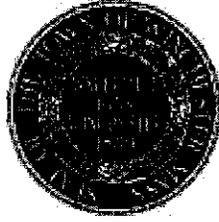


# TOWN OF WINCHESTER



## PUBLIC MEETING NOTICE and AGENDA

### REMOTE PARTICIPATION (Due to State of Emergency COVID-19)

Pursuant to MGL Ch. 30A, Sec. 18-25 All meeting notices and agendas must be filed and time stamped by the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays) on [www.winchester.us](http://www.winchester.us)

Board/Committee Name: Board of Appeals

Date: August 13, 2020

Time: 7:00PM

Place: REMOTE PARTICIPATION - Zoom

#### Join Zoom Meeting

<https://zoom.us/j/96675186670?pwd=MVBSWjhUUEVmKytLdFJ6NEdoRkRYZz09>

Meeting ID: 966 7518 6670

Passcode: 904060

One tap mobile

+16465588656,,96675186670#,,,,,0#,,904060# US (New York)

+13017158592,,96675186670#,,,,,0#,,904060# US (Germantown)

#### Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 966 7518 6670

Passcode: 904060

Find your local number: <https://zoom.us/u/adKLFgVDJA>

Submitted by: Janine Viarella

Email: [jviarella@winchester.us](mailto:jviarella@winchester.us)

**Agenda:** #3907 - 78 Sylvester Ave -continued  
#3910 - 32 Winthrop Street  
#3911 - 6 Crescent Road  
Review of draft decision #3902 - 53 Lawson Road



**REMOTE PARTICIPATION PUBLIC HEARING CONTINUED TO AUGUST 13, 2020**  
**AT 7:00PM.**

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a REMOTE PARTICIPATION PUBLIC HEARING on ~~THURSDAY, JULY 23, 2020~~ at 7:00 P.M. on the following matter:

PETITION NO. 3907 - That of ELLEN WILSON concerning the property at 78 SYLVESTER AVENUE, WINCHESTER, MA. The petitioner is seeking a Special Permit under Section 3.5.7 of the Winchester Zoning By-Law in accordance with Chapter 40A, Section 9 of the Massachusetts General Laws so as to be permitted to demolish a pre-existing non-conforming single family dwelling located on a lot which does not meet the lot frontage and lot width requirements and to construct a new single family dwelling that will be located closer to the front and side property lines than permitted as of right. The property is located in the RG (General Residence) zoning district and contains 6,500 square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed on the Board of Appeals web page [www.winchester.us](http://www.winchester.us)

Link to the meeting can be found on the Government Calendar and the Board of Appeals web page [www.winchester.us](http://www.winchester.us)



BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a REMOTE PARTICIPATION PUBLIC HEARING on THURSDAY, AUGUST 13, 2020 at 7:00 P.M. on the following matter:

PETITION NO. 3910 - That of JENNIFER MOORE concerning the property at 32 WINTHROP STREET, WINCHESTER, MA. The petitioner is seeking a Special Permit under Section 4.2.5 and 9.4.2 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 dormers that will be greater than 50 percent of the width of the roof plane. The property is located in the RDB (Single Residence) zoning district and contains 10,428+/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed on the Board of Appeals web page [www.winchester.us](http://www.winchester.us)

Link to the meeting can be found on the Government Calendar and the Board of Appeals web page [www.winchester.us](http://www.winchester.us)



BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a REMOTE PARTICIPATION PUBLIC HEARING on THURSDAY, AUGUST 13, 2020 at 7:00 P.M. on the following matter:

PETITION NO. 3911 - That of NOLAN BOIKE by CHRISTOPHER MULHERN concerning the property at 6 CRESCENT 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 and located closer to another building than permitted as of right. The property is located in the RDB (Single Residence) zoning district and contains 5,970+/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed on the Board of Appeals web page [www.winchester.us](http://www.winchester.us)

Link to the meeting can be found on the Government Calendar and the Board of Appeals web page [www.winchester.us](http://www.winchester.us)

**TOWN OF WINCHESTER**  
**BOARD OF APPEALS**  
**Decision No. 3902**  
**53 Lawson Road**

DRAFT

**Name of Petitioner:** Scott and Heather Penna

**Property Address:** 53 Lawson Road

**Application For:** Site Plan Review under Section 9.5.1 of the Winchester Zoning By-Law in accordance with Massachusetts General Laws so as to construct a new single family dwelling where the total floor area is greater than 5,000 square feet. The property is located in the RDB (Single Residence) zoning district and contains 19,360 +/- square feet.

**Dates of Hearing:** June 11, 2020 (meeting preempted by Town Meeting) continued to June 30, 2020 and July 30, 2020.

**Board of Appeal:** David Bae, Mark Regan and Kevin Sarney

**Decision:** Granted

**Vote of the Board:** Unanimous

**Conditions:** The following conditions apply to the grant of this Site Plan Approval:

1. Construction of the proposed structure shall be in substantial conformity with the plans and information submitted with the petition including the following:
  - a. Form 2 dated March 13, 2020
  - b. Form 2D dated March 13, 2020
  - c. A copy of the Town of Winchester Assessors Map #117 53 Lawson Road Street showing immediate abutters, May 25, 2006.
  - d. Certified Plot Plan (showing existing, proposed house) 53 Lawson Road, Winchester, Massachusetts, Scale: 1 inch = 20 ft., Date: March 13, 2020, prepared by Keenan Survey – James Richard Keenan, P.E. – ***Note approved petition will require new plot plan to show proposed house 5 feet back. Current plot plan shows house 33.4 1/8 ft. from street, approved is 38.5 1/8 ft. from street***
  - e. Site Plan (showing pre development and post development conditions, and drainage system plans) 53 Lawson Road, Winchester, Massachusetts, Scale: 1 inch = 20 ft., Date: March 6, 2020, prepared by Frederick W. Russell, Jr. P.E.
  - f. Eleven page plan of the proposed residence from Space Craft architects titled "Proposed Residence 53 Lawson Road Winchester, Massachusetts" (***note this is a revised plan dated July 30, 2020***):
    - Z1 – Cover Page
    - Z2 – Original and revised building footprint and location
    - Z3 - Elevation Comparison - original and revised
    - Z4 – Existing Streetscape
    - Z5 – Proposed Streetscape
    - Z6 - Proposed 1<sup>st</sup> Floor
    - Z7 – Proposed 2<sup>nd</sup> Floor
    - Z8 – Proposed front view
    - Z9 – Proposed side view - left

- Z10 – Proposed side view - right
  - Z11 – Proposed rear view
  - g. Landscape Plan – dated July 23, 2020, prepared by Terraink, Kellie Anne Connelly, RLA. (letter and permitting screen planting plan L3.01)
  - h. Legal letter regarding the joining of lots by Mark T Vaughn Reimer and Braunstein – dated July 23, 2020
  - i. Drainage Analysis – dated March 9, 2020, prepared by Frederick W. Russell, Jr. P.E.
  - j. Town of Winchester Engineering Department memos dated June 9, 2020 and July 29, 2020
2. All representations made by the Petitioner at the Public Hearing and not memorialized in writing are hereby incorporated into this Decision.

**Facts:**

The Petitioner has applied for an approval to construct a new single family dwelling where the total floor area is 6,960 +/- SF. The Winchester Zoning By-laws requires a Site Plan Review for structures greater than 5,000 SF in a RDB Zoning district.

The Winchester Engineering Department reviewed the Site Plan Review application and in a memo dated June 9, 2020 stated that the applicants proposed infiltration system if installed and maintained properly should mitigate the increased storm water runoff on the site. After changes in the proposed plan were made due to various town committee concerns the applicants submitted new plans with the proposed structure being set back 5 ft. and the berm in-front of the house being reduced. The Engineering Department in a July 29, 2020 memo to address the moving of the structure 5 ft. back on the property and the reduction in the slope in the front of the house stated that they were comfortable with the minor adjustments being made to the drainage system. As a condition of approval the applicant will comply with the Town of Winchester's Engineering Department requests with a sign off prior to issuance of a Building Permit and the notification of the Conservation Commission regarding changes to the drainage system.

The Historical Commission in a June 1, 2020 memo found no adverse effect on the historical or cultural resource and recommended favorable action with no conditions.

The Design Review Committee (DRC) in its June 10, 2020 meeting minutes recommended unfavorable action on the petition unless the following conditions are met:

- a. Push back the lower eave of the right section of the house
- b. No paved visitor parking
- c. Continue tree screening along Lawson Road with native species of trees

In its revised plans the Petitioner pushed the whole house back 5 ft. from the street and reduced a sloping berm in front of the house that made the originally proposed changes not uniform with the rest of Lawson Road. The Petitioner in its revised landscape plan added significant amount of landscaping and trees to the front of the property to conform with the landscaping on Lawson Road and the land across the street that was deeded to Winchester Tomorrow in 2003. The Petitioners also removed visitor parking area that was noted in earlier plans. The Board felt these proposed changes addressed the DRC's concerns with the project.

The Planning Board in its June 11, 2020 meeting recommended site plan approval be withheld 4-0-1 (one member not present) for the following reasons:

- 1. Protecting the qualities of Lawson Road in terms of conservation of the natural setting directly across the street on Lawson Road, which is protected by a conservation restriction on the property owned by Winchester Tomorrow.
- 2. Minimize unreasonable departure from the character and scale of buildings in the vicinity
- 3. The need to move the building away from the southerly neighbor, and to maintain a distance of MORE than 30' between buildings.

4. Concern over the length of the façade.
5. An ANR may need to be pursued to make this project legal
6. Loss of the historic resource and of smaller scale homes in the neighborhood.

The Petitioner as discussed in the Design Review Committee area addressed protecting the qualities of the Lawson Road area with respect to natural settings. The Board felt the moving back of the proposed structure on the lot addressed the appearance of the length of the façade from the front of Lawson Road. The Petitioner's attorney addressed the ANR issue in his July 23, 2020 letter and the Board asked Art Krieger Town Counsel if it was addressed properly and he concurred at our meeting. The Board thought the neighborhood is one that is in the midst of a change with larger houses being built, the design as proposed kept with and improved on the features that existed in the current structure. The improvements made to locate the house further back from the road, removal of the step up in the land and slope of the proposal improved the transition from the western part of Lawson Road to the eastern part where larger houses exist.

The Conservation Committee in its May 26, 2020 minutes approved an Order of Conditions on the project with the conditions of no parking of construction vehicles or machinery permitted across the road (Winchester Tomorrow property).

There were letters of support for the project from various neighbors in the Lawson Road area and one letter of concern from Winchester Tomorrow a direct abutter across the street. The Board felt the changes made to landscaping and moving the house back addressed those concerns.

**Discussion:**

Pursuant to Section 9.5.7 of the Winchester Zoning By-laws, Site Plan Approval shall be granted only upon determination by the Board of Appeal that the site plan meets the eleven (11) Site Plan Approval standards. The Board finds that these standards have either been satisfied by the imposition of the conditions contained in this decision, by the plans and documents submitted by the Petitioner, or are otherwise not applicable.

**Decision:**

The Petitioner's request for Site Plan Approval where the total floor area of the house is greater than 5,000 square feet is granted subject to the above-described conditions and limitations.

**Board of Appeals**

\_\_\_\_\_  
Kevin G. Sarney

 DRAFT  
Date of Decision: August \_\_, 2020