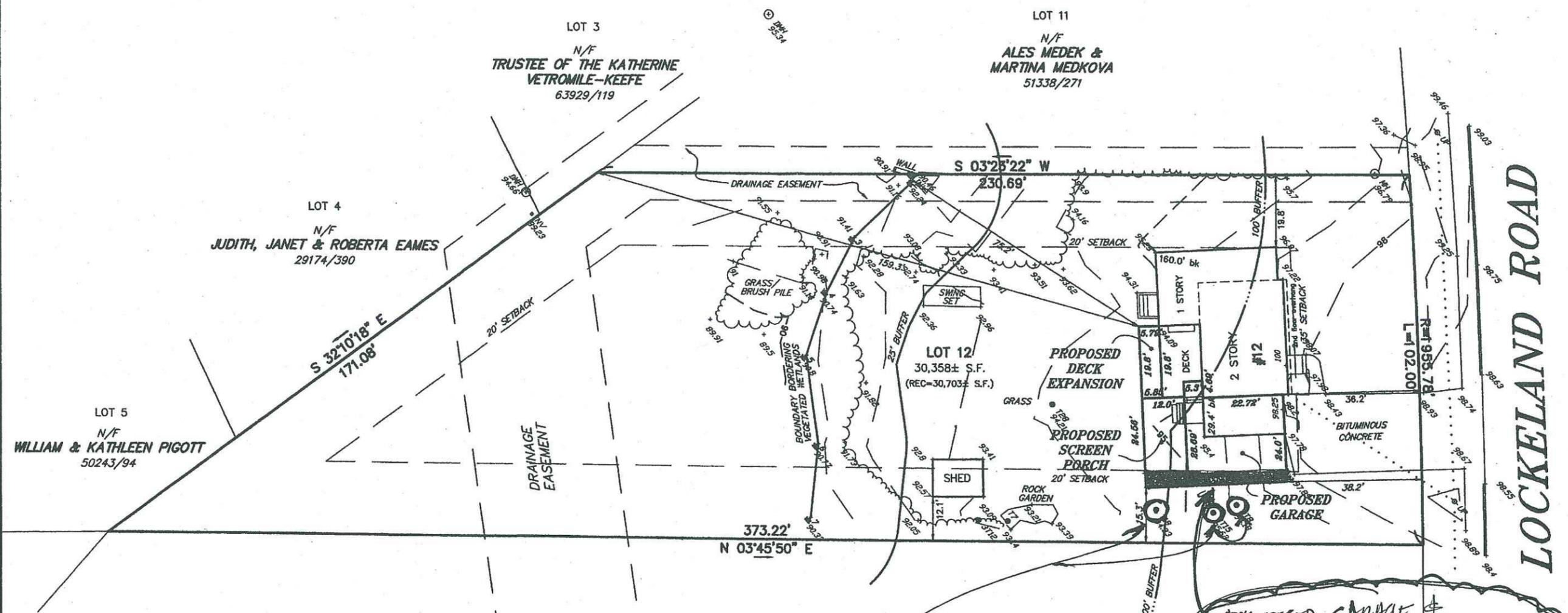
Click on the Column Headings to sort accordingly.
Click on the Parcel ID to view the parcel detail.

Parcel ID	Location	Owner	Built Type	Total Value	Beds Baths	Lot size Fin area	LUC Description	NHood	Sale date Sale price	Book Page
23 121 0	12 LOCKELAND RD	KOSTERMAN TODD + S IRIZARRY	1952 COLONIAL	\$863,600	4 1	30,705 2,476	101 ONE FAM	ZB	12/29/2009 \$600,000	54067-117

294^{sq} ADDED COVERED PORCH @ REAR
 127^{sq} ADDED UNCOVERED DECK @ REAR
 2,476 - AREA OF EXIST. HOUSE.
 452^{sq} - ADDED GARAGE & MUD ROOM @ 1ST FLOOR
 428^{sq} - ADDED AREA OF MASTER SUITE @ 2ND FLOOR -
 3,356 - TOTAL AREA -

MATERIALS LIST

- * EXTERIOR SIDING - NEW TO MATCH EXISTING RED CEDAR OR EQ.
- * NEW REAR PORCH TRIM - BORAL - MINATEK OR EQ - SEMI GLOSS OR SATIN NO HIGH GLOSS.
- * REAR PORCH DECKING - AZEK OR EQ - NAT. WOOD. FIN T&B.
- * NEW EXTERIOR TRIM - TO MATCH EXISTING - SIZE & SCALE - MINATEK OR BORAL - SEMI GLOSS OR SATIN.
- * NEW GARAGE DOORS - PAINT GRADE WOOD OR SYNTHETIC - MATCH BODY COLOR OF MAIN HOUSE.
- * NEW ROOF SHINGLES - TO MATCH COLOR OF EXISTING ASPHALT SHINGLES



LOCKELAND ROAD

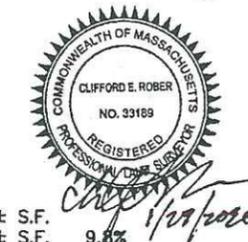
see FULL SIZE SURVEY INCLUDED - Guy

THESE 3 TREES
MAY NEED TO BE
REMOVED DUE TO
PROXIMITY TO NEW
FOUNDATION.

PROPOSED GARAGE &
DECK WILL BE OVER THE
SIDE SETBACK BY APPX 3'-0" @
THE FRONT AND APPX. 5'-0" @ THE REAR.

OWNER: TODD KOSTERMAN AND STACEY IRIZARRY

ZONING DISTRICT: RDA (RESIDENCE DISTRICT A)		EXISTING	PROPOSED
FRONT SETBACK:	REQ. 35'	36.2'	36.2'
SIDE SETBACK:	20'	29.4'	15.3'
REAR SETBACK:	20'	160.0'	159.3'
MINIMUM GREENSPACE:	35%	91.1%	88.5%
MAXIMUM HARDSCAPE:	35% OF OPEN (7,437)	2.9% (830)	2.8% (775± S.F.)
MINIMUM OPEN SPACE:	70% (21,250±)	93.9% (28,503)	91.1% (27,665± S.F.)
LOT COVERAGE:		6.1%	8.8%
LOT SIZE:	30,358± S.F.		



WITHIN 100' BUFFER

TOTAL BUFFER AREA	11,058± S.F.
EXISTING IMPERVIOUS AREA	1,086± S.F. 9.8%
PROPOSED IMPERVIOUS AREA	1,401± S.F. 12.6%

CONSERVATION PLAN
IN
WINCHESTER, MA
(MIDDLESEX COUNTY)

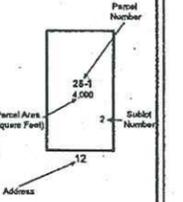
SCALE: 1" = 20' DATE: JANUARY 27, 2020

ROBER SURVEY
1072A MASSACHUSETTS AVENUE
ARLINGTON, MA 02476
(781) 648-5533

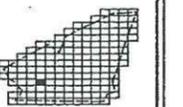
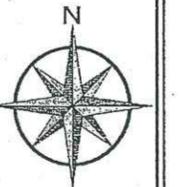
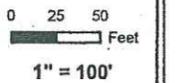
NOTE: WETLAND BOUNDARY LINE DELINEATED BY LEC ENVIRONMENTAL, JANUARY 10, 2020.



Legend



- STREAM
- RAILROAD
- LAKE, POND, RIVER
- WETAREA

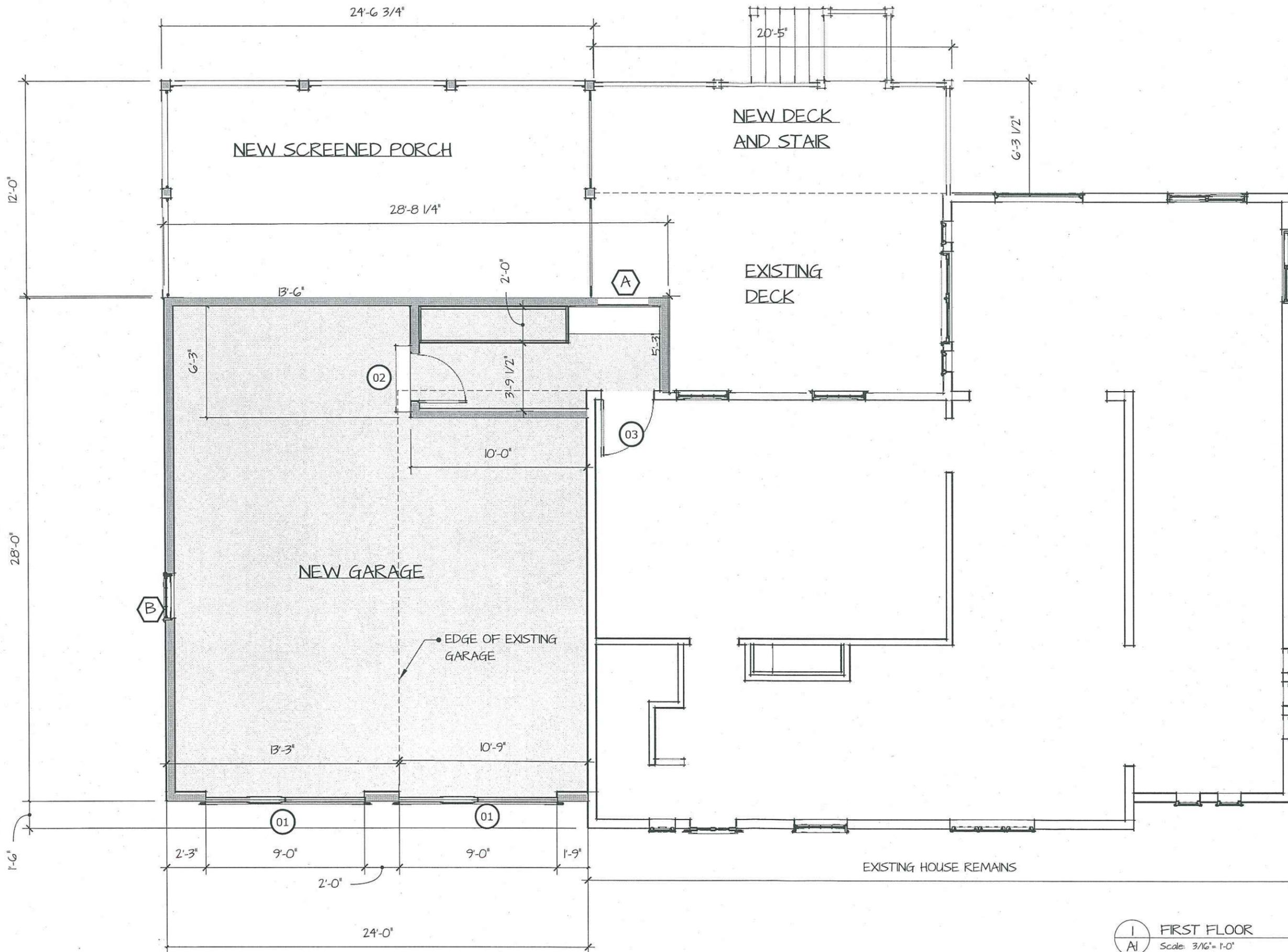


97	98	99
109	110	111
120	121	122

Map
110

May 25, 2006





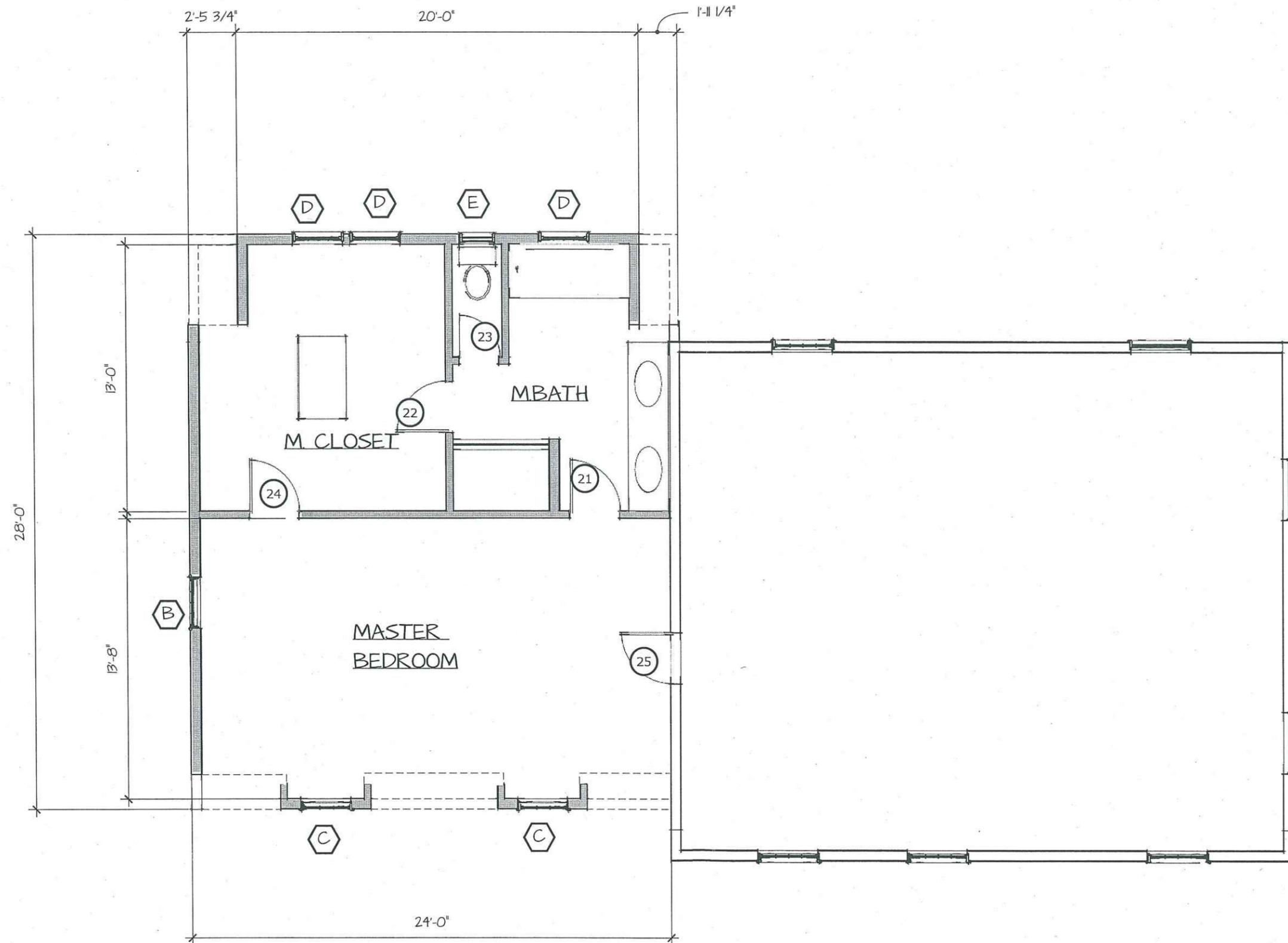
1 FIRST FLOOR
AI Scale: 3/16" = 1'-0"

GUY DIXON, AIA
RESIDENTIAL ARCHITECTURE
781-218-9489
guydixonarchitect@gmail.com

Kosterman Irizarry
12 Lockeland
Winchester, MA 01890

FIRST FLOOR

01/13/2020
A-11



2 SECOND FLOOR
 AI Scale: 3/16" = 1'-0"

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 guydixonarchitect@gmail.com

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 12 Lockeland
 Winchester, MA 01890

