

TOWN OF WINCHESTER**PUBLIC MEETING NOTICE and AGENDA** Revised

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**) Town Clerk's staff requests submissions **72 hrs. prior** to the meetings to allow for processing time.

Board/Committee Name: Board of Appeals

Type Check one: In Person: Remote: Hybrid:

Link:

Date: August 17, 2023

Time: 7:00PM

Place: Select Board Meeting Room

Email: jviarella@winchester.us

Agenda:

- Review January 26, 2023, February 16, 2023, March 2, 2023, April 20, 2023, May 10, 2023, May 18, 2023, June 1, 2023, June 29, 2023, July 20, 2023 (6 PM) and July 20, 2023 (7 PM) minutes
- Petition No. 3988 – 19 Hancock Street (continued from July 20., 2023)
- Petition No. 3993 – 87-89 Cross Street (continued from July 20, 2023)
- Petition No. 4000 – 158, 160-162 Swanton Street (continued from July 20, 2023)
- Petition No. 4001 – 3 Crescent Road
- Petition No. 4002 – 75 Bacon Street
- Petition No. 4003 – 10 Brantwood Rd/154 Horn Pond Brook Rd (Lynch Elementary School)
- Update: searchable compendium of Board decisions; timing of process relative to the Conservation Commission; updated website proposal; lack of recording secretary and need for minutes; possibility of mailing notices to a broader list of nearby property owners.
- Review draft decision – Petition No. 3987 – 316 Highland Avenue

If you need an accommodation pursuant to the American Disabilities Act, please contact the Town's ADA Coordinator, Michael Towne, at humanresources@winchester.us or (781) 721-7157.

Please submit posting: townclerk@winchester.us



CONTINUED TO AUGUST 17, 2023 AT 7:00PM IN THE SELECT BOARD
MEETING ROOM

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a PUBLIC HEARING on THURSDAY, FEBRUARY 16, 2023 at 7:00 P.M. in the SELECT BOARD MEETING ROOM, TOWN HALL, 71 MOUNT VERNON STREET, WINCHESTER, MA on the following matter:

PETITION NO. 3988 - That of 19 HANCOCK ST., LLC concerning the property at 19 HANCOCK STREET, WINCHESTER, MA. The petitioners are seeking a Special Permit under Section 4.5 and 9.4 of the Winchester Zoning By-Law in accordance with Chapter 40A, Section 9 of the Massachusetts General Laws so as to be permitted to divide the existing property into two lots (Lots 15A and 15B) creating new non-conforming lots. Lot 15A will not meet the lot area, lot frontage and lot width requirements and the existing two-family dwelling will be located closer to the side property line than permitted as of right. Lot 15B will not meet the lot frontage and lot width requirements. The property is in the RG (General Residence) zoning district, Lot 15A contains 7,522 +/- square feet and Lot 15B contains 7,522 +/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed at the Building Department during regular office hours or on the Board of Appeals web page www.winchester.us



CONTINUED TO AUGUST 17, 2023 AT 7:00PM IN THE SELECT BOARD
MEETING ROOM

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a PUBLIC HEARING on APRIL 20, 2023 at 7:00 P.M. in the SELECT BOARD MEETING ROOM, TOWN HALL, 71 MOUNT VERNON STREET, WINCHESTER, MA on the following matter:

PETITION NO. 3993 - That of MARIO COVINO, 87-89 CROSS STREET, LLC concerning the property at 87-89 CROSS STREET, WINCHESTER, MA regarding an application for a comprehensive permit for the development of nine (9) three-bedroom town house rental units under the provisions of Massachusetts General Laws Chapter 40B, Sections 20 through 23, as amended. The property is in the GBD-1 (General Business) and RG (General Residence) zoning districts and contains 21,627 +/- square feet.

WINCHESTER BOARD OF APPEALS

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CONTINUED TO AUGUST 17, 2023 AT 7:00PM IN THE SELECT BOARD
MEETING ROOM

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a PUBLIC HEARING on THURSDAY, JULY 20, 2023 at 7:00 P.M. in the SELECT BOARD MEETING ROOM, TOWN HALL, 71 MOUNT VERNON STREET, WINCHESTER, MA on the following matter:

PETITION NO. 4000 - That of JANARTHANAN SOMESWARANANTHAN concerning the property at 158, 160 AND 162 SWANTON STREET, WINCHESTER, MA. The petitioner is seeking a Special Permit under Sections 3.5.2 (1), 3.5.3 and 3.5.7 (3) of the Winchester Zoning By-Law in accordance with Chapter 40A, Section 9 of the Massachusetts General Laws to be permitted to demolish two pre-existing non-conforming buildings (a single-family dwelling and a two-family dwelling) and construct a new three-family dwelling that will meet all setback requirements. The petitioner also seeks a Special Permit under Section 4.2.5 of the Winchester Zoning By-Law in accordance with Chapter 40A, Section 9 of the Massachusetts General Laws to be permitted to construct dormers that will be greater than 50 percent of the width of the roof plane. In addition, the petitioner is seeking Site Plan Review under Section 9.5.1(6) of the Winchester Zoning By-Law to be permitted to construct a new three-family dwelling where the total floor area of the building will be greater than 3,600 square feet and Section 9.5.1(7) of the Winchester Zoning By-Law to be permitted to change the grade of more than 500 square feet by more than six (6) percent. The property is in the RG (General Residence) zoning district and contains 9,840 +/- square feet.

