



TOWN OF WINCHESTER
Design Review Committee

Town Hall, Winchester, Massachusetts 01890

Juli Riemenschneider, RLA, ASLA, Chair
Ellen Spencer, Vice Chair
Adrian LeBuffe, LEED
Eileen Casciari, RA
Mary Grassi
Tracy Burhans
Jamie Devol, AIA

MEETING MINUTES

Wednesday, October 5, 2022, 7:30 pm – Meeting by Zoom

Present: Riemenschneider, Spencer, Devol, Casciari, LeBuffe,
Recording Secretary Nancy Upper

1. Joint Meeting of Design Review Committee (DRC) members and members of the Zoning Board of Appeals (ZBA)

Guest presenters: David Feigenbaum, lawyer, Zoning Board of Appeals Chair
William McGonigle, lawyer, ZBA member, Town Meeting member

- ZBA Chair Feigenbaum showed a PowerPoint deck of 16 slides.
- His theme, stated in Slide 1:

THE HEADLINE

The Design Review Committee and the Board of Appeals can and do work together under the Zoning Bylaw to encourage more visually sympathetic and appealing construction in Winchester.

- ★ Throughout his presentation, Feigenbaum emphasized the importance of DRC recommendations to ZBA decisions. ★
- Slides 2 and 3 contrasted DRC and ZBA memberships:

DESIGN REVIEW COMMITTEE

- Seven members with backgrounds in art, horticulture, architecture, landscape architecture, and local business.

- Bring deep knowledge and professional expertise to design reviews.
- At no cost to the town! [Exclamation point Feigenbaum's]

BOARD OF APPEALS

- Six members — three regulars, three alternates, often include lawyers.
 - Hold monthly hearings on applications for site plan reviews, special permits, and other matters.
- Feigenbaum called Slide 4 “very important.” It stated that the Board of Appeals makes decisions based on [underlines his]:
 - ◆ The law, by applying the “facts” to legal criteria in the Zoning Bylaw and state law.
 - ◆ The recommendations of the Design Review Committee and other town bodies as provided in the Zoning Bylaw.
 - Feigenbaum’s Slide 6, titled Special Permit — Process, excerpted Zoning Bylaw [Section 9.4.3](#).

He stressed the DRC’s key role in the process:

★ “What we really need from you are specific, detailed, precisely worded recommendations.” ★

SPECIAL PERMIT PROCESS

“... the application [for special permit] ... shall be forwarded ... to the Planning Board, Board of Health, Town Engineer, Conservation Commission, Building Commissioner, Director of Public Works, Police Chief, Fire Chief, the Design Review Committee, Disability Access Commission and Historical Commission for their consideration, review, and recommendations.” [Zoning Bylaw, [Section 9.4.3](#)]

- Feigenbaum’s Slides 7, 8, and 9 excerpted Zoning Bylaw [Section 9.4.2](#), which states the Criteria for Special Permits [underlines his]:

SPECIAL PERMIT — MAIN CRITERIA

“... a special permit may be granted by the [Board of Appeals] only if it finds that the beneficial impacts of the proposed use or structure will outweigh its adverse effects on the town or the neighborhood in view of the particular characteristics of the site and of the proposal in relation to that site.

SPECIAL PERMIT — MAIN CRITERIA (con't)

[Feigenbaum's underlining of "recommendations" emphasized the value of DRC recommendations to Special Permit decisions. He called #4 "very important and relevant to design."]

... the [Board of Appeals] shall consider ... each of the following, as well as any recommendations by other Town agencies and officials:

...

4. Impacts on neighborhood character, including the extent to which:
 - a. Building forms and materials are compatible with the prevailing scale and character of buildings in the neighborhood;
 - b. Architectural features add visual character to the neighborhood (for example dormers, lintels, bay windows, open porches, chimneys); and
 - c. Patterns and proportions of windows are consistent;
5. Adequacy of proposed screening and buffering;
6. Impacts on the natural environment, including, but not limited to, changes in topography, installation of retaining walls, or the removal of mature trees;

...

8. Impacts on historic resources, as defined in [Section 10](#). ...

[Zoning Bylaw, [Section 9.4.2](#)]

- Feigenbaum's Slide 10 cited a few situations for which Special Permits are sought.

SPECIAL PERMIT — OTHER SITUATIONS

A few examples:

- Dormers not to exceed 50% of the roof plane above the second story
- Location of a tennis court and lighting facilities for a tennis court
- Location of a swimming pool or pool equipment
- Driveway curb cuts

- Feigenbaum’s Slides 12, 13, and 14 addressed Site Plan Review [underlines his].

SITE PLAN REVIEW — PROCESS

Design Review Committee ... shall ... submit a final recommendation [on the site plan review application] to the Board of Appeals. ... The failure to submit such a report with recommendations within [35 days after the application is transmitted by the Board of Appeals] shall be deemed a lack of opposition to the application. ...