SECOND FLOOR

01/13/2020
 A-1.2

HEIGHT OF NEW
RIDGE TO MATCH
EXISTING

EXISTING MAIN HOUSE
HEIGHT TO REMAIN UN-CHANGED



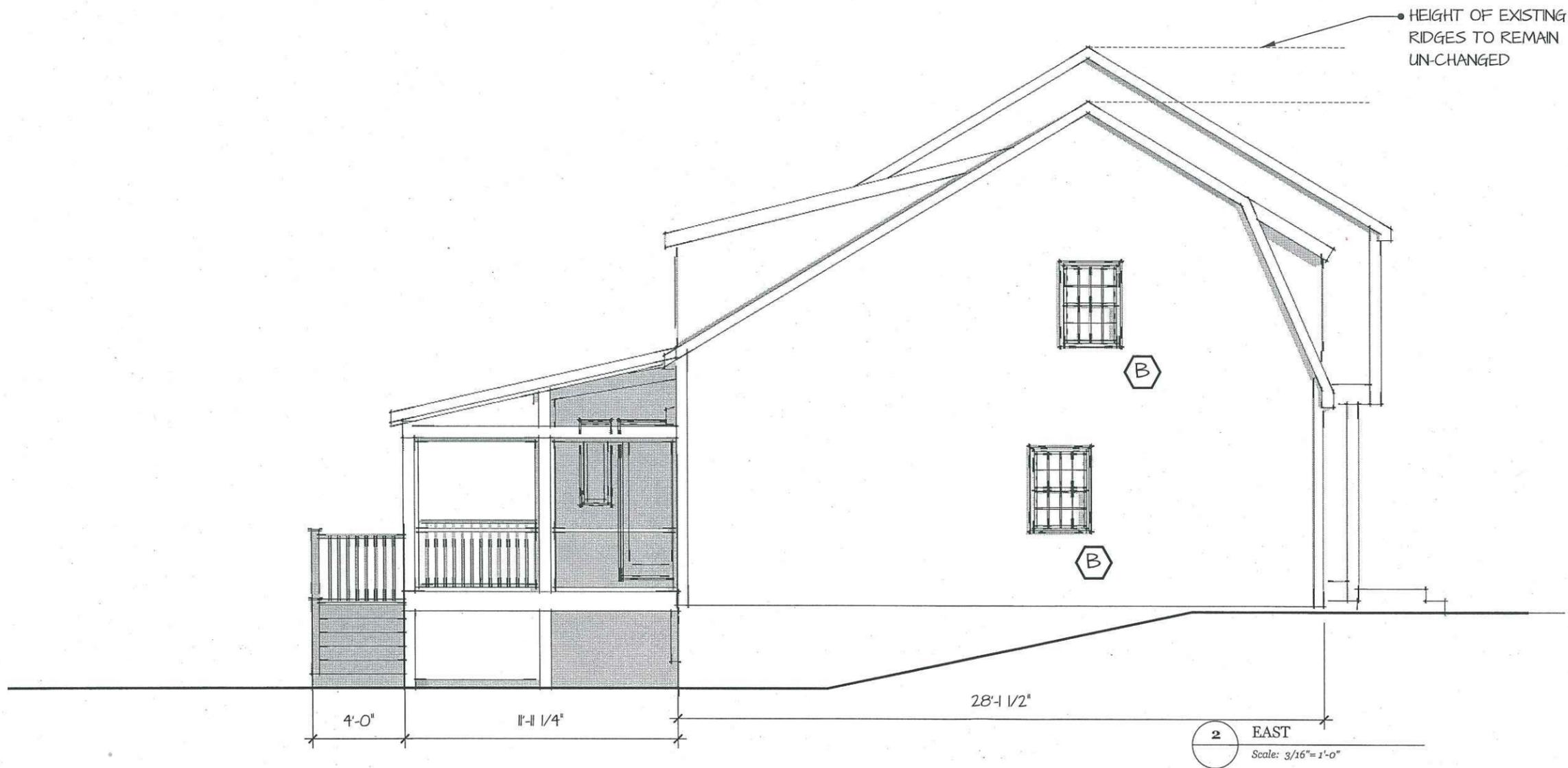
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NORTH ELEVATION

01/13/2020

A-2.1



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EAST ELEVATION

01/13/2020

A-2.2



4 SOUTH
Scale: 3/16" = 1'-0"

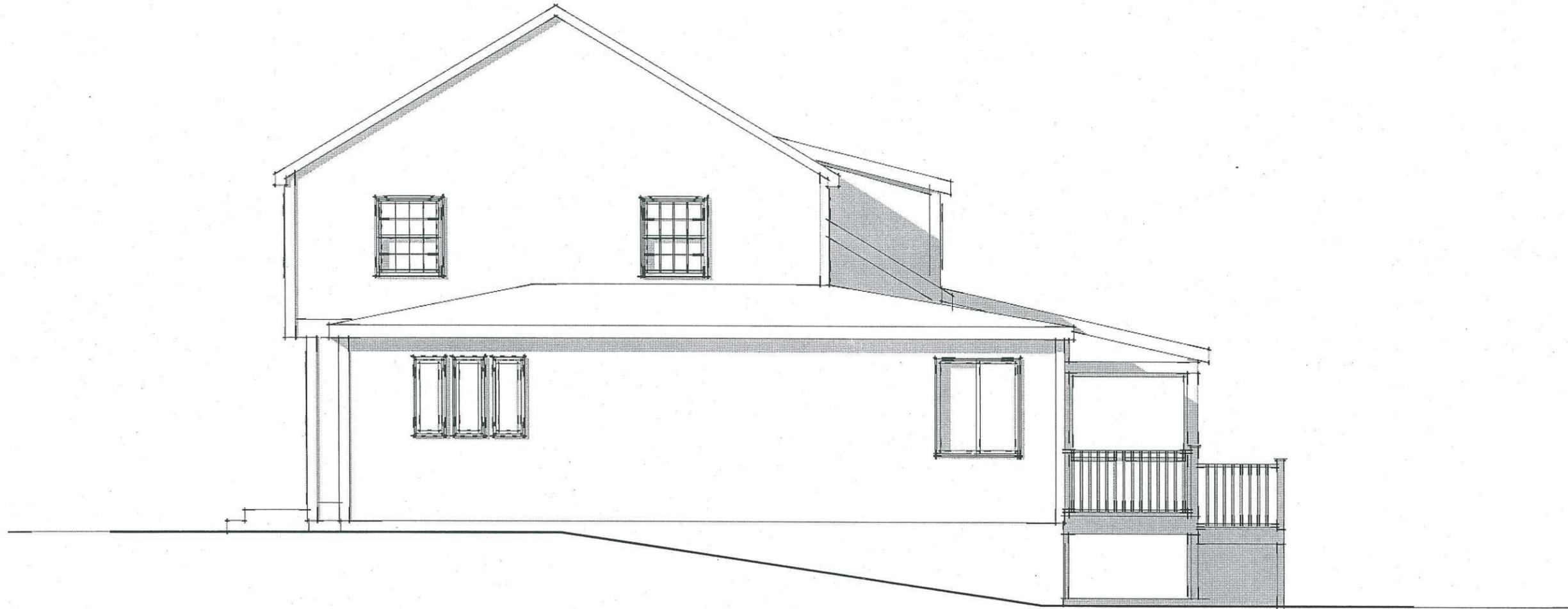
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12 Lockeland
Winchester, MA 01890

SOUTH ELEVATION

01/13/2020

A-2.3



3 WEST
Scale: 3/16" = 1'-0"

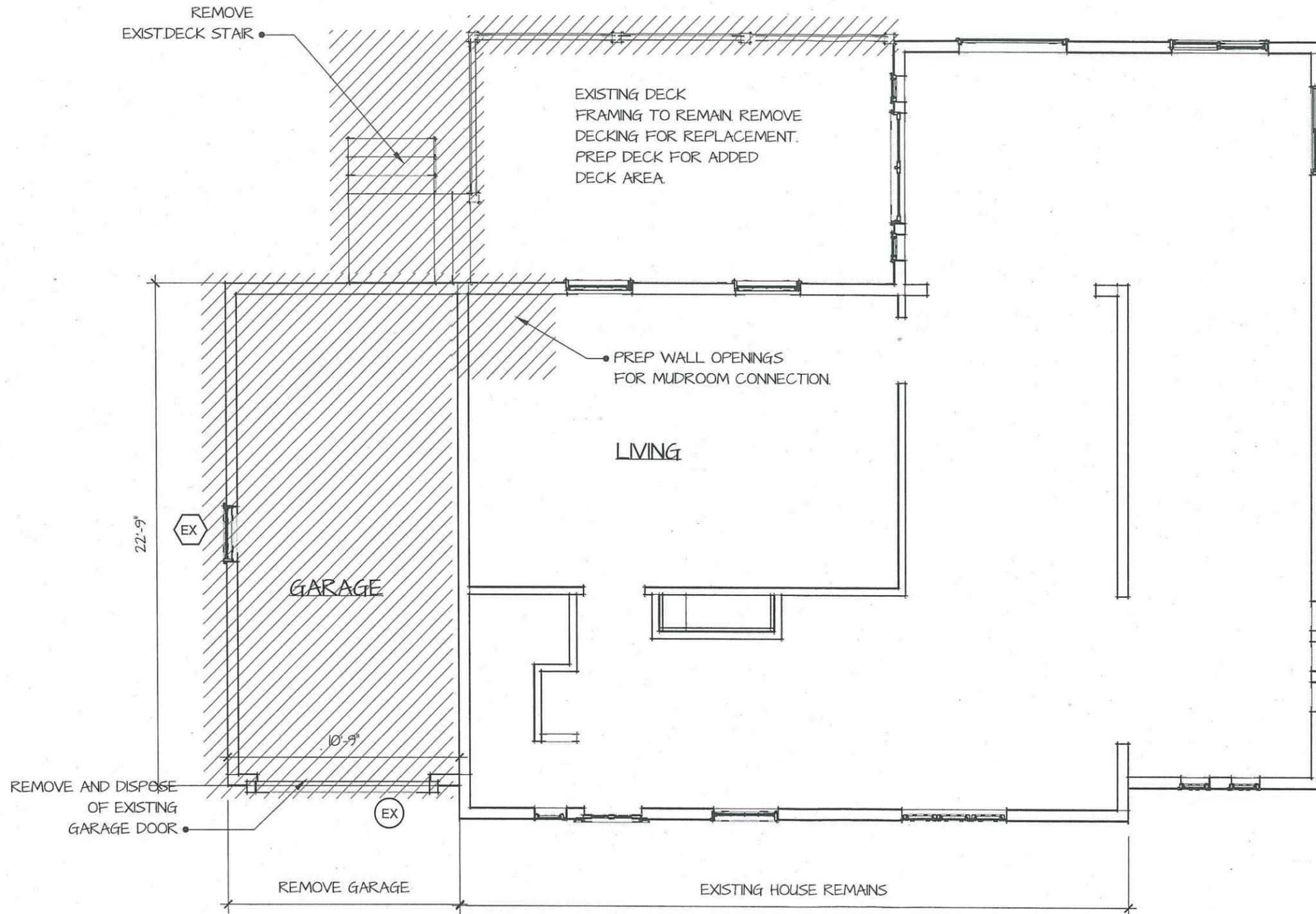
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Winchester, MA 01890

WEST ELEVATION

01/13/2020

A-2.4



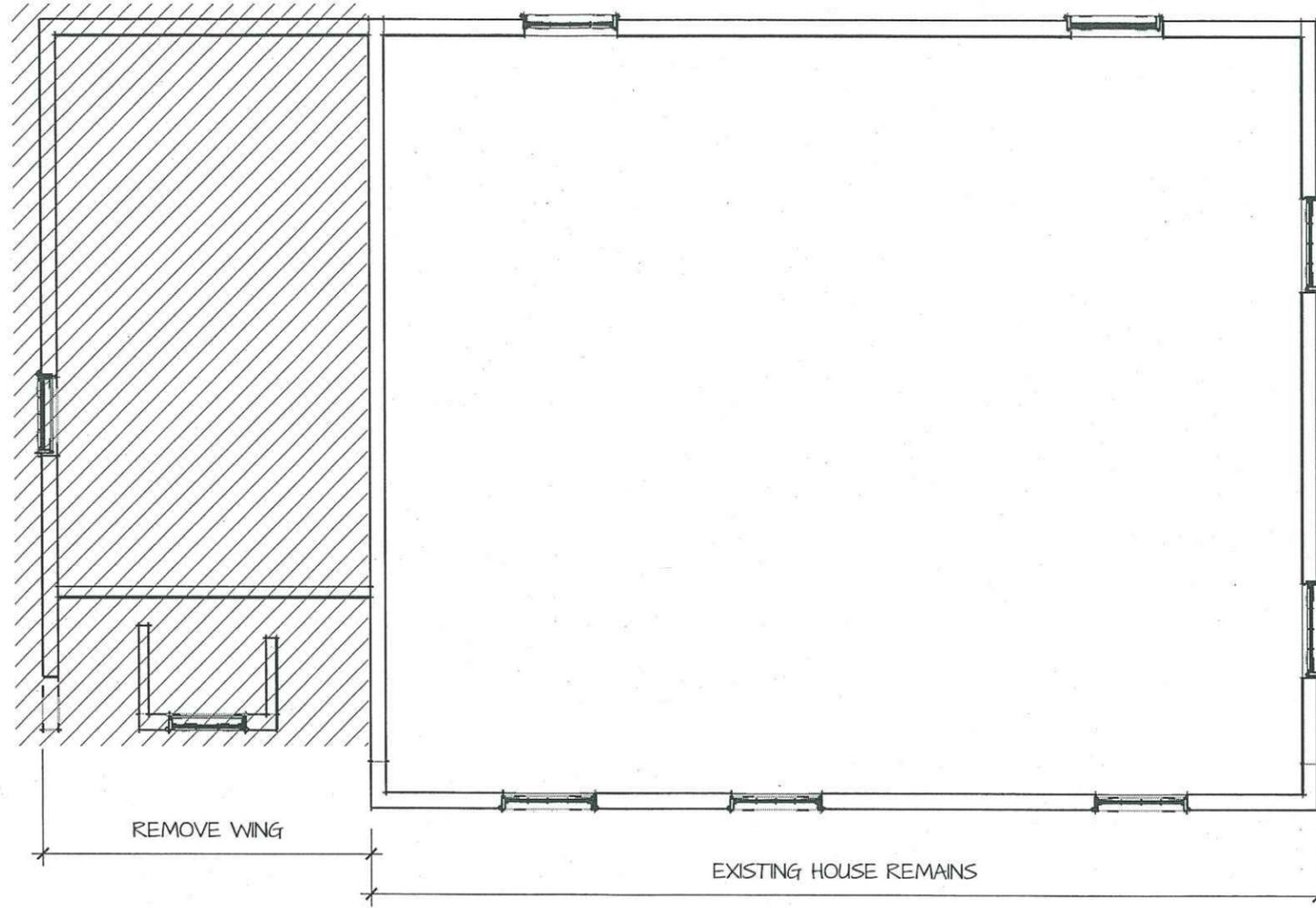
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 781-218-9489
 guydixonarchitect@gmail.com

Kosterman Irizarry
 12 Lockeland
 Winchester, MA 01890

FIRST FLOOR
 DEMOLITION

01/13/2020

D-II



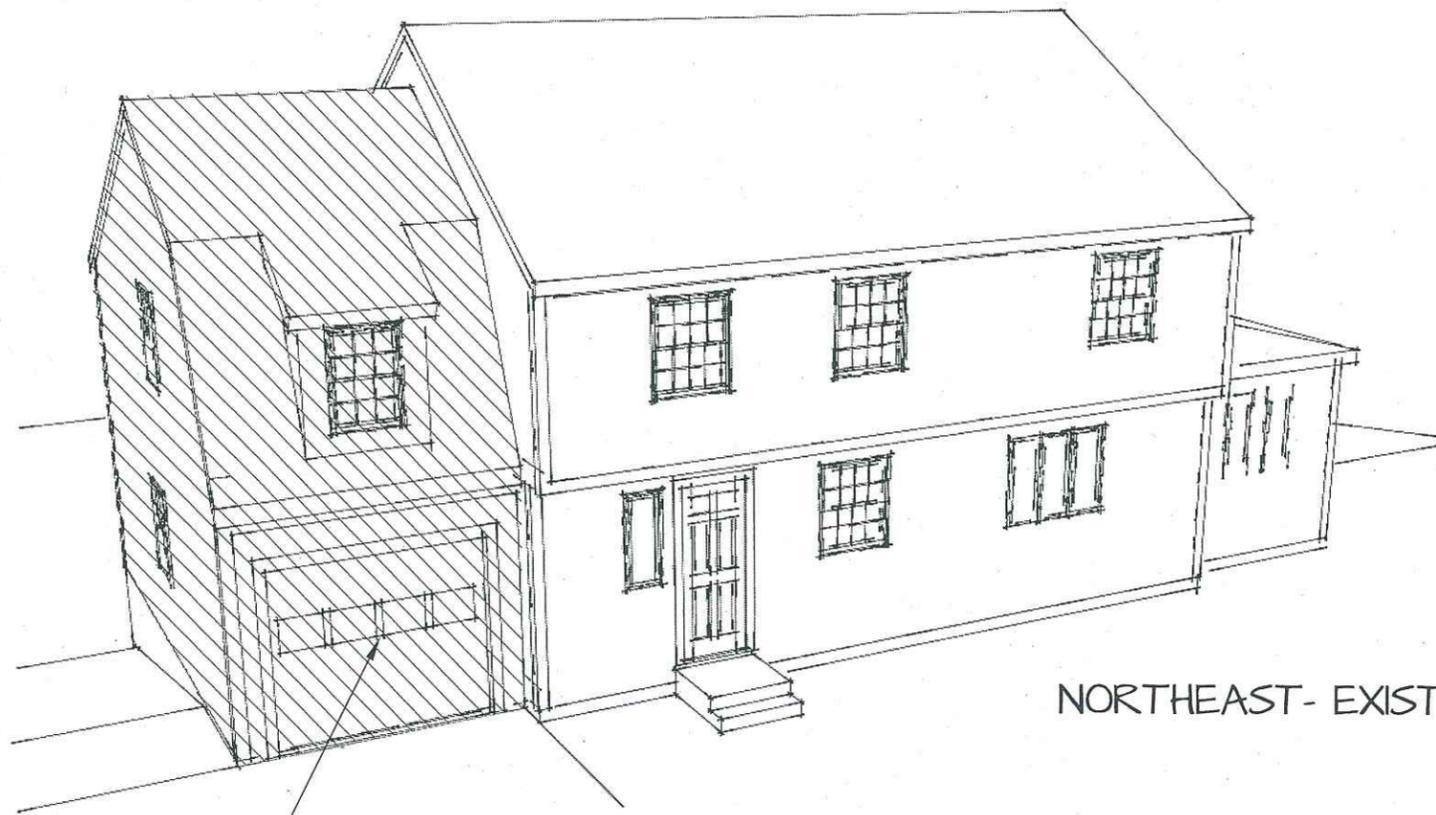
SECOND FLOOR
DEMOLITION

01/13/2020

D-1.2

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12 Lockeland
Winchester, MA 01890

GUY DIXON, AIA
RESIDENTIAL ARCHITECTURE
781-218-9489
guydixonarchitect@gmail.com



● EXISTING ONE BAY GARAGE
WING TO BE REMOVED.

NORTHEAST- EXISTING



NORTHEAST- NEW

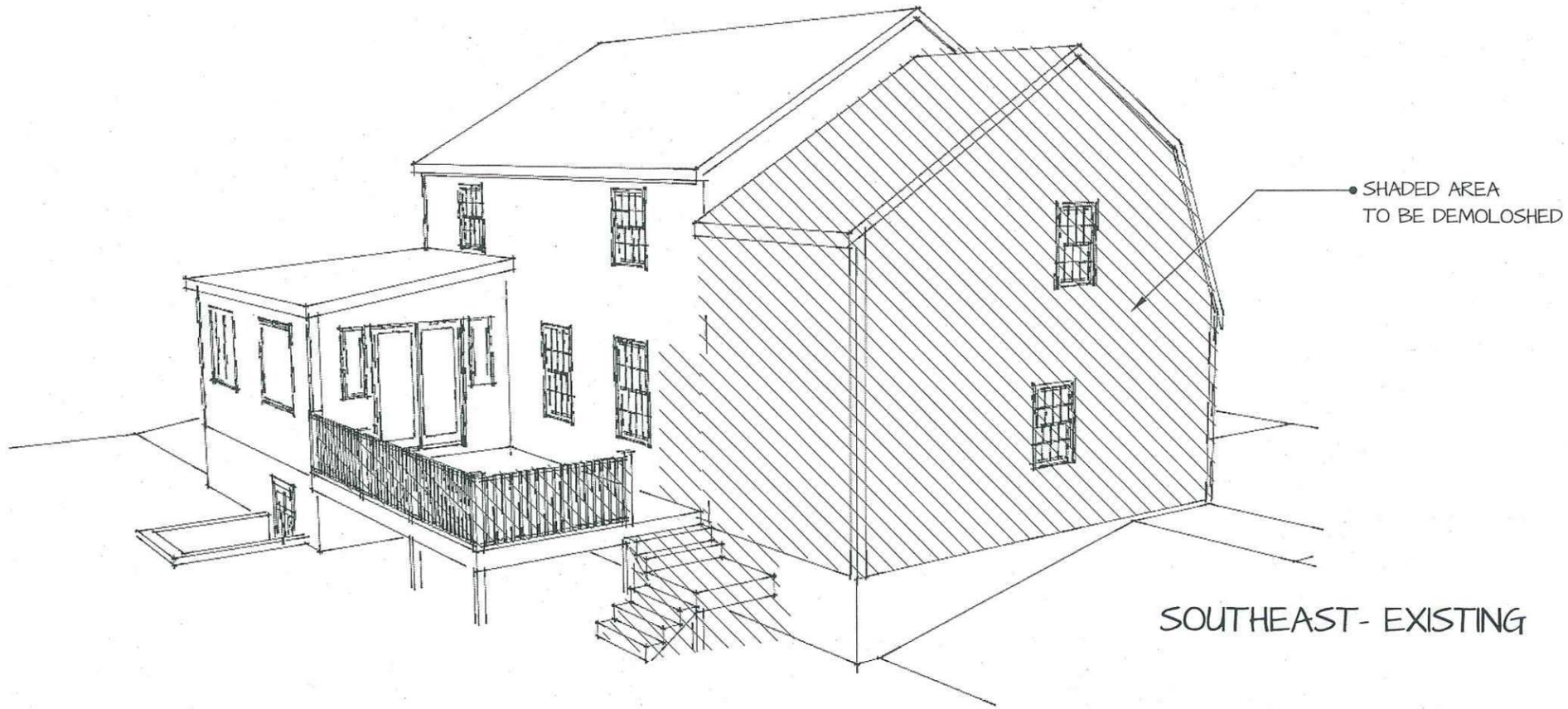
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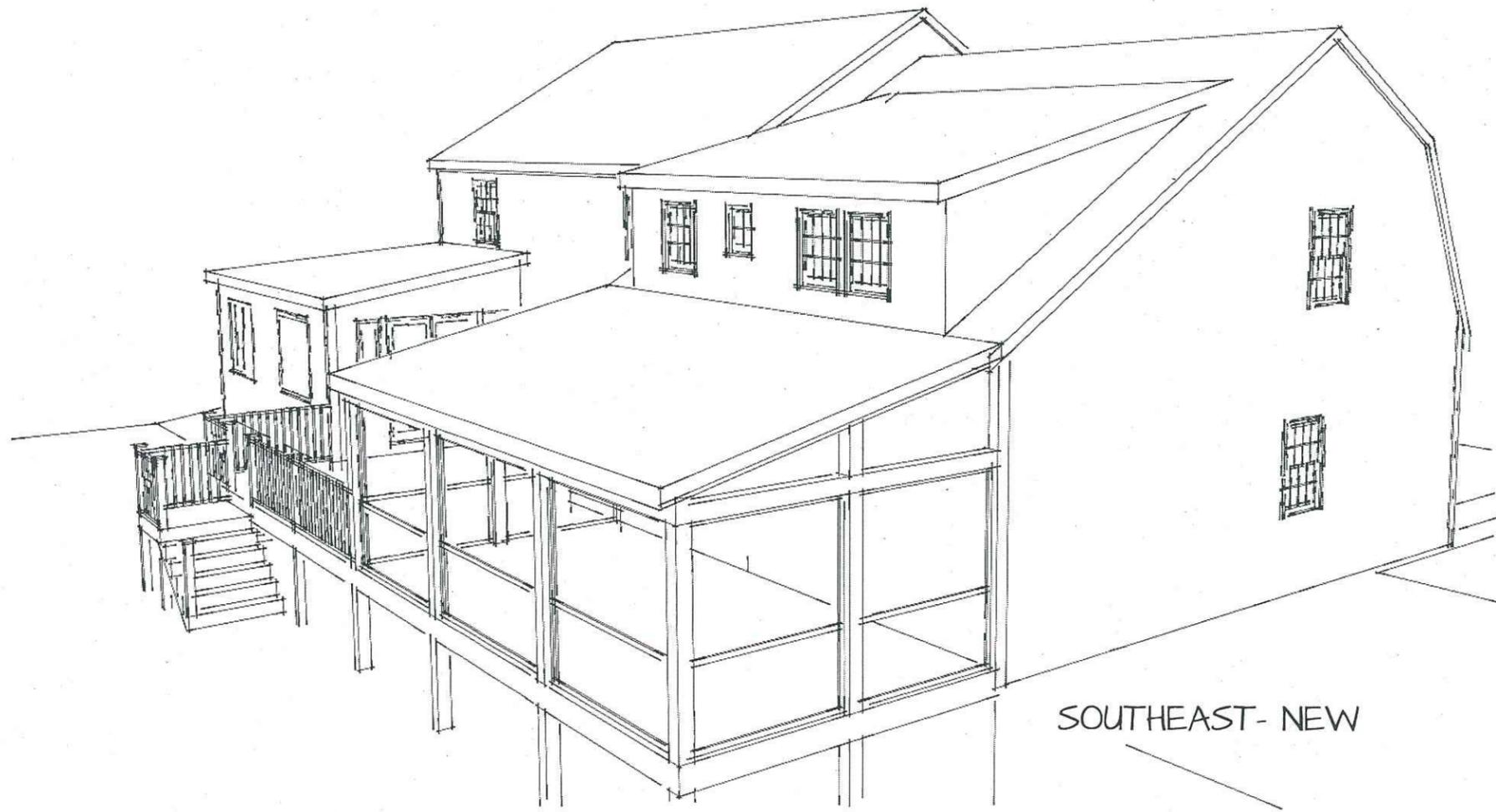
NE PERSPECTIVES

01/13/2020

A-4.1



SOUTHEAST- EXISTING



SOUTHEAST- NEW

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guydixonarchitect@gmail.com

Kosterman Irizarry
12 Lockeland
Winchester, MA 01890

SE PERSPECTIVES

01/13/2020

A-4.2

Storm water runoff calcs -

2/10/2020
RBT

$$V = Q \times \text{TIME}$$

V = volume

$$V = \frac{17.95 \text{ gal}}{\text{min}} \times 30 \text{ min (retention)}$$

$$V = 538.5 \text{ gal.}$$

for all additional roofs
inside & outside of
the 100 FT wetlands
BOUNDARY.

Q = Runoff in gal./min.

$$Q = C \times I \times A / 96.23$$

I = intensity

A = AREA

C = drainage coefficient of material (asphalt shingles)

$$Q = 1 \times 1.75 \times 987 / 96.23 = 17.95$$

↑ 25 yrs
storm
rainfall RATE

$$Q = 17.95 \text{ gal./min.}$$

+ AREA - INSIDE
BOUNDARY - 315

+ ADD
AREA OUTSIDE
BOUNDARY - 672

Total
Area roof 987

of Flo - Wells needed $\left(\frac{QTK}{-4-} \right)$

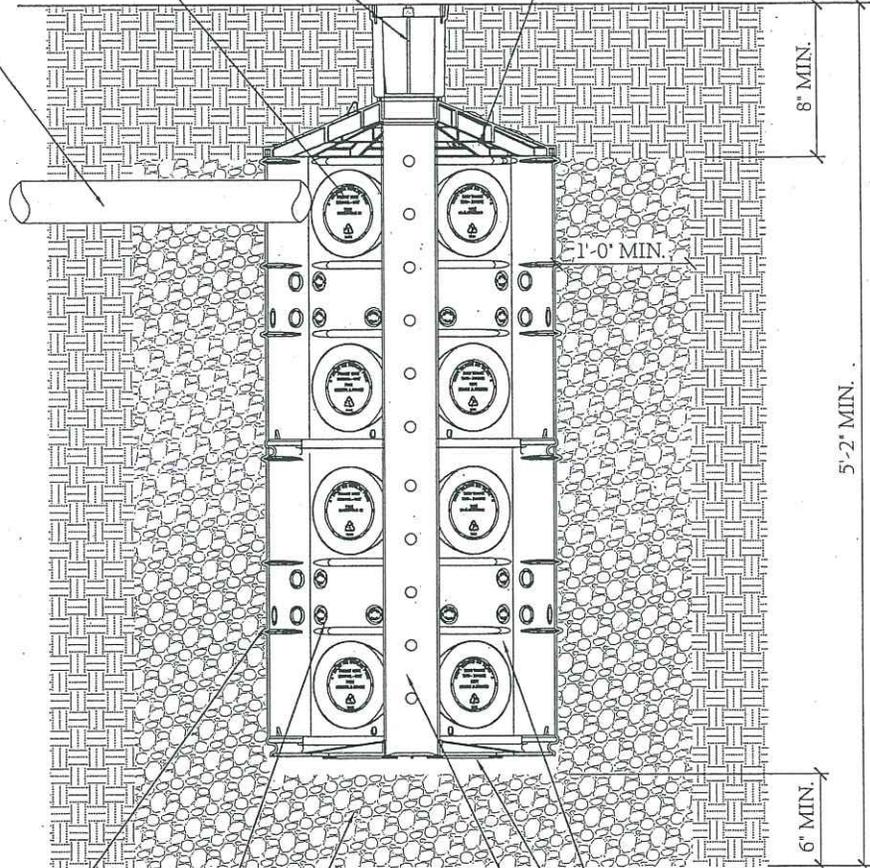
FWSD69 4" SCH. 40
SURFACE DRAIN INLET
WITH GRATE

4" DIA. DRAINAGE CONNECTION
HOLES. UTILIZE HOLES AS NEEDED
FOR INLETS AND OUTLETS.

4" PVC INLET W/
1% MIN. SLOPE.

FWAS24C 24" DIA.
FLOW WELL COVER.

FINISHED GRADE



FWFF67 POROUS
FILTER FABRIC WRAP.

1" DIA. PERCOLATION HOLE KNOCK
OUTS. SCORE AND KNOCK OUT ALL
HOLES BEFORE WRAPPING THE
FLOW WELL WITH LANDSCAPE
FABRIC.

$\frac{3}{4}$ " TO $1\frac{1}{2}$ " CLEAN GRAVEL
BACKFILL RECOMMENDED.

FWSPS3 (3) FLOW
WELL SIDE PANELS.

FWBP24 24" DIA. FLOW
WELL BOTTOM.

4" SCH40 PERFORATED PIPE
COLUMN FOR STRUCTURAL
STABILITY IN LOAD BEARING
APPLICATIONS.

NOTE:

- MUST BE INSTALLED 10' AWAY FROM STRUCTURE OR FOUNDATION.
- FWAS24 KIT DOES NOT COME WITH FWBP24 BTM.
- REFERENCE FLO-WELL CALCULATOR ON NDSPRO.COM



TECHNICAL SERVICES
1-888-825-4716
techservice@ndspro.com

NDS FLO-WELL™ GRAVEL INSTALLATION.

LIGHT VEHICULAR LOAD 'A' & 'B' INSTALLATION STACKED.

N.T.S.

FWSD69 4" SCH. 40
SURFACE DRAIN INLET
WITH GRATE

FWAS24C 24" DIA.
FLOW WELL COVER.

4" PVC INLET W/
1% MIN. SLOPE

FINISHED GRADE

FWFF67 POROUS
FILTER FABRIC WRAP.

1" DIA. PERCOLATION HOLE KNOCK
OUTS. SCORE AND KNOCK OUT ALL
HOLES BEFORE WRAPPING THE
FLOW WELL WITH LANDSCAPE
FABRIC.

3/4" TO 1 1/2" CLEAN GRAVEL
BACKFILL RECOMMENDED.

1'-0" MIN.

8" MIN.

3'-2" MIN.

6" MIN.

FWSPS3 (3) FLOW
WELL SIDE PANELS.

FWBP24 24" DIA. FLOW
WELL BOTTOM.

4" DIA. DRAINAGE CONNECTION
HOLES. UTILIZE HOLES AS NEEDED
FOR INLETS AND OUTLETS.

NOTE:

- MUST BE INSTALLED 10' AWAY FROM STRUCTURE OR FOUNDATION.
- FWAS24 KIT DOES NOT COME WITH FWBP24 BTM.
- REFERENCE FLO-WELL CALCULATOR ON NDSPRO.COM

NDS FLO-WELL™ GRAVEL INSTALLATION.

NON LOAD BEARING INSTALLATION LATERAL CONNECTION.



TECHNICAL SERVICES
1-888-623-4776
techservice@ndspro.com

N.T.S.

FWSD69 4" SCH. 40
SURFACE DRAIN INLET
WITH GRATE

4" PVC INLET W/
1% MIN. SLOPE.

FWAS24C 24" DIA.
FLOW WELL COVER.

FINISHED GRADE

8" MIN.

1'-0" MIN.

3'-2" MIN.

6" MIN.

FWFF67 POROUS
FILTER FABRIC WRAP.

1" DIA. PERCOLATION HOLE KNOCK
OUTS. SCORE AND KNOCK OUT ALL
HOLES BEFORE WRAPPING THE
FLOW WELL WITH LANDSCAPE
FABRIC.

FWSPS3 (3) FLOW
WELL SIDE PANELS.

FWBP24 24" DIA. FLOW
WELL BOTTOM.

$\frac{3}{4}$ " TO $1\frac{1}{2}$ " CLEAN GRAVEL
BACKFILL RECOMMENDED.

4" DIA. DRAINAGE CONNECTION
HOLES. UTILIZE HOLES AS NEEDED
FOR INLETS AND OUTLETS.

NOTE:

- MUST BE INSTALLED 10' AWAY FROM STRUCTURE OR FOUNDATION.
- FWAS24 KIT DOES NOT COME WITH FWBP24 BTM.
- REFERENCE FLO-WELL CALCULATOR ON NDSPRO.COM



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techservice@ndspro.com

NDS FLO-WELL™ GRAVEL INSTALLATION.

NON LOAD BEARING INSTALLATION.

N.T.S.

FWSD69 4" SCH. 40
SURFACE DRAIN INLET
WITH GRATE

4" PVC INLET W/
1% MIN. SLOPE.

FWFF67 POROUS
FILTER FABRIC WRAP.

1" DIA. PERCOLATION HOLE KNOCK
OUTS. SCORE AND KNOCK OUT ALL
HOLES BEFORE WRAPPING THE
FLOW WELL WITH LANDSCAPE
FABRIC.

CLEAN COURSE SAND
BACKFILL.

FWAS24C 24" DIA.
FLOW WELL COVER.

FINISHED GRADE

8" MIN.

1'-0" MIN.

3'-2" MIN.

6" MIN.

FWSPS3 (3) FLOW
WELL SIDE PANELS.

FWBP24 24" DIA. FLOW
WELL BOTTOM.

4" DIA. DRAINAGE CONNECTION
HOLES. UTILIZE HOLES AS NEEDED
FOR INLETS AND OUTLETS.

NOTE:

- MUST BE INSTALLED 10' AWAY FROM STRUCTURE OR FOUNDATION.
- FWAS24 KIT DOES NOT COME WITH FWBP24 BTM.
- REFERENCE FLO-WELL CALCULATOR ON NDSPRO.COM

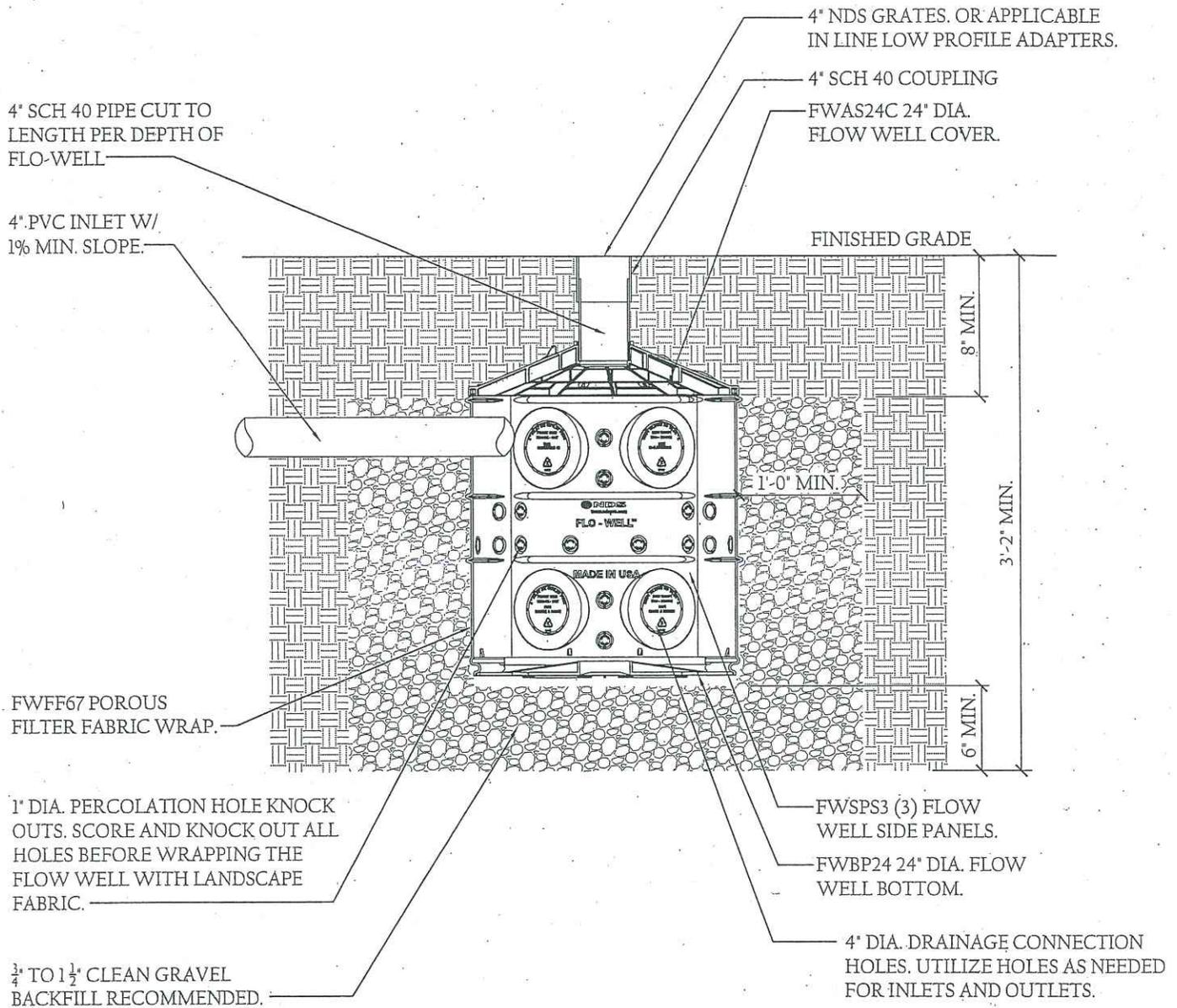


TECHNICAL SERVICES
1-888-825-4716
techservice@ndspro.com

NDS FLO-WELL™ SAND INSTALLATION.

NON LOAD BEARING INSTALLATION.

N.T.S.



NOTE:

- MUST BE INSTALLED 10' AWAY FROM STRUCTURE OR FOUNDATION.
- FWAS24 KIT DOES NOT COME WITH FWBP24 BTM.
- REFERENCE FLO-WELL CALCULATOR ON NDSPRO.COM

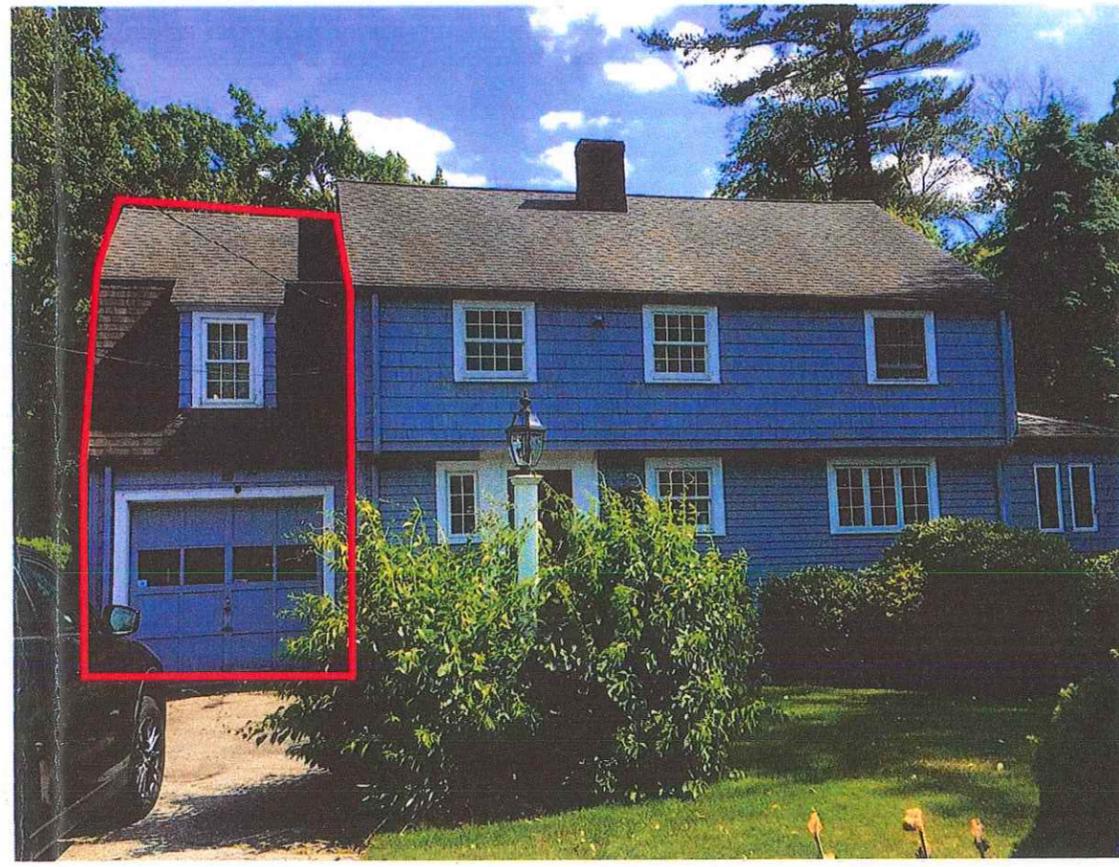
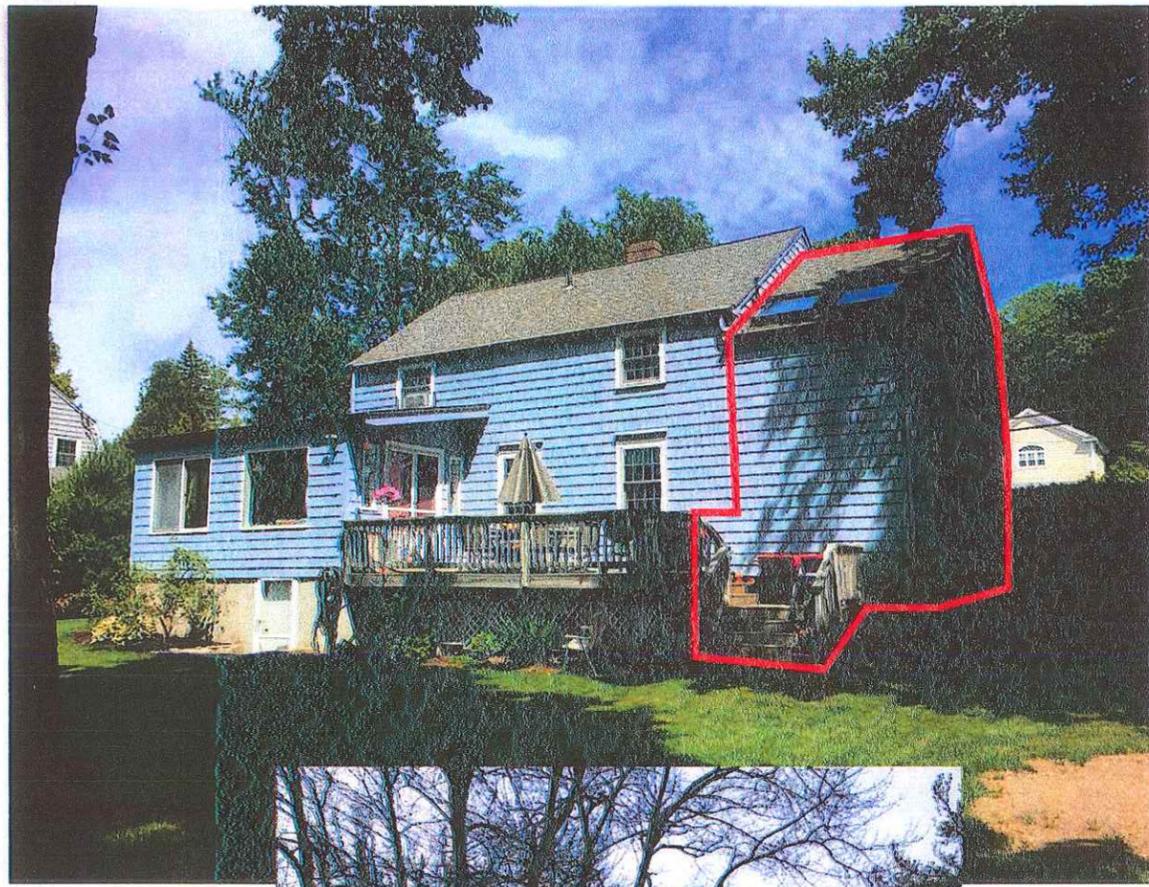


TECHNICAL SERVICES
1-888-825-4716
techservice@ndspro.com

NDS FLO-WELL™ GRAVEL INSTALLATION.

NON LOAD BEARING INSTALLATION. OPTIONAL SURFACE PORT CONFIGURATION.

N.T.S.

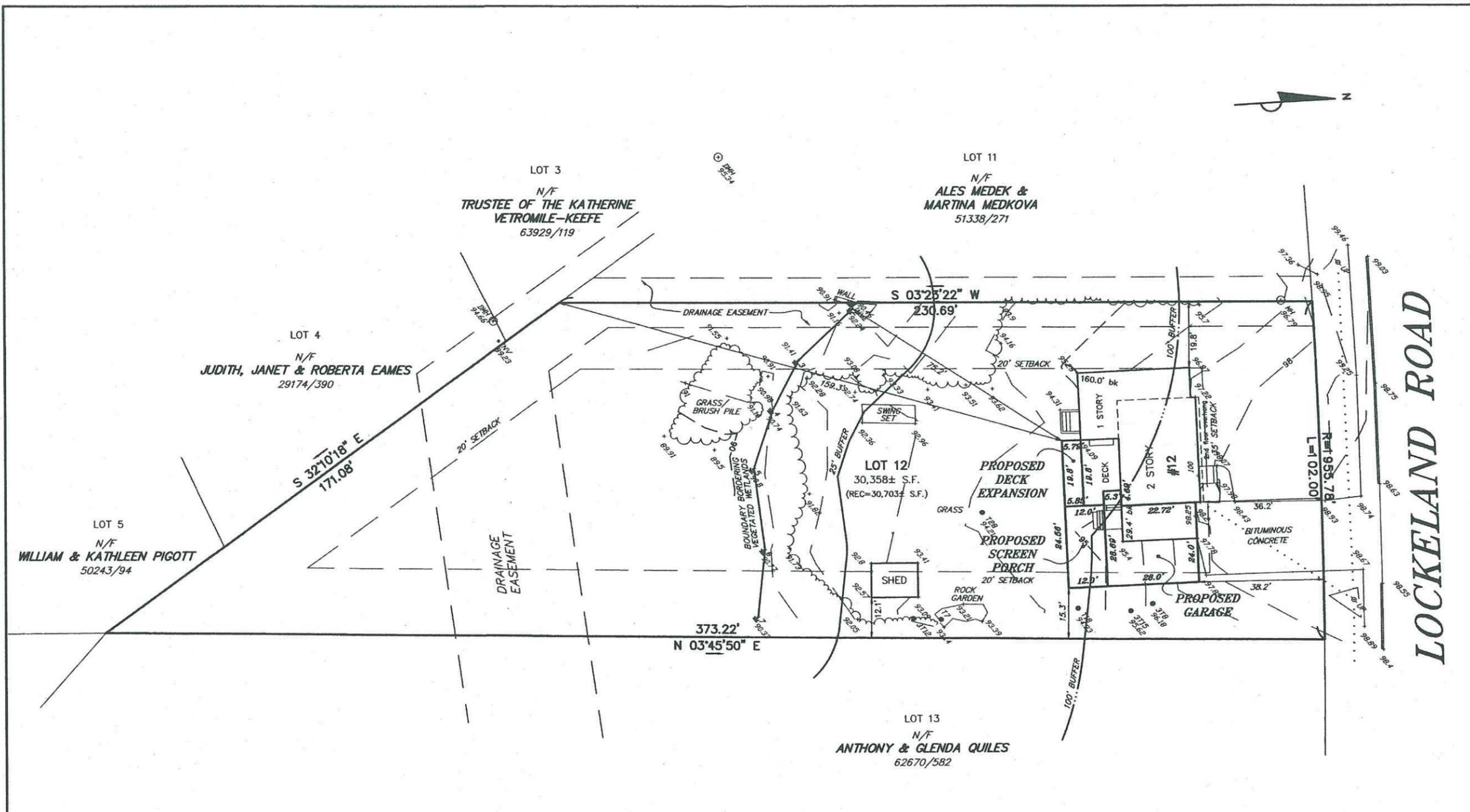


GUY DIXON, AIA
RESIDENTIAL ARCHITECTURE
781-218-9489
guydixonarchitect@gmail.com

Kosterman Irizarry
12 Lockeland
Winchester, MA 01890

EXISTING PHOTOS

EX



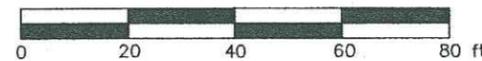
ZONING DISTRICT: RDA (RESIDENCE DISTRICT A)		EXISTING	PROPOSED
FRONT SETBACK:	REQ. 35'	36.2'	36.2'
SIDE SETBACK:	20'	29.4'	15.3'
REAR SETBACK:	20'	160.0'	159.3'
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WITHIN 100' BUFFER
 TOTAL BUFFER AREA 11,058± S.F.
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 PROPOSED IMPERVIOUS AREA 1,401± S.F. 12.6%



OWNER: TODD KOSTERMAN AND STACEY IRIZARRY

CONSERVATION PLAN
 IN
WINCHESTER, MA
 (MIDDLESEX COUNTY)
 SCALE: 1"= 20' DATE: JANUARY 27, 2020



ROBER SURVEY
 1072A MASSACHUSETTS AVENUE
 ARLINGTON, MA 02476
 (781) 648-5533
 6067PL1.DWG

NOTE: WETLAND BOUNDARY LINE DELINEATED BY LEC ENVIRONMENTAL, JANUARY 10, 2020.



RECEIVED
WINCHESTER ENG DEPT.

2020 FEB 18 PM 3:33

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a PUBLIC HEARING on MONDAY, MARCH 16, 2020 at 7:30 P.M. in the MYSTIC VALLEY ROOM, TOWN HALL, 71 MOUNT VERNON STREET, WINCHESTER, MA on the following matter:

PETITION NO. 3901 - That of MICHAEL CIMA and ELISABETTA CORTASI concerning the property at 184 MYSTIC VALLEY PARKWAY, WINCHESTER, MA. The petitioner is seeking a Special Permit from Section 3.5.5 of the Winchester Zoning By-Law in accordance with Chapter 40A, Section 9 of the Massachusetts General Laws so as to be permitted to construct an addition that will not meet the open space requirement and will be located closer to the side property line than permitted as of right. The property is located in the RDB (Single Residence) zoning district and contains 6,296 +/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed at the Building Department during regular office hours.

3901

TOWN OF WINCHESTER
BOARD OF APPEALS
71 MOUNT VERNON STREET
WINCHESTER, MASSACHUSETTS 01890
(781) 721-7115

RECEIVED
2020 FEB 14 AM 9:12

APPLICATION FOR
ZONING HEARING

FORM 2

Application Date Feb. 5, 2020

The undersigned hereby petitions the Board of Appeals for the following:
 Appeal Variance Special Permit Use Special Permit/Site Plan Review
 Special Permit Sign Special Permit (Pre-existing non-conforming structure) Site Plan Review

Property Address 184 Mystic Valley Pkwy Zoning District RDB

Area of Lot 6296 Frontage 52.93' Year Built 1911

Street Frontage is Public Way Subdivision Control Way Private Way

Petitioner's Name Michael Cima Address 184 Mystic Valley Pkwy
Winchester

Name Elisabetta Cortasi Address 184 Mystic Valley Pkwy.
Winchester

Name _____ Address _____

Brief Description of Work:
Addition to accommodate larger kitchen, master bedroom suite
with bath (not currently present), mud room, entry.

Applicants for an Appeal must complete Form 2A

Applicants for a Variance must complete Form 2B

Applicants for a Special Permit Use must complete Form 2C

Applicants for a Special Permit/Site Plan Review or Site Plan Review must complete Form 2D

Applicants for a Special Permit Sign must complete Form 2E

Applicants for a Special Permit Pre-existing Nonconforming 1 or 2 Family must complete Form 2F

Applicants for a Special Permit Pre-existing Non-conforming Other must complete Form 2G

FORM 2

The undersigned is () the owner of the subject property; or () the holder of a written option to purchase the subject property, or () the holder of a valid lease to the subject property. (Written authorization from the property owner must be submitted with the other application documents when the applicant is not the record owner of the property).

Record title to the subject property stands in the name (s) _____

Michael Cima, Elisabetta Cortesi

Address of owner of record _____

184 Mystic Valley Pkwy, Winchester

Title Reference:

(Unregistered land) Middlesex County Registry of Deeds; Book 36868, Page 120

(Registered land) Land Court Certificate of Title No. _____ Book _____, Page _____

Date of Recording: ~~2~~ 10-30-02

State briefly what building and structures currently exist on the premises:

Two story wood frame single family house and free standing shed.

Attorney, agent, or other representative acting for petitioner:

Name NA Address _____

Name _____ Address _____

Written evidence of agent's standing to represent petitioner may be requested.

Signed as a statement of fact under the pains and penalties of perjury, this <u>5th</u> day of <u>Feb</u> , 20 <u>20</u> .	
SIGNATURE <u>[Signature]</u> (Petitioner/Agent)	SIGNATURE <u>[Signature]</u> (Property Owner/Agent)
Address <u>184 Mystic Valley Pkwy</u>	Address <u>184 mystic valley pkwy</u>
Tel No. <u>781-729-8732</u>	Tel No. <u>781 729 8732</u>
Email address <u>mjcima@mit.edu</u>	Email address <u>ecortesi@verizon.net</u>

Note: Do not attempt to discuss the merits of your case with any member of the Board of Appeals at any time after filing this application and prior to the hearing thereon.

Winchester Board of Appeals
Form 2F

4. The proposed project will not adversely affect:

(a) Ingress and egress to the property and structures, because:

Ingress and egress are unchanged.

(b) Off-street parking and loading areas, because:

Off-street parking is unchanged.

(c) Refuse collection or disposal, because:

Refuse collection is unchanged.

(d) Screening or buffering of neighboring properties, because:

Screening is unchanged.

(e) Required yards and other open space, because:

Hard space and green space requirements are still met. Open space reduction is modest; going from 71.3% to 66.1%

(f) General compatibility of the structure with adjacent properties and other properties in the district, because:

Style of proposed addition will remain consistent with the original structure (1911). The home will remain a four bedroom with size similar to neighboring properties.

NOTE: It is anticipated that many of the above questions may be answered by the submission of plans.

The rights authorized by a special permit expire two years from the date the decision is filed with the Town Clerk unless exercised or extended in accordance with the terms of Massachusetts General Laws, Chapter 40A, Section 9.

Date: Feb. 5, 2020

SIGNATURE
(Petitioner/Agent)

Muh J. Chen

Address 184 Mystic Valley Pkwy Winchester

Tel No. 781-729-8732

TOWN OF WINCHESTER
BOARD OF APPEAL
71 MOUNT VERNON STREET
WINCHESTER, MASSACHUSETTS 01890
(781) 721-7115

SUPPORTING STATEMENT
REQUESTED FINDINGS

FORM 2F
SPECIAL PERMIT
(Non-conforming)
(1 and 2 Family)

Petitioner Michael Cirna, Elisabeta Cortes asks a Special Permit

under Section 3.5 of the Winchester Zoning By-Law for the property located at

184 Mystic Valley Pkwy and asks that the Board of Appeal make the following

findings of fact in accordance with the provisions of Section 3.5 and 9.4 of the Winchester

Zoning By-Law and Massachusetts General Laws, Chapter 40A, Section 9.

1. The existing structure is non-conforming as to certain minimum yard set-back(s) as follows:

lot size 6417 (10,000 required)
lot frontage 52.93' (80' required)
right side setback 6.5' (15' required)
left side setback 9.2' (15' required)
shed setback 0' (15' required)

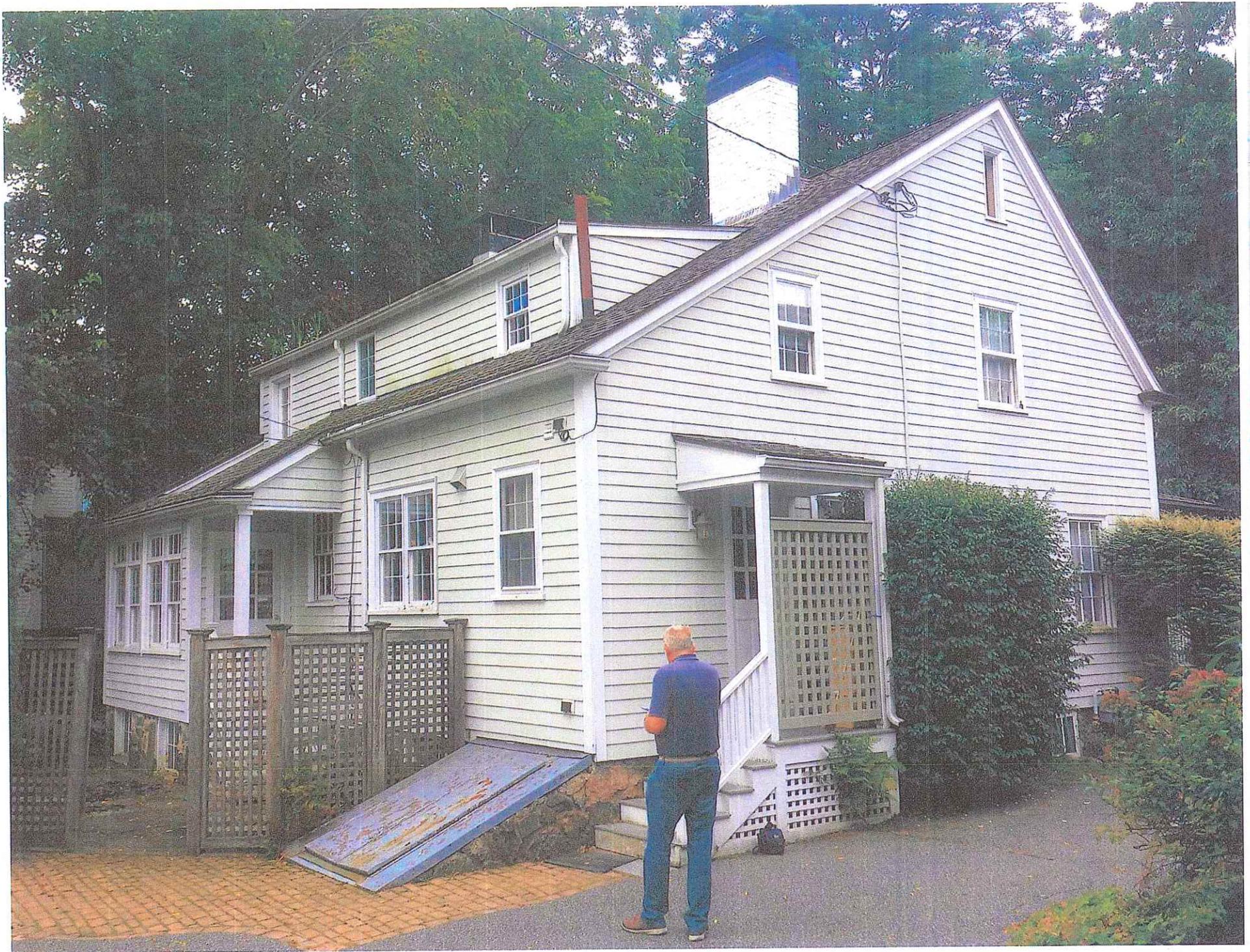
2. The evidence that the non-conformity pre-dates the yard set-back requirement of the Zoning By-Law or was permitted under relief granted by the Board of Appeal is:

We believe non conformities above
are original to the house circa 1911.

3. The proposed enlargement or extension of the structure will not be substantially more detrimental to the neighborhood than the existing non-conforming structure because:

Street facing side will not change.
The house remains a four bedroom home.
Its appearance will remain consistent
with neighboring homes.





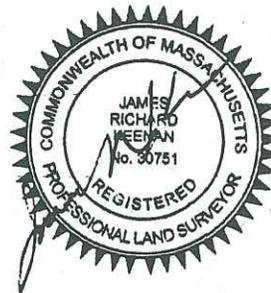




MYSTIC VALLEY PARKWAY

LEGEND	
STY. W.F.	STORY WOOD FRAME
BIT.	BITUMINOUS
CONC.	CONCRETE
S.F.	SQUARE FEET
BH	BULKHEAD
O/S	OFFSET TO LOT LINE
REC	RECORD PLAN
CALC	CALCULATED
SBDH	STONE BOUND DRILL HOLE
TBR	TO BE REMOVED

EXISTING		PROPOSED	
OPEN SPACE	71.3%	OPEN SPACE	66.1%
GREENSPACE	43.3%	GREENSPACE	41.7%
HARDSCAPE	28.0%	HARDSCAPE	24.4%



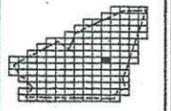
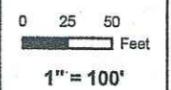
PROPOSED PLAN
IN
WINCHESTER, MASS.

SCALE: 1 IN. = 10 FT. JANUARY 13, 2020

KEENAN SURVEY
8 WINCHESTER PLACE, SUITE 208
WINCHESTER, MASS. 01890
781-729-4213

Legend

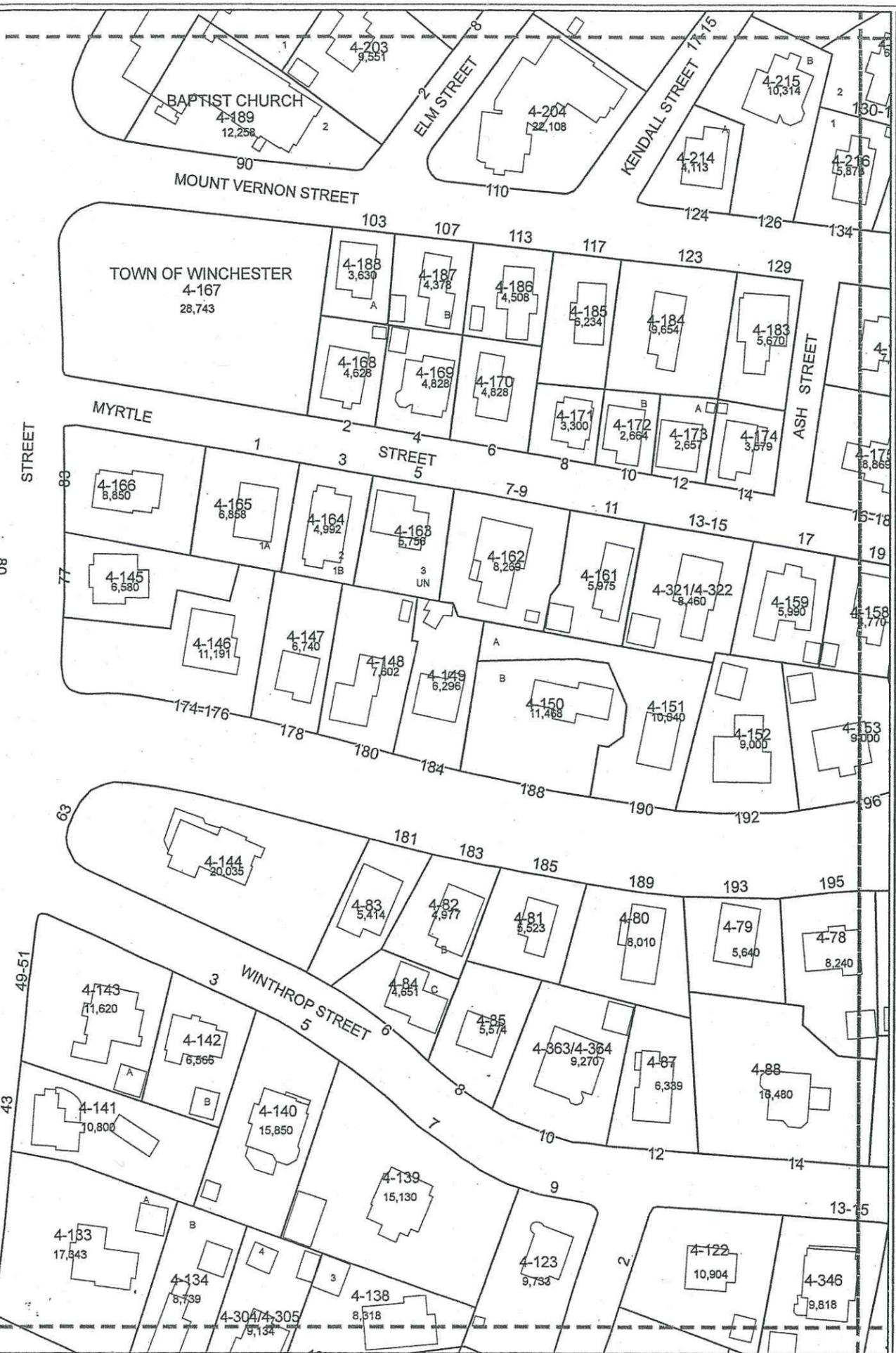
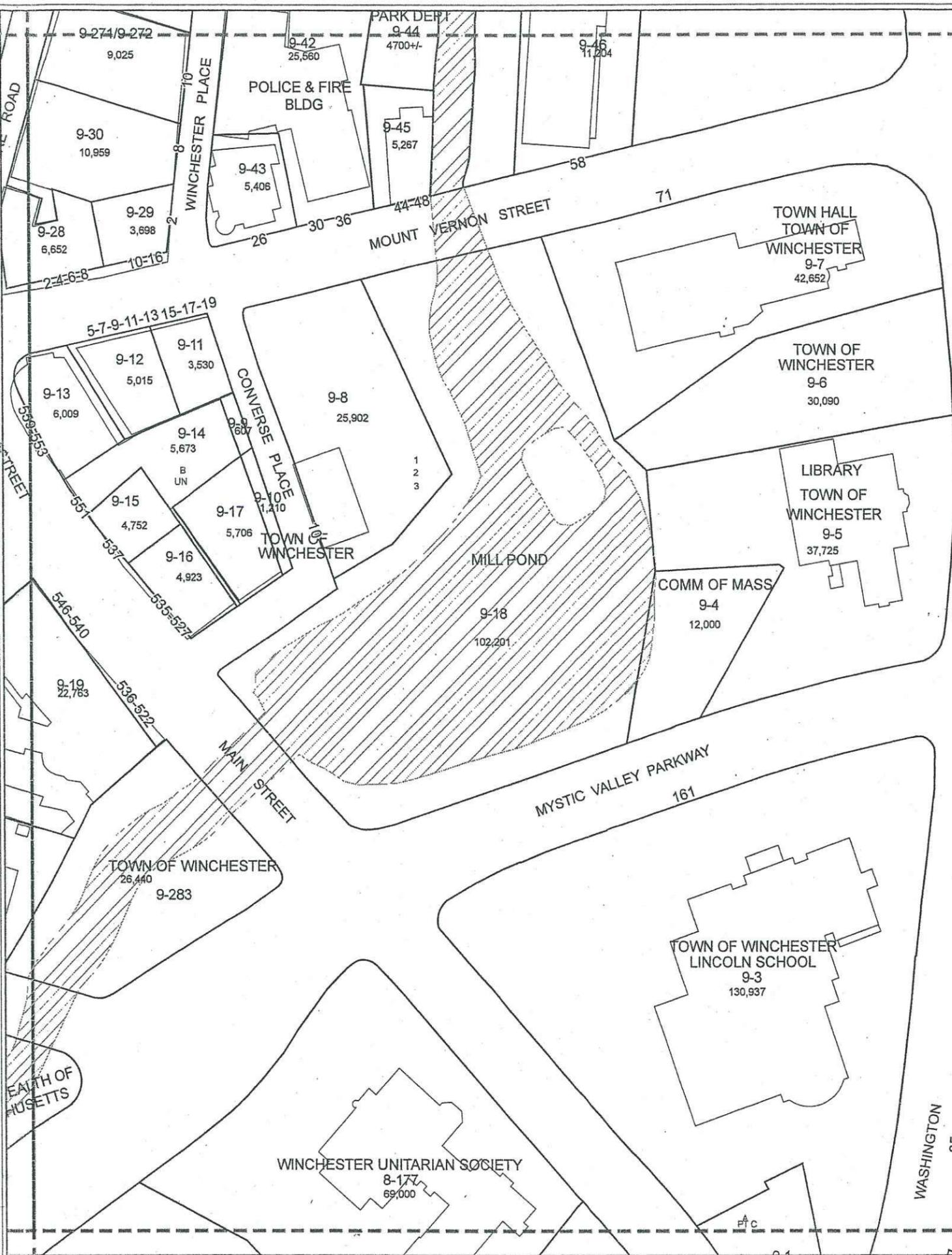
- Parcel Number
- Parcel Area (Square Feet)
- Address
- STREAM
- RAILROAD
- LAKE, POND, RIVER
- WET AREA

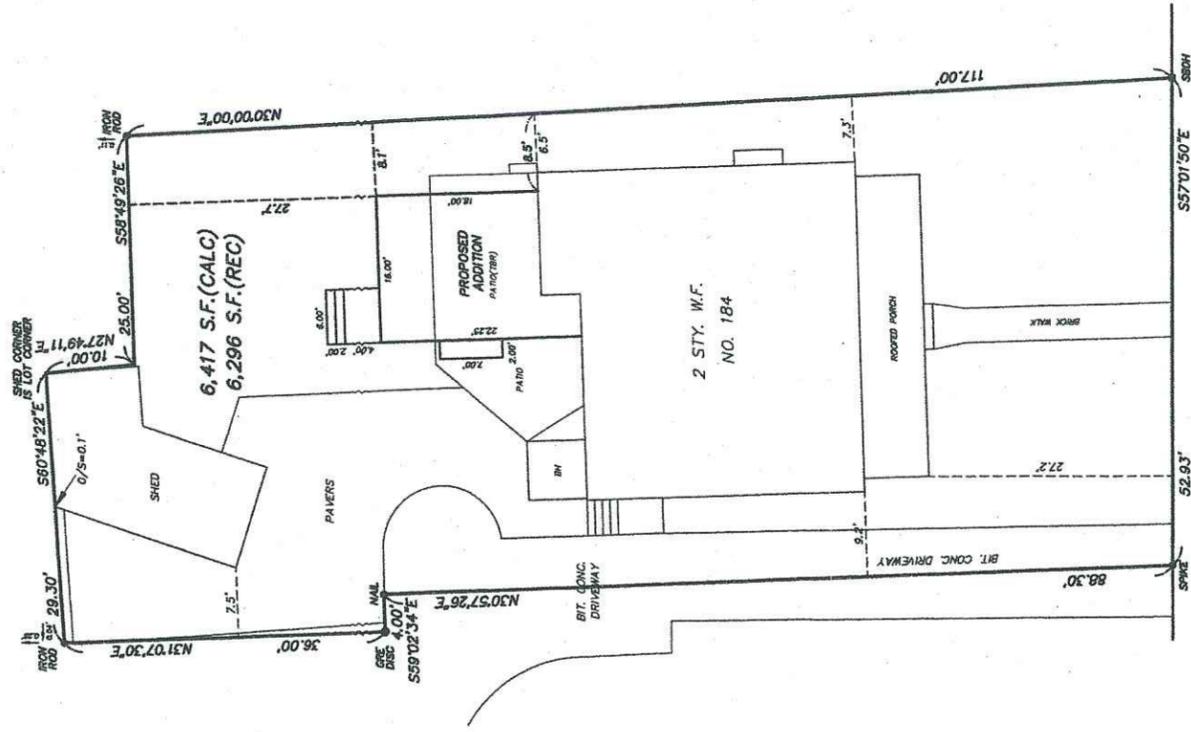


62	63	64
76	77	78
90	91	92

Map 77

May 25, 2006





MYSTIC VALLEY PARKWAY



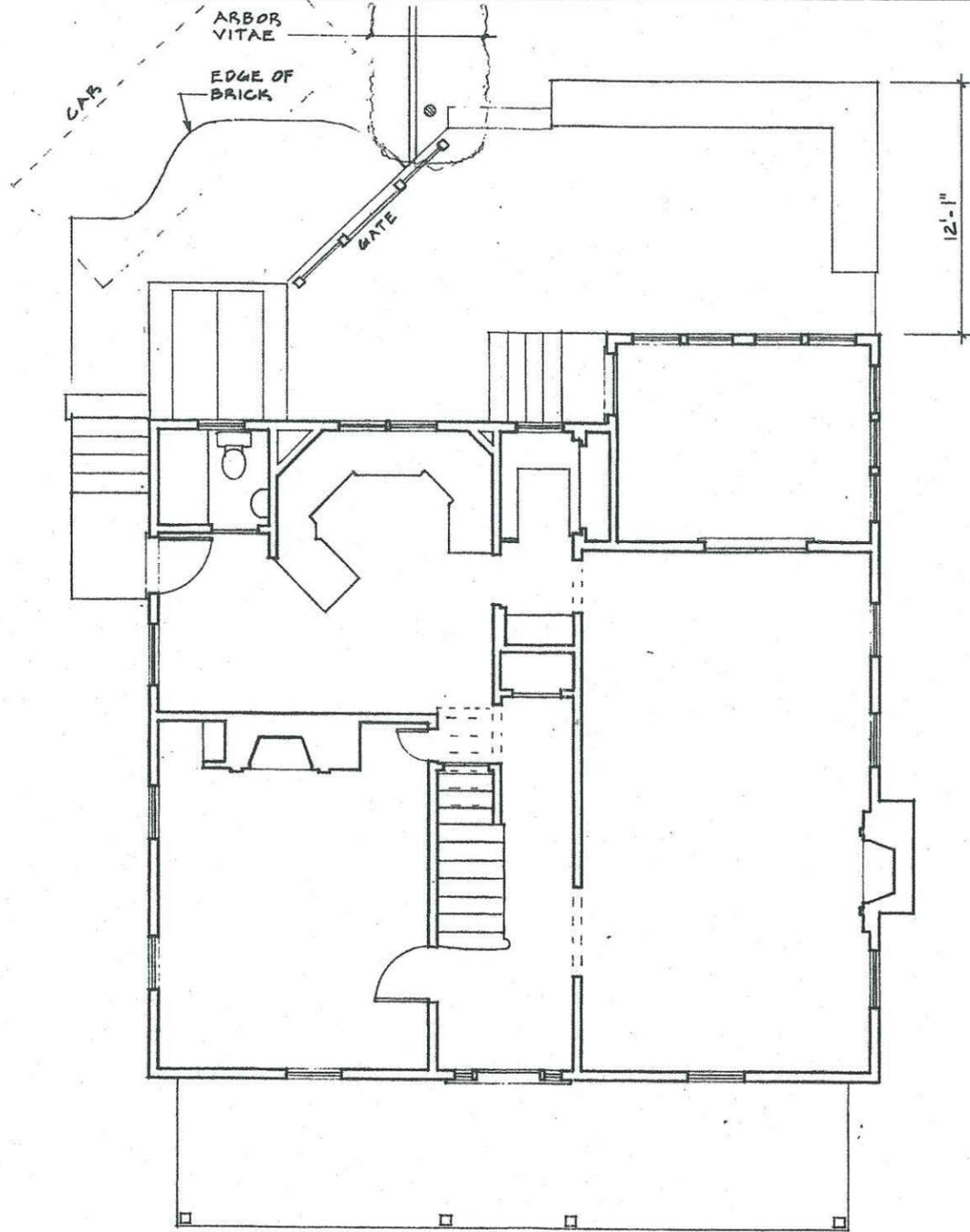
LEGEND	
STY. W.F.	STORY WOOD FRAME
BIT.	BITUMINOUS
CONC.	CONCRETE
S.F.	SQUARE FEET
BH	BULKHEAD
O/S	OFFSET TO LOT LINE
REC	RECORD PLAN
CALC	CALCULATED
SBDH	STONE BOUND DRILL HOLE
TBR	TO BE REMOVED

EXISTING	PROPOSED		
OPEN SPACE	71.3%	OPEN SPACE	66.1%
GREENSPACE	43.3%	GREENSPACE	41.7%
HARDSCAPE	28.0%	HARDSCAPE	24.3%

I CERTIFY THAT THE BUILDINGS ARE LOCATED AS SHOWN AND THAT THIS PLOT PLAN IS THE RESULT OF AN INSTRUMENT SURVEY.

PROPOSED PLAN
IN
WINCHESTER, MASS.
SCALE: 1 IN. = 20 FT. JANUARY 13, 2020
KEENAN SURVEY
8 WINCHESTER PLACE, SUITE 208
WINCHESTER, MASS. 01890
781-729-4213

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Leaf Design
Associates, Inc.

5 Winslow Road
Winchester, MA 01890
(781) 721-6541

The Cortesi - Cima Residence

Tina Cortesi and Michael Cima
184 Mystic Valley Pkwy, Winchester, MA (617) 253-6877

Drawing Title:

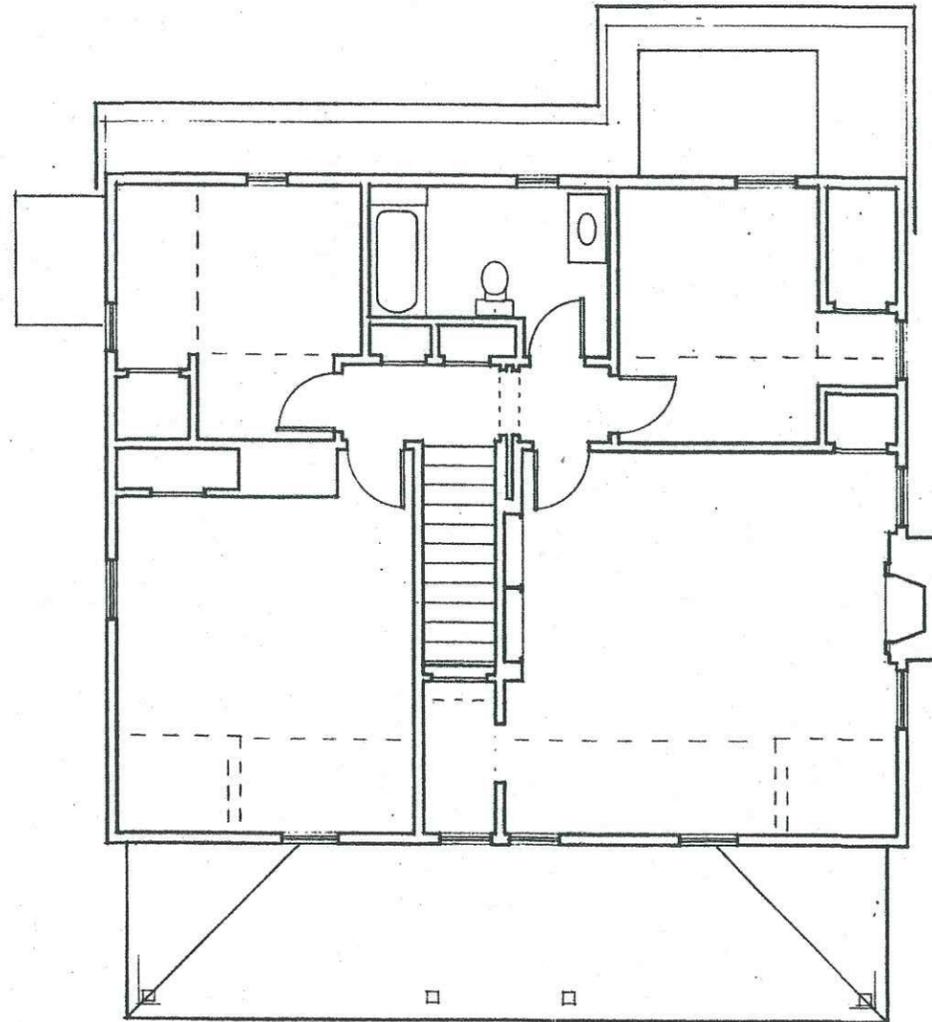
FIRST FLOOR

Scale: 1/8" = 1'-0"
submitted to Z.B.A.

"EXISTING 1ST FLOOR"

1

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Drawing Title:

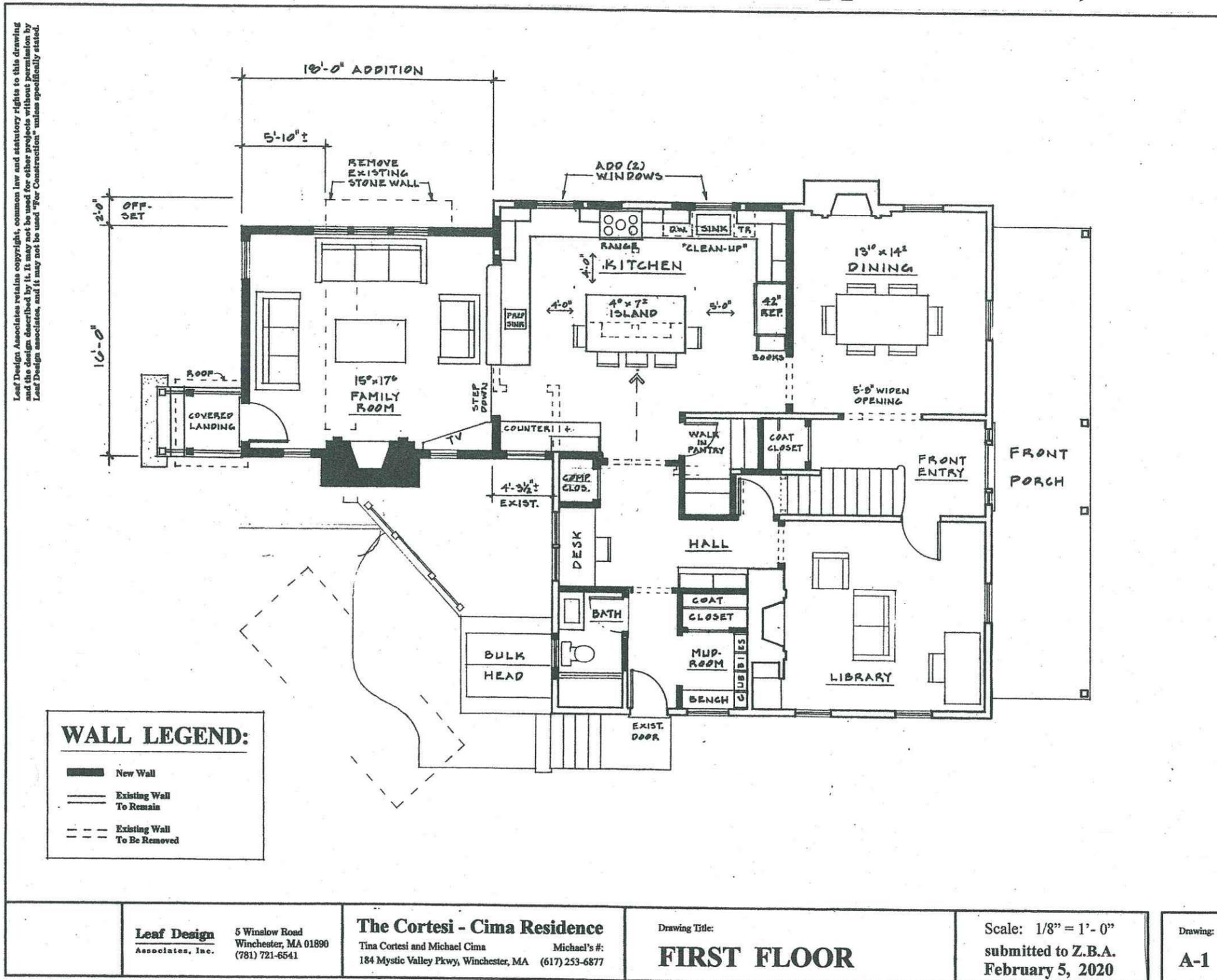
SECOND FLOOR

Scale: 1/8" = 1'-0"
submitted to Z.B.A.

"EXISTING 2ND FLOOR"

2

Submitted to the Town of Winchester Zoning Board of Appeals - Feb. 5, 2020



- “Zoning Submittal”
(11 x 17)
Drawings:**
- ASSESSOR’S MAP
 - PLOT PLAN
 - EXISTING #1 1st Floor Plan
 - EXISTING #2 2nd Floor Plan
 - A-1 / 1st Floor
 - A-2 / 2nd Floor
 - A-3 / Left Side
 - A-4 / Right Side
 - A-5 / Back Elev.