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BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

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PETITION NO. 4001 - That of PATRICK and AMANDA CAMPBELL concerning the property at 3 CRESCENT ROAD, WINCHESTER, MA. The petitioners are seeking a Special Permit under 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 side property line than permitted as of right. The property is in the RDB (Single Residence) zoning district and contains 6,122 +/- square feet.

WINCHESTER BOARD OF APPEALS

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BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

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PETITION NO. 4002 - That of JON and EMILY O'DONNELL concerning the property at 75 BACON STREET, WINCHESTER, MA. The petitioners seek a Special Permit from Section 5.1.10(1) of the Winchester Zoning By-Law in accordance with Chapter 40A, Section 9 of the Massachusetts General Laws so as to be permitted to have the width of the driveway entrances greater than 10 feet. The property is located in the RDB (Single Residence) zoning district and contains 18,210 +/- square feet.

WINCHESTER BOARD OF APPEALS

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BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

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PETITION NO. 4003 - That of the TOWN OF WINCHESTER concerning the property at 10 BRANTWOOD ROAD & 154 HORN POND BROOK ROAD, (LYNCH ELEMENTARY SCHOOL), WINCHESTER, MA. The petitioner seeks Site Plan Review under Section 9.5.1(3) and Section 9.5.1(7) of the Winchester Zoning By-Law in accordance with Massachusetts General Laws to be permitted to construct a new elementary school that will require more than twenty (20) parking spaces and to change the grade of more than 500 square feet by more than six (6) percent. In addition, the petitioner seeks a Special Permit under the following sections: Section 6.3.1 for the removal of earth materials and Section 5.2.5 for relief from the minimum number of loading bays (5.2.2). The petitioner further seeks a Variance from the following sections: Section 4.1 for relief from the maximum building height, Section 5.1.3 for relief from the number of parking spaces required, Section 5.1.9(7) for relief from the 2% minimum landscape interior area of parking lots and Section 5.2.2 for relief from the minimum number of loading bays. The property is in the SCI (Conservancy-Institutional) zoning district and contains 955,490 +/- square feet.

WINCHESTER BOARD OF APPEALS

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**TOWN OF WINCHESTER
BOARD OF APPEALS**

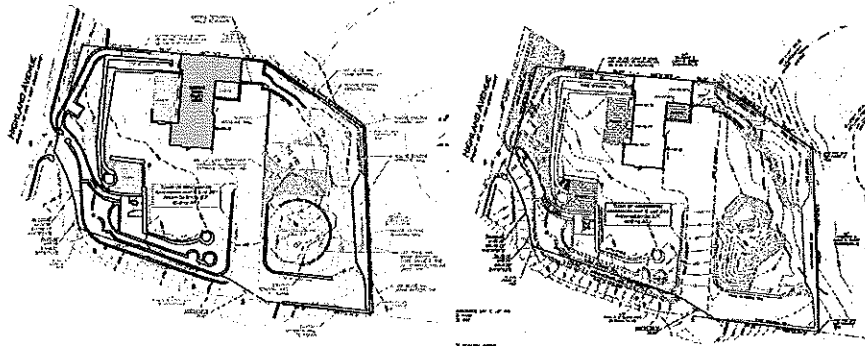
DECISION

No. 3987
316 Highland Avenue

- PETITIONER:** Virginia Hung
- APPLICATION FOR:** Site plan approval under Section 9.5.1(7) of the Winchester Zoning By-Law to change the grade of more than 500 square feet by more than 6 percent. The property is in the RDB district.
- DATE OF HEARING:** Hearing sessions on February 16, March 16, April 20, and May 18. Decided on May 18, 2023.
- BOARD OF APPEALS:** David Feigenbaum, Dorothy Simboli, and Gerard Marino.
- VOTE:** David Feigenbaum, Dorothy Simboli, and Gerard Marino in favor of granting site plan approval.
- DECISION:** Approval of the site plan is granted subject to the following conditions.
- CONDITIONS:**
1. All work must be performed in accordance with all plans submitted with the application or amended during the course of the hearing and all statements and representations made by the applicant with respect to this application and hearing.
 2. All requirements of the engineering department must be met.
- MATERIALS CONSIDERED:** The Board received the following documents and materials:
1. Form 1 (Zoning Application checklist)
 2. Form 2 (Application for Zoning Hearing)
 3. Form 2I (Application for Site Plan Approval)
 4. Site Improvement Plans for NOI Submission – 316 Highland Ave dated 12/21/22
 5. Photos (4)
 6. Locus Map
 7. Massachusetts Cultural Resource Information System – Form B
 8. Email from Peter Baldwin (with photos) dated 1/24/23
 9. Historical Commission findings dated 2/6/23
 10. Planning Board memorandum dated 2/15/23
 11. Engineering Department memorandum dated 2/16/23
 12. Engineering Department memorandum dated 2/16/23 Rev. 1
 13. Conservation Commission memorandum dated 2/15/23
 14. Site Improvement Plans for NOI Submission Revised – 316 Highland Ave dated 3/15/22