Zoning Bylaw, [Section 9.5.5](#)

SITE PLAN REVIEW — CIRTERIA

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;
2. Minimize any adverse effect on any historic resource;
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;
- ...
7. Minimize obstruction of scenic views from publicly accessible locations;
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;

...

Zoning Bylaw, [Section 9.5.7](#)

- Feigenbaum’s Slide 15 emphasized the impacts of DRC work. He said, “The people involved with Site Plan Reviews *engage with* your recommendations.”

THE DESIGN REVIEW COMMITTEE'S
WORK HAS BIG IMPACTS

- ◆ Applicants — and their lawyers, architects, landscape architects, engineers, neighbors, and others — see that design decisions affect the character of the town and will be considered in [all] decisions.
 - ◆ Discussions with applicants prompt desirable design changes in proposals.
 - ◆ Detailed comments and recommendations influence the Board of Appeals decisions and conditions that it places on objects.
- Feigenbaum's concluding slide gave DRC members useful guidance. He said, "Don't be afraid to really dig into details of the design."

DESIGN REVIEW COMMITTEE RECOMMENDATIONS
ARE ESPECIALLY HELPFUL WHEN THEY ...

- ◆ Are detailed.
- ◆ Are comprehensive with respect to the proposal.
- ◆ Focus particularly on the criteria in the bylaw for site plan review or special permit, whichever applies.
- ◆ Include other relevant design comments.
- ◆ Reflect an iterative process with the applicant.

Discussion followed Feigenbaum's presentation.

- Feigenbaum said he had asked Janine Viarella, Administrative Assistant for the Building Department, to attach to applications, sections of the Zoning Bylaw relevant to projects the DRC is reviewing.
- William McGonigle, lawyer, ZBA member, and Town Meeting member, said, "The ZBA is a bunch of lawyers, so we need design details from you. When you identify conditions that need changing, be as specific as you can, so applicants know how to modify their designs."

McGonigle continued, "We need to take advantage of all the expertise your members can provide."

- DRC member Ellen Spencer: "When we vote 'unfavorable action,' we try to list specific reasons why."
- McGonigle: "When you say 'favorable action with conditions' and list the conditions, the applicant thinks, 'Okay, I got favorable action, so I don't need to fix the conditions.'"

- Feigenbaum: “What if you just listed the specific conditions without stating favorable or unfavorable action.”
- Spencer: “A few years ago, we were told to give [applications] favorable action, favorable action with conditions, or unfavorable action.”
She added, “We will adjust our minutes to be as helpful to the ZBA as possible.”
- McGonigle: “Conditions keep a matter open. Tell the applicant, ‘You need to meet these conditions before we will give you a favorable action decision.’ Give detailed feedback, then request the applicant to come back with conditions fixed.”

2. 14 Thompson Street – Winchester MA

The new owners of 14 Thompson Street seek to reconfigure the façade of the Locatelli building — which DRC member Ellen Spencer called “one of the great historic buildings of Winchester” — to create a restaurant named “Karma.” The owners propose to:

- Cover the existing Thompson Street entrance with brick.
- Replace the existing window to the left of this entrance with two sliding antique copper barns door hung on a track. Decorative vertical panels, one in each door, add detail to the doors.
- Behind the barn doors, install a wall of glass panes and an off-center metal door to serve as the new entrance.
- Remove the half-moon window above the doorway between 14 Thompson and the abutting building.

Guest presenters: No spokespersons for 14 Thompson Street were present.

DRC Comments:

- Ellen Spencer noted that the Historical Commission rejected the proposed plan.
- Adrian LeBuffe said that historic brick is impossible to match, so “the substitute brick is bound to be a disaster.”
- Spencer objected to the plan’s large expanse of solid wall. She said, “They are leaving us with a dimension of blank wall.”
- Jamie Devol noted that the designer is from New Jersey and most likely unfamiliar with Winchester Center and this building.

Devol turned DRC members’ attention to the lovely angled door under the brick arch that bridges the entrance to the Thompson Street courtyard.

- She called this door “a natural entrance” to the proposed restaurant.
- “It fronts both Thompson Street and the walkway to the river, which provides more space for people to gather (the Thompson Street sidewalk is very narrow).”

- "It takes advantage of the existing charm of the Locatelli Block and draws people's attention to the restaurant's outdoor dining plaza as well as [to] other shops on this pedestrian walkway that leads to the river."

The proposed plan labels this door the "existing exit door," and, "to be removed."

- LeBuffe: The plan "significantly modifies the exterior of a historic CBD [Center Business District] building to negative effect."
- Spencer: "Major exterior changes are being proposed that will have a negative impact on a historic resource."
- DRC members agreed and joined LeBuffe and Spencer in listing reasons why the proposed modifications adversely affect the Town and the neighborhood:
 - Proposed modifications to existing masonry openings violate Section 5.12.3 of the GUIDELINES FOR EXISTING HISTORICALLY SIGNIFICANT BUILDINGS (see below), which state: "Proposed façade changes should be designed to complement the design of the existing building."
 - The existing façade contains aesthetic asymmetry whereas the proposed design is overly symmetrical.
 - Elimination of existing windows reduces the transparency of the existing building.
 - The angled door on the courtyard side makes a natural building entry and should be preserved.
 - The existing glass door on Thompson Street is recessed, to advantage, and should continue to be used as an entrance and egress.
 - The proposed decorative elements on the two proposed sliding barn doors clash with the building décor and are incompatible with the historic architecture.
- DRC Chair Juli Riemenschneider directed attention to sections of the Zoning Bylaw that relate to design:
 - Zoning Bylaw [Section 7.3.15](#) Site Plan and Design Review
 - [Section 7.3.17](#) Design Review Guidelines
- After the Zoom meeting, Riemenschneider emailed to all DRC members the pdf prepared by the Winchester Planning Board January 10, 2017, titled, "Regulations Governing Section 7.3 Center Business District (CBD) of the Town of Winchester, Massachusetts Zoning Bylaw."

In this pdf, particularly relevant to 14 Thompson Street is: "SECTION 5. GUIDELINES FOR EXISTING HISTORICALLY SIGNIFICANT BUILDINGS - Pertaining to Section 7.3.17 of the Winchester Zoning Bylaw." Excerpts include:

- Section 5.2 CHARACTER – addresses “changes to the exteriors of buildings and physical features within the district ... sensitive to the architectural character of the district ...”
- Section 5.3 FAÇADES – “The most important feature of buildings are the façades that face the streets and public ways (including all elements of that façade), the portions of roofs that are visible from public ways, and public open spaces.”
- Section 5.7 ENTRANCES – Four subsections address Steps and Stairs; Railings, Balustrades, and Decorative Balconies; Entryways; Entry Doors and Vestibules.
- Section 5.8 WINDOWS, WINDOW OPENINGS, and TRIM
- Section 5.9 BAYS, ORIELS, and PROTRUSIONS FROM WALL

Ellen Spencer moved to recommend unfavorable action for all reasons discussed. Vote 5-0.

3. Petition 3977 – 326 Highland Avenue, Winchester MA

Petition No. 3977 - That of MARK ANDERSEN by CHRISTOPHER PATZKE and PETER WHITE, ZEN ASSOCIATES, INC. concerning the property at 326 HIGHLAND AVENUE, WINCHESTER, MA. The petitioners are seeking Site Plan Review under Section 9.5.1(7) of the Winchester Zoning By-Law so as to change the grade of more than 500 square feet by more than six (6) percent. The property is located in the RDB (Single Residence) zoning district and contains 26,065 +/- square feet.

Guest presenters: Christopher Patzke, Senior Landscape architect with Zen Associates

Peter White, Landscape architect with Zen Associates

- Homeowner Mark Andersen seeks to install two horizontal, parallel retaining walls in the front part of his property between Highland Avenue and the house.
- The purpose of the walls is to bank the sloped grade sufficiently to support construction of a swimming pool, spa, pool terrace, porch extension, and raised patio.
- Christopher Patzke showed photos of:
 - Existing views of the property from different angles.
 - Simulated views of the proposed retaining walls with landscaping around them.
 - Simulated views of the proposed pool, pool terrace, and spa with landscaping around them.
- Proposed black aluminum chain-link or turkey wire fencing will be rendered invisible by existing foliage and new plantings.
- Two mature trees will be removed to build the pool terrace and a pool equipment structure.

- Peter White said, “The intent is not to remove any trees below the lower retaining wall, and to add more plantings to fill in empty spots.”

DRC Comments:

- Ellen Spencer: “When we see major changes to a property like this, we like to see detailed drawings of the landscaping and materials.”
- Spencer further commented: “The front yard is an odd place to put a swimming pool.”
- Jamie Devol mentioned that she had worked on this house “back in the day.” She said, “The big beautiful stone foundation and [existing] wall make it not a timid house. Looking up from Highland Avenue, we see these stones and the big beautiful porch.”

“Using large stones to match the house foundation and introducing a gentle curve to the proposed straight, long retaining walls might help integrate the site work with the original house and its wooded, hillside rocky landscape.”

- Peter White noted: “The thick granite coping on the house is picked up in thick coping on the [proposed] retaining walls.”
- Eileen Casciari commented that the black aluminum fencing is out of place.
- Juli Riemenschneider:
 - Suggested evergreens or other dense plantings at the ends of the retaining walls to soften the strong horizontals.
 - Asked Patzke and White to show more detail of the 25 feet of foliage planned for in front of the first retaining wall.
 - Expressed concern about such major changes to the property.
 - Noted that [Zen Associates] should provide more detailed drawings with a plant list and images of materials to be used .
- Eileen Casciari:
 - “It would be helpful to shrink the whole thing” to make the retaining walls, pool terrace, and spa less imposing.
 - “It’s all so big and straight and intrusive on the stone and shingle house.”
- DRC members requested that the Zen Associates team come to DRC’s November 2, 2022, meeting, with:
 - Sizes of trees to be removed and planted.
 - Specifics of all materials, including fencing and stone.
 - Renderings that show all landscape plantings and drawings with types of plants to be installed.
 - Solutions for softening the look of the retaining walls.
 - Details of the pool equipment structure.

- Design tweaks to make the pool terrace and retaining walls appear no wider than the house.

4. Petition 3978 - 32 Everett Avenue, Winchester MA

PETITION NO. 3978 - That of WILL EVANS by PETER WHITE, ZEN ASSOCIATES, INC. concerning the property at 32 EVERETT AVENUE, WINCHESTER, MA. The petitioners are seeking Site Plan Review under Section 9.5.1(7) of the Winchester Zoning By-Law so as to change the grade of more than 500 square feet by more than six (6) percent. The property is located in the RDB (Single Residence) zoning district and contains 33,429 +/- square feet.

Guest presenter: Peter White, Landscape architect, Zen Associates.

- The Mystic Lakes nestled amid Winchester, Arlington, and Medford are a partially surrounded by Department of Conservation and Recreation (DCR) property. The back of the parcel at 32 Everett Avenue overlooks the topmost part of Upper Mystic Lake.
- Peter White showed photos of the existing property and plans of the proposed changes. He said, “the biggest changes to the property” are to:
 - Add a singles tennis court.
 - Install a black vinyl chain-link fence around the court to contain tennis balls.
 - Install a 16-by-40-foot swimming pool with in-pool spa, and a pool terrace.
 - Build flights of stairs to access the tennis court and pool.
 - Remove nearly all of the lawn and densely plant around the tennis court.

DRC comments:

- Ellen Spencer: “This beautiful, natural landscape is all getting ripped apart.”
- Juli Riemenschneider read from Bylaw [Section 9.5.7](#), subsections 1., 3., and 8., which David Feigenbaum had addressed in his presentation (see page 4 above):
 1. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity;
 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;
 8. Minimize visual intrusion by controlling the visibility of [structures] ... viewed from public ways or premises residentially used or zoned;

- Riemenschneider believed that views from the Mystic Lakes are considered the same as views from a public way; this had been confirmed by Town Planner Brian Szekely.
- Riemenschneider stated that part of the character and value of the historic homes in this neighborhood is how they are sited in the landscape and the character of the landscape that surrounds them.
- Christopher Patzke informed DRC members that the Historical Commission had approved the proposed plans 4 - 2.
- Adrian LeBuffe:
 - The landscape architects should rotate the pool to “tuck it in closer to the house.”
 - “The tennis court requires so much regrading as to be untenable.”
- Ellen Spencer:
 - “The pool could be successfully integrated into the property.”
 - “The tennis court is not viable for the site for reasons stated in Bylaw Section 9.5.7., subsections 1., 2., 3., 7., and 8” (see page 4 above).

Ellen Spencer moved to recommend unfavorable action for all reasons discussed. Vote 5-0.

5. Sign Review: KMID Design Studio – 4 Mount Vernon Street, Winchester MA

- DRC members compared images of the existing sign to the proposed sign.
- The existing 15-inch tall, 120-inch wide, sign features gold leaf sans-serif letters on a black background. A gold leaf linear border accents the sign.
- The proposed sign is the same dimensions as the existing, and it retains the black background and gold leaf accent border. The proposed gold leaf lettering combines sans-serif and script typefaces.
- DRC members have no design recommendations for the sign as submitted.

6. Vote to approve August 29, 2022, minutes - All in favor.

7. Adjourn.

SUMMARY of Design Review Committee Votes – October 05, 2022			
Minutes #	Item	Address	Vote
2.	Design Review	14 Thompson Street	DRC recommended unfavorable action – Vote 5-0.

3.	Petition 3977	326 Highland Avenue	No vote. DRC asked Zen Associates to bring revised designs and design details to DRC's November 2, 2022, meeting.
4.	Petition 3963	32 Everett Avenue	DRC recommended unfavorable action — Vote 5-0.

Next meeting: Wednesday, November 2, 2022. Location to be announced.

Respectfully submitted by Recording Secretary Nancy Upper.