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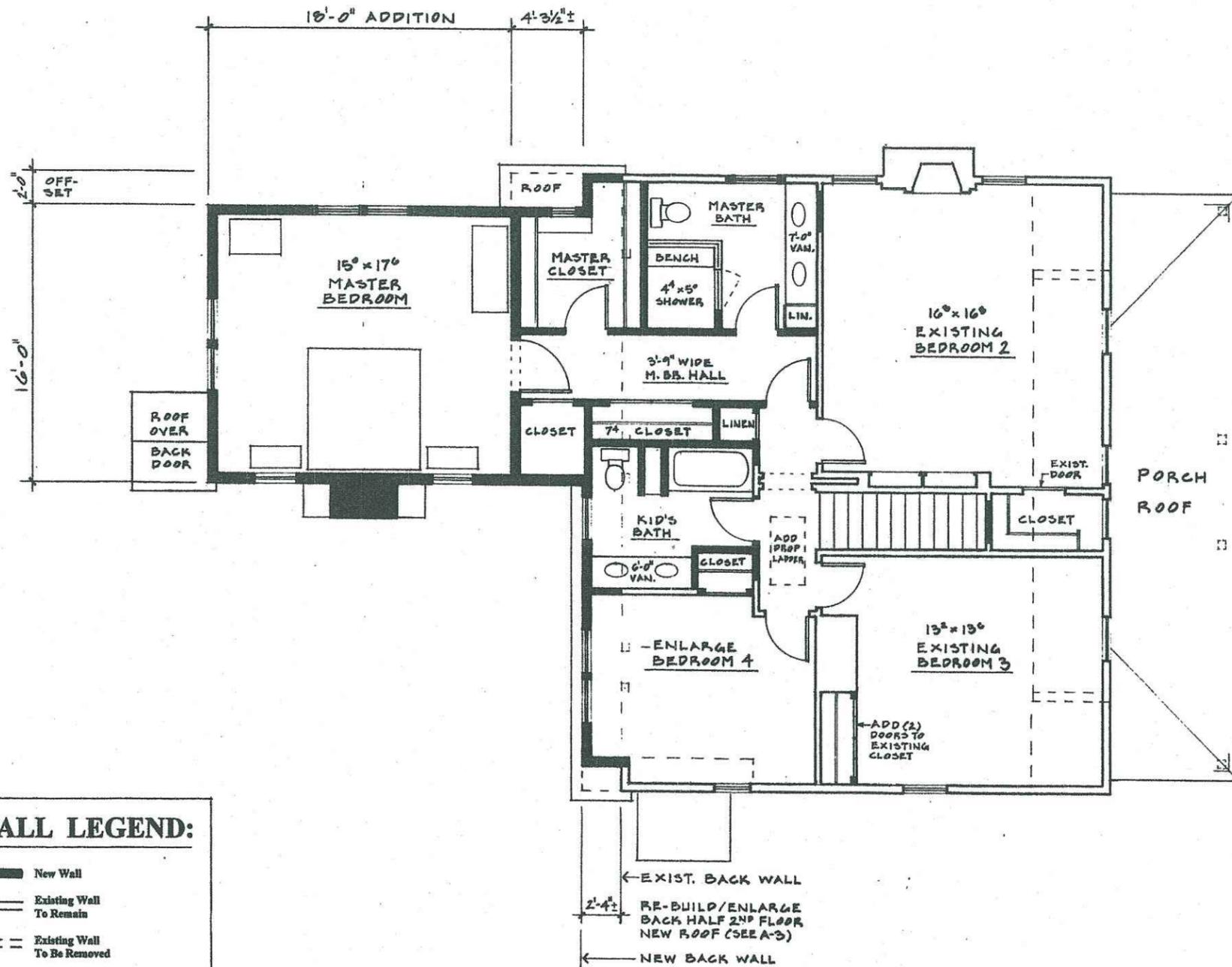
The Cortesi - Cima Residence
Tina Cortesi and Michael Cima
184 Mystic Valley Pkwy, Winchester, MA (617) 253-6877
Michael's #:

Drawing Title:
FIRST FLOOR

Scale: 1/8" = 1'-0"
submitted to Z.B.A.
February 5, 2020

Drawing:
A-1

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WALL LEGEND:

- New Wall
- Existing Wall To Remain
- Existing Wall To Be Removed

← EXIST. BACK WALL
 2'-4" RE-BUILD/ENLARGE BACK HALF 2ND FLOOR NEW ROOF (SEE A-3)
 ← NEW BACK WALL

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Tina Cortesi and Michael Cima
184 Mystic Valley Pkwy, Winchester, MA (617) 253-6877
Michael's #:

Drawing Title:
SIDE ELEVATION

Scale: 1/8" = 1'-0"
submitted to Z.B.A.
February 5, 2020

Drawing:
A-3

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The Cortesi - Cima Residence

Tina Cortesi and Michael Cima
184 Mystic Valley Pkwy, Winchester, MA (617) 253-6877

Drawing Title:

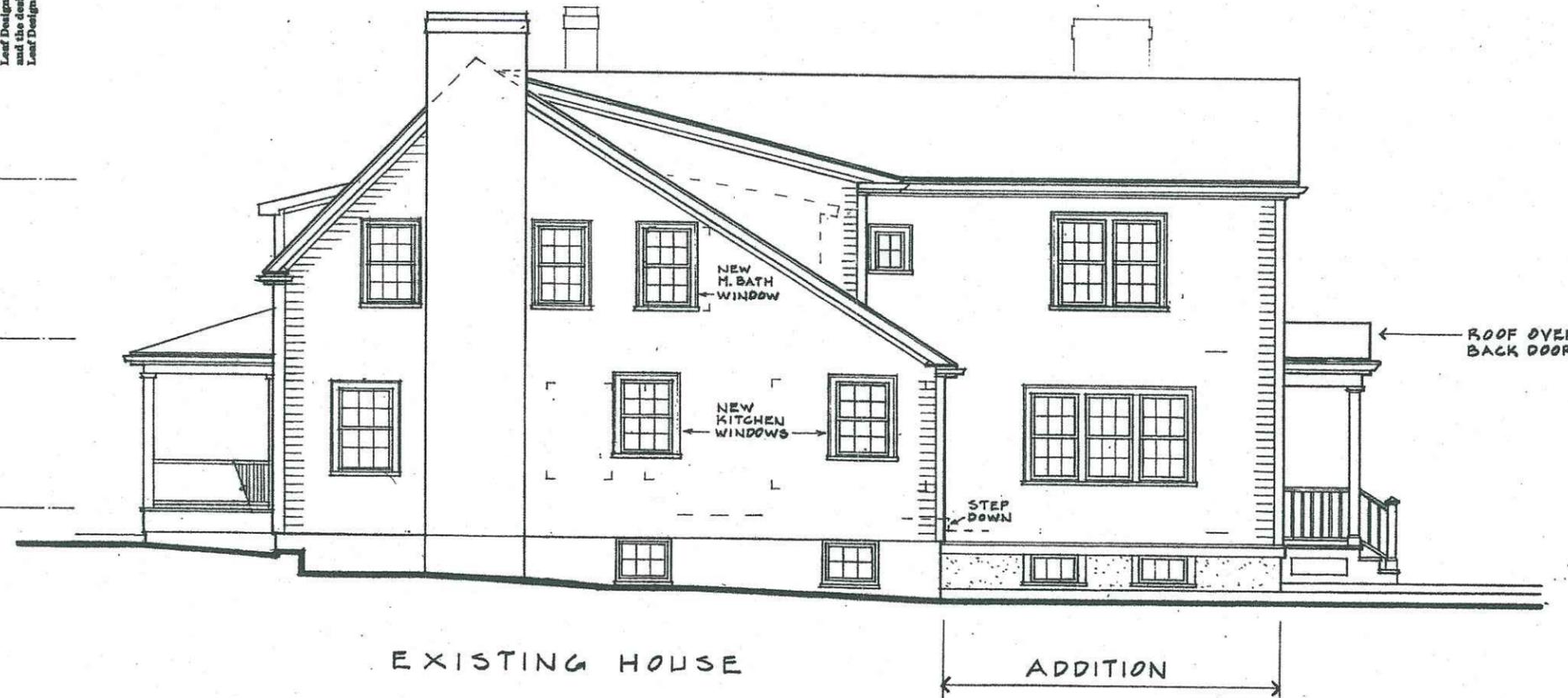
BACK ELEVATION

Scale: 1/8" = 1'-0"
submitted to Z.B.A.
February 5, 2020

Drawing:

A-4

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The Cortesi - Cima Residence

Tina Cortesi and Michael Cima
184 Mystic Valley Pkwy, Winchester, MA (617) 253-6877

Drawing Title:

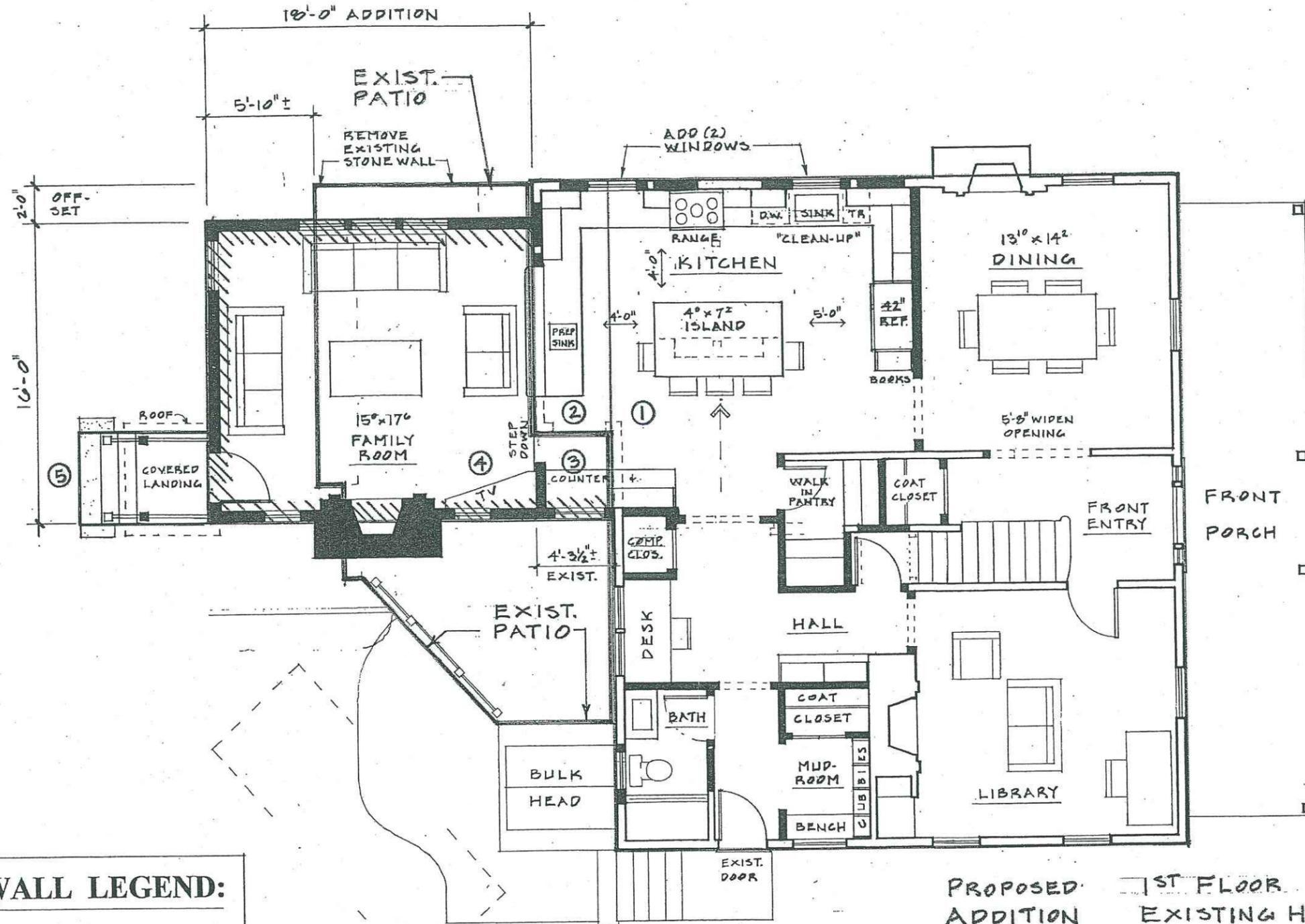
SIDE ELEVATION

Scale: 1/8" = 1'-0"
submitted to Z.B.A.
February 5, 2020

Drawing:

A-5

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WALL LEGEND:

	New Wall
	Existing Wall To Remain
	Existing Wall To Be Removed

NEW LANDING
 ⑤ 5 x 7 = 35

EXIST. PATIO
 (192 + 8 + 75 + 32 + 66)
 PATIO = 373

PROPOSED ADDITION

③ 4 x 4 = 16
 ④ 16 x 18 = 288
 ADDITION = 304

1ST FLOOR EXISTING HOUSE

① 31 x 36 = 1,116
 ② 4 x 13 = 52
 EXIST. = 1,168

Leaf Design Associates, Inc.
 5 Winslow Road
 Winchester, MA 01890
 (781) 721-6541

The Cortesi - Cima Residence
 Tina Cortesi and Michael Cima
 184 Mystic Valley Pkwy, Winchester, MA (617) 253-6877
 Michael's #:

Drawing Title:
FIRST FLOOR

Date: 2.5.20 Scale: 1/4" = 1'-0"
 Revisions: 2.12.20
 "ZONING DESIGN"

Drawing:
A-1

Leaf Design

Associates, Inc.

Winchester Building Dept.
71 Mt. Vernon Street
Winchester, MA 01890
ATT: Janine Tustin and Al Wile

Residential Architecture

5 Winslow Road, Winchester, MA 01890
phone: 781.721.6541 fax: 781.721.2690

12 February 2020

sent as PDF file via e-mail + hand delivery

Re: **184 Mystic Valley Parkway** / "Special Permit" submittal to Zoning Board of Appeals

EXTERIOR MATERIALS DESCRIPTION:

All new exterior materials to match existing house in kind and in detail:

1. New Clapboard to be cedar clapboard, painted, to match existing (approx. 4" +/- exposure)
2. New Corner Boards to be approx. 5" wide, to match existing, Trim Boards, etc. to match
3. New Roofing to be to "architectural" asphalt shingles, to match existing house
4. New Windows to be insulated, simulated divided lites "6 over " (by Marvin, Pella or Andersen)

SQUARE FOOT SUMMARY:

MAIN HOUSE	EXISTING	PROPOSED ADDITION	
1st Floor	1,168	304	
2nd Floor	1,044	424	
TOTAL	2,212 sq. ft. EXISTING	+ 728 sq. ft. PROPOSED	= 2,940 sq. ft.

DRAINAGE & LANDSCAPING:

Existing Patio to be removed = 373 square feet

Proposed Addition at 1st Floor = 339 square feet (*smaller than the Patio to be removed*)

5. Proposed Addition less removed Patio results in a net reduction in impervious surfaces.

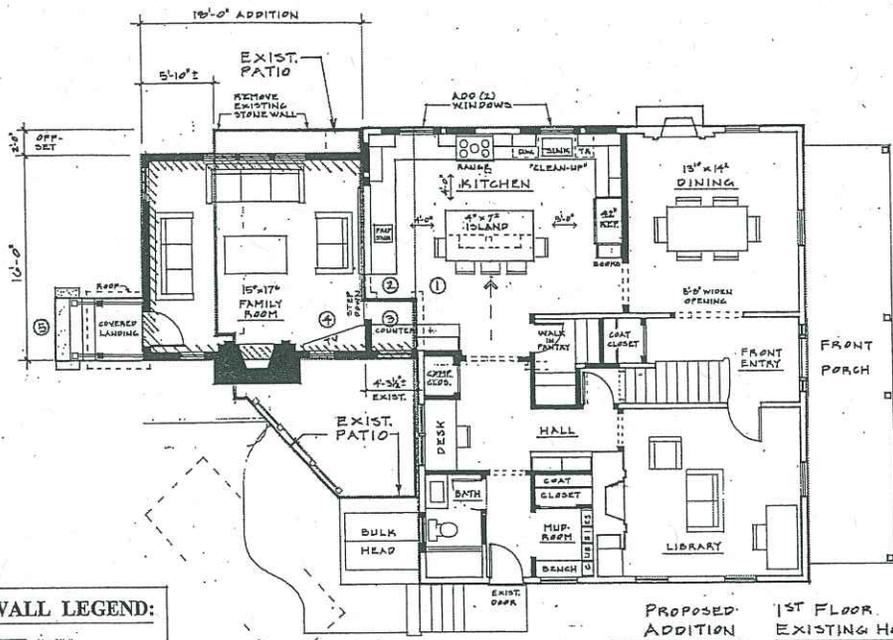
As the Addition is occupying the space of the current patio, no new Landscaping is planned.

6. No new Drainage is planned either, but per recommendations of the Engineering Dept. and/or the Zoning Board, we will incorporate either a "Cultec" and/or drip edges into the Addition.

Sincerely,

Richard Leaf AIA President
Leaf Design Associates, Inc.

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WALL LEGEND:

- New Wall
- Existing Wall To Remain
- Existing Wall To Be Removed

NEW LANDING
 ⑤ 5x7 = 35

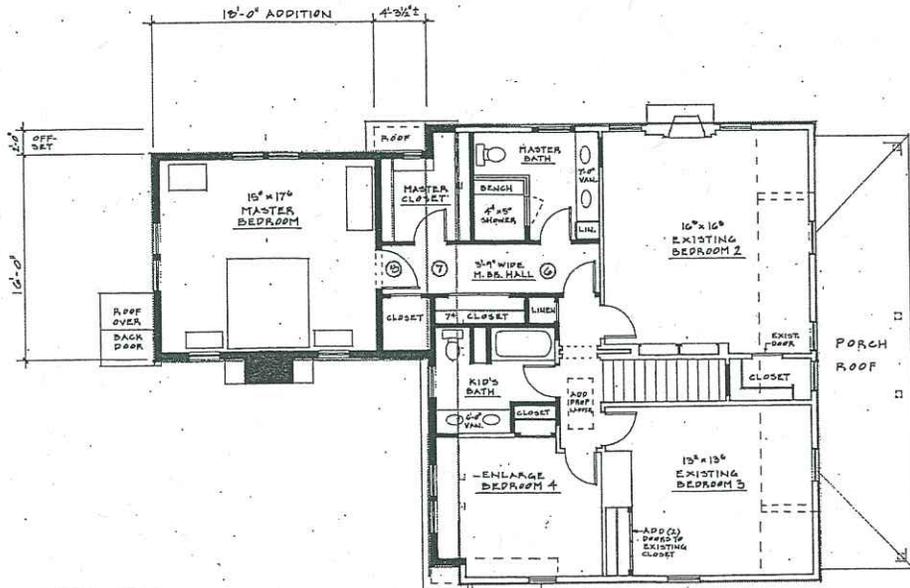
EXIST. PATIO
 (12+8+75+32+66)
 PATIO = 373

PROPOSED ADDITION
 ③ 4x4 = 16
 ④ 16x15 = 240
 ADDITION = 304

1ST FLOOR EXISTING HOUSE
 ① 31x36 = 1,116
 ② 4x13 = 52
 EXIST. = 1,168

Leaf Design Architects, Inc.	5 Winslow Road Winchester, MA 01890 (781) 721-6641	The Cortesi - Cima Residence Tina Cortesi and Michael Cima 184 Mystic Valley Place, Winchester, MA (617) 253-6877	Drawing Title: FIRST FLOOR	Date: 2.5.20 Scale: 1/4" = 1'-0" Revision: 2.12.20 "ZONING DESIGN"	Drawing: A-1
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WALL LEGEND:

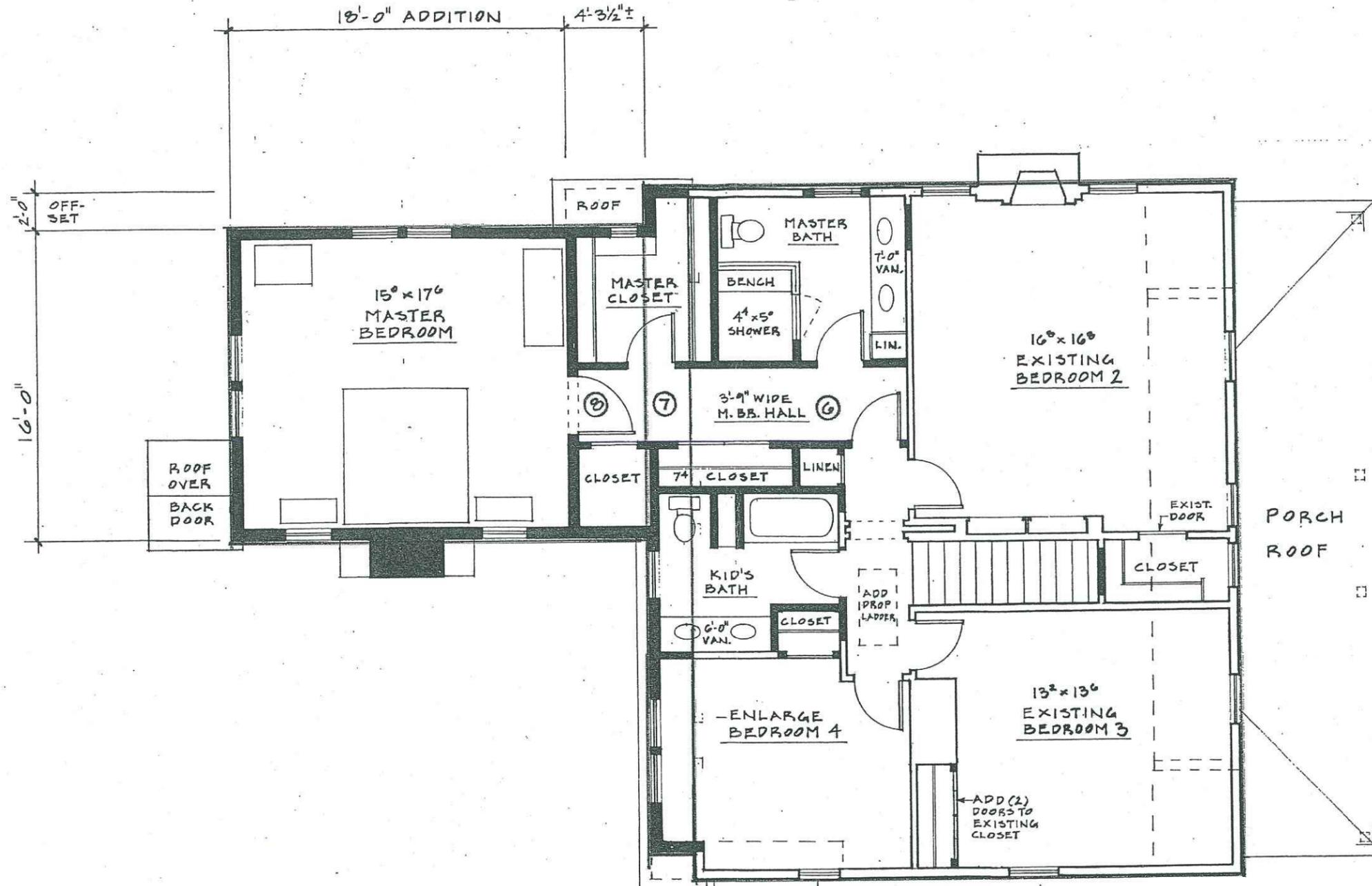
- New Wall
- Existing Wall To Remain
- Existing Wall To Be Removed

PROPOSED ADDITION
 ⑦ 2x36 = 72
 ⑧ 16x22 = 352
 ADDITION = 424

2ND FLOOR EXISTING HOUSE
 ⑥ 29x36 = 1,044
 EXIST. = 1,044

Leaf Design Architects, Inc.	5 Winslow Road Winchester, MA 01890 (781) 721-6641	The Cortesi - Cima Residence Tina Cortesi and Michael Cima 184 Mystic Valley Place, Winchester, MA (617) 253-6877	Drawing Title: SECOND FLOOR	Date: 2.5.20 Scale: 1/4" = 1'-0" Revision: 2.12.20 "ZONING DESIGN"	Drawing: A-2
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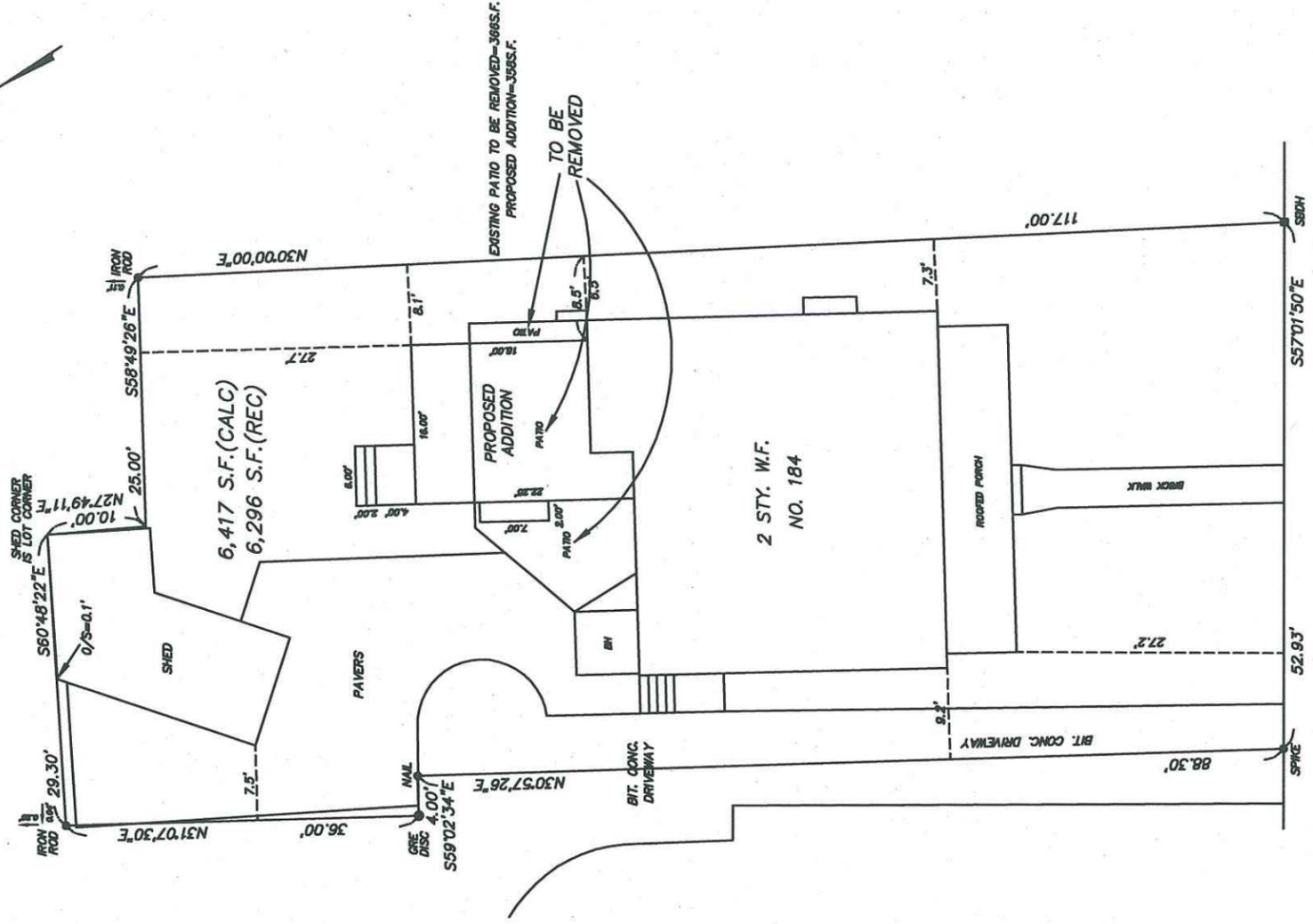
WALL LEGEND:

	New Wall
	Existing Wall To Remain
	Existing Wall To Be Removed

<p>← EXIST. BACK WALL</p> <p>2'-4" ±</p> <p>← RE-BUILD/ENLARGE BACK HALF 2ND FLOOR NEW ROOF (SEE A-3)</p> <p>← NEW BACK WALL</p>	<p>PROPOSED ADDITION</p> <p>⑦ 2 x 36 = 72</p> <p>⑧ 16 x 22 = 352</p> <p>ADDITION = 424</p>	<p>2ND FLOOR EXISTING HOUSE</p> <p>⑥ 29 x 36 = 1,044</p> <hr/> <p>EXIST. = 1,044</p>
--	--	--

Updated

Updates



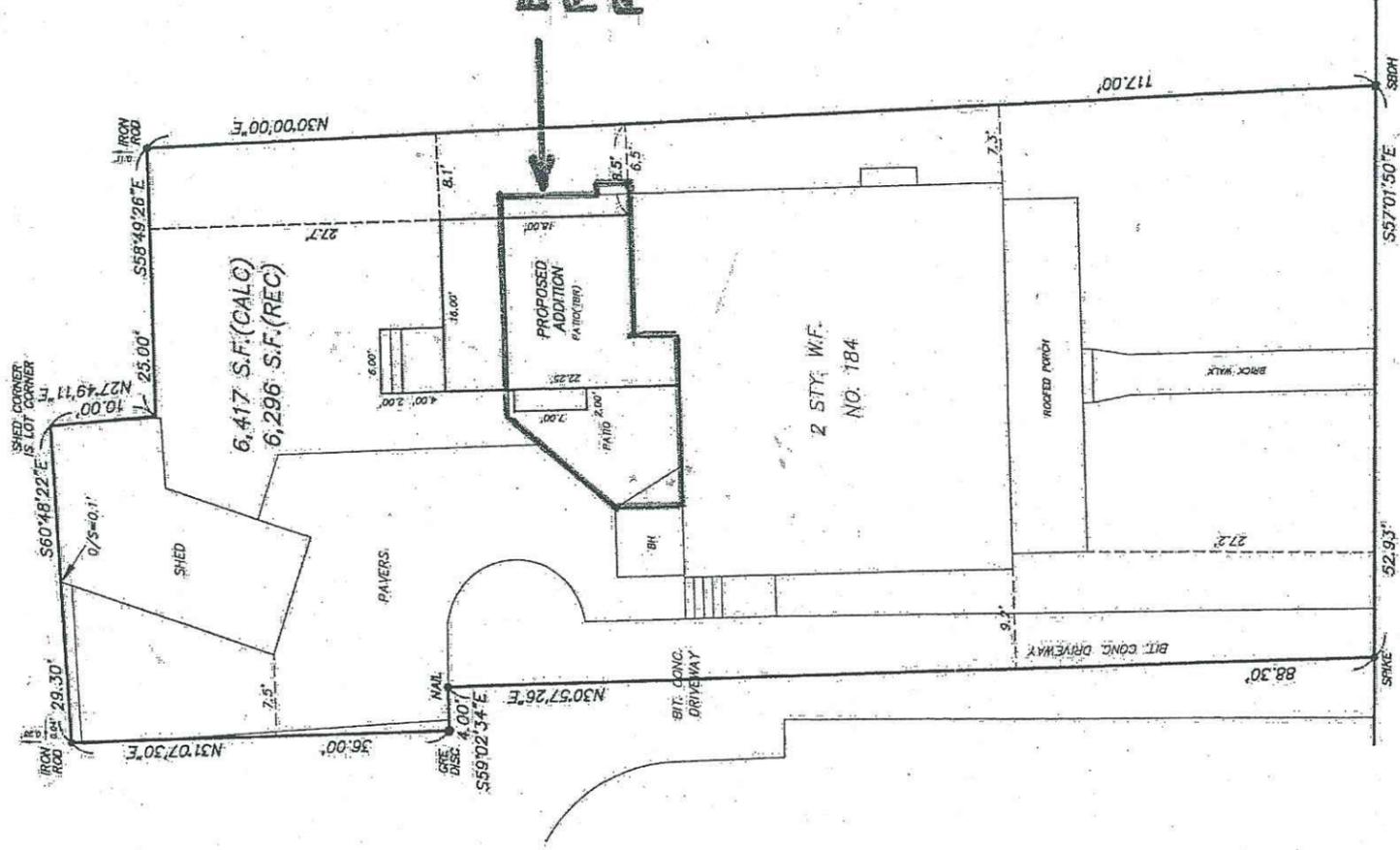
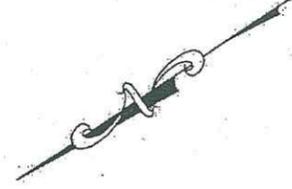
MYSTIC VALLEY PARKWAY

LEGEND	
STY. W.F.	STORY WOOD FRAME
BIT.	BITUMINOUS
CONC.	CONCRETE
S.F.	SQUARE FEET
BH	BULKHEAD
O/S	OFFSET TO LOT LINE
REC	RECORD PLAN
CALC	CALCULATED
SBDH	STONE BOUND DRILL HOLE

EXISTING	PROPOSED
OPEN SPACE 71.3%	OPEN SPACE 66.1%
GREENSPACE 43.3%	GREENSPACE 41.7%
HARDSCAPE 28.0%	HARDSCAPE 24.4%

I CERTIFY THAT THE BUILDINGS ARE LOCATED AS SHOWN AND THAT THIS PLOT PLAN IS THE RESULT OF AN INSTRUMENT SURVEY.

PROPOSED PLAN
IN
WINCHESTER, MASS.
SCALE: 1 IN. = 10 FT. FEBRUARY 27, 2020
KEENAN SURVEY
8 WINCHESTER PLACE, SUITE 208
WINCHESTER, MASS. 01890
781-729-4213



2.13.20
EXISTING PATIO TO BE REMOVED

MYSTIC VALLEY PARKWAY



LEGEND:	
STY. W.F.	STORY WOOD FRAME
BIT.	BITUMINOUS
CONC.	CONCRETE
S.F.	SQUARE FEET
BH	BULKHEAD
O/S	OFFSET TO LOT LINE
REC	RECORD PLAN
CALC	CALCULATED
SDH	STONE BOUND DRILL HOLE
TBR	TO BE REMOVED

EXISTING	PROPOSED
OPEN SPACE 71.3%	OPEN SPACE 66.1%
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PROPOSED PLAN IN

WINCHESTER, MASS.

SCALE: 1 IN. = 10 FT. JANUARY 13, 2020

KEENAN SURVEY
8 WINCHESTER PLACE, SUITE 208
WINCHESTER, MASS. 01890
781-729-4213