- 15. A&M Response Letter to Winchester Engineering Comments
- 16. Engineering Department memorandum dated 4/18/23

INTRODUCTION As shown below (left side existing, right side proposed), the applicant proposes to remove retaining walls on the east side of the property, regrade from the eastern edge of the driveway to the property line to restore previous contours, and to add a retaining wall on the northeast corner of the existing driveway.



**COMMENTS
RECEIVED**

The Board received reports on the proposal from the following bodies:

A. Historical Commission

The Historical Commission by unanimous vote found no adverse impact on an historic or cultural resource from the proposed plan to remove the retaining wall and grade and landscape the property.

B. Planning Board

The Planning Board voted unanimously to recommend endorsement of the Site Plan with the conditions that the Engineering Department concerns expressed in their final memo are addressed, the requirements of paragraph 9.5.7.4 of the Zoning Bylaw are met, and the applicant explores additional plantings to assist with erosion control.

C. Conservation Commission

The Conservation Commission reported as follows:

“This proposed project lies within an area subject to Conservation Commission review under the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131, sec. 40, and the Winchester Wetlands Bylaw, and is currently in the process of a public hearing.

The project will remove the existing rip rap wall and grade to return the property to its natural condition. The applicant also proposes to install improvements to reduce runoff to the abutting property, which suffers from excess water. The Commission will complete its review with the

close of the public hearing, but as of this time, and no final decision has been made.”

D. Engineering Department

The Engineering Department provided comments to the applicant and after back-and-forth communication agreed that all comments had been addressed.

E. Abutter

An abutter expressed support for the project.

THE LAW AND DISCUSSION:

Each quoted section of the bylaw below is followed by *italicized* comments that form part of this decision.

A. Section 1.1 Purpose of the Zoning Bylaw.

Section 9.5.7 Decision [for Site Plan Review]

Site Plan Approval shall be granted only upon determination by the Board that the plan meets the following standards. The Board may impose reasonable conditions at the expense of the applicant to implement these standards.

New building construction and other site alterations shall be designed, after considering the qualities of the specific location, the proposed land use, the design of the buildings, grading, egress points, and other aspects of the development, so as to:

1. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity;

The proposal does not depart from the character, materials, and scale of buildings in the vicinity.

2. Minimize any adverse effect on any historic resource;

The house associated with the project is identified as property WNT.278 on the Inventory of Historic Assets of the Commonwealth and is considered to have above average historical significance. Nevertheless, the proposed project appears to have no adverse effect on that historic resource and arguably has a positive effect.

3. Minimize the volume of cut and fill, the number of removed trees six (6) inches in caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, soil erosion;

Taking account of “the qualities of the specific location, the proposed land use, the design of the buildings, grading, egress points, and other aspects of the development,” this criterion appears to be met.

4. Provide adequate stormwater management and other utilities consistent with the functional requirements of the Planning Board Subdivision Rules and Regulations;

The proposed project meets this requirement based on the engineering department report and the responses of the applicant to that report.

5. Maximize pedestrian and vehicular safety, both on the site and egressing from it;

This criterion is irrelevant.

6. Provide adequate access to each structure for fire and emergency service equipment;

No evidence was presented suggesting that this criterion will not be met.

7. Minimize obstruction of scenic views from publicly accessible locations;

This criterion is irrelevant.

8. Minimize visual intrusion by controlling the visibility of parking, storage, utilities such as HVAC systems and transformers, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

This criterion will be met. At the suggestion of the Board, the applicant removed exterior HVAC equipment no longer in use.

9. Minimize glare from headlights and lighting intrusion;

This criterion is irrelevant.

10. Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; and

This criterion is irrelevant.

11. Ensure compliance with the provisions of this Zoning Bylaw, including parking, signs, landscaping, and environmental standards. (FTM Art. 9, 11/15/2018; FTM Art. 11, 11/6/2017.)

This criterion appears to have been met.

CONCLUSION Because the criteria have been met, site plan approval is appropriate.

BOARD OF APPEALS, BY:

David L. Feigenbaum

DECISION DATED:
