



BOARD OF APPEALS

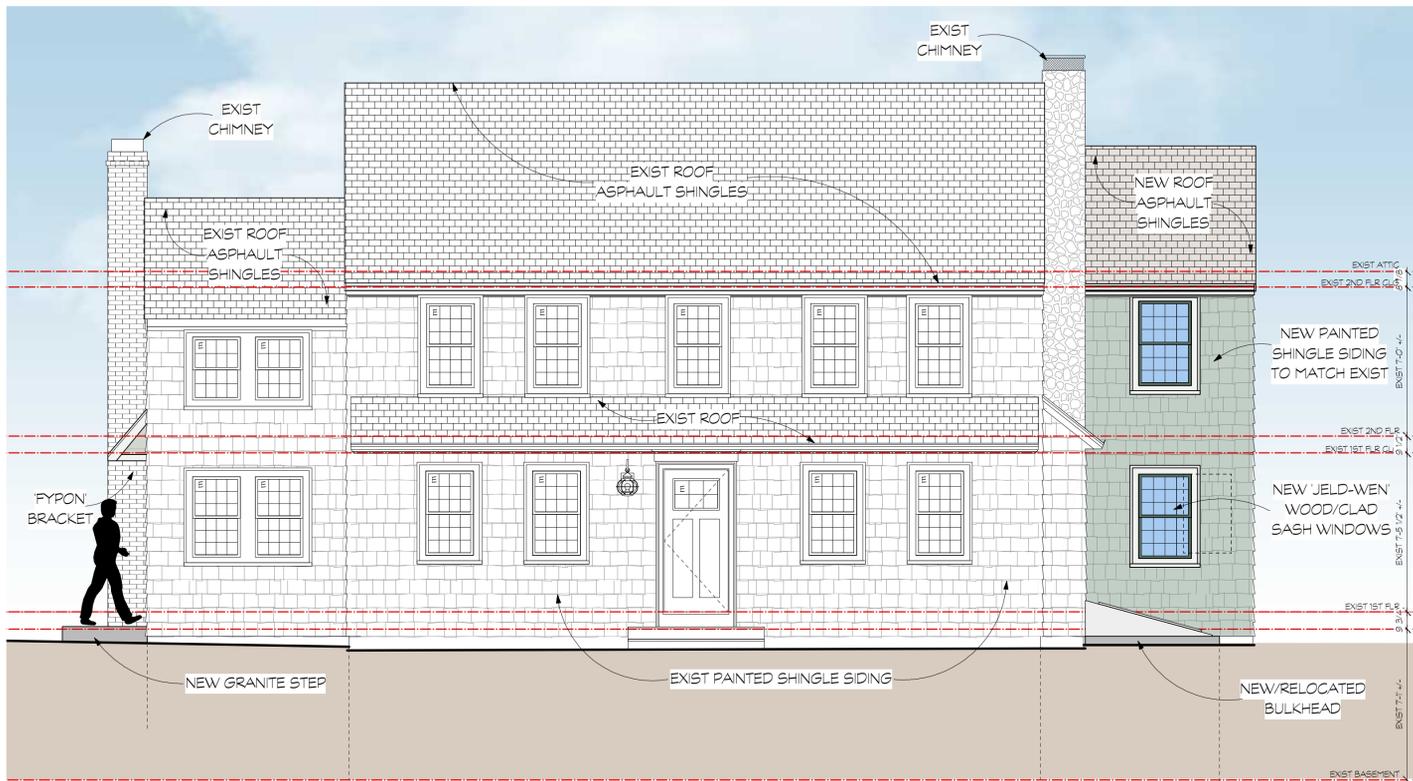
NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a PUBLIC HEARING on MONDAY, NOVEMBER 19, 2018 at 7:30 P.M. in the WATERFIELD ROOM, TOWN HALL, 71 MOUNT VERNON STREET, WINCHESTER, MA on the following matter:

PETITION NO. 3871 - That of TIMBRE and ANDREA BERNARD concerning the property at 21 STOWELL ROAD, WINCHESTER, MA. The petitioners seek 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 additions that will be located closer to the side property lines than permitted as of right. The property is located in the RDB (Single Residence) zoning district and contains 6,877+/- square feet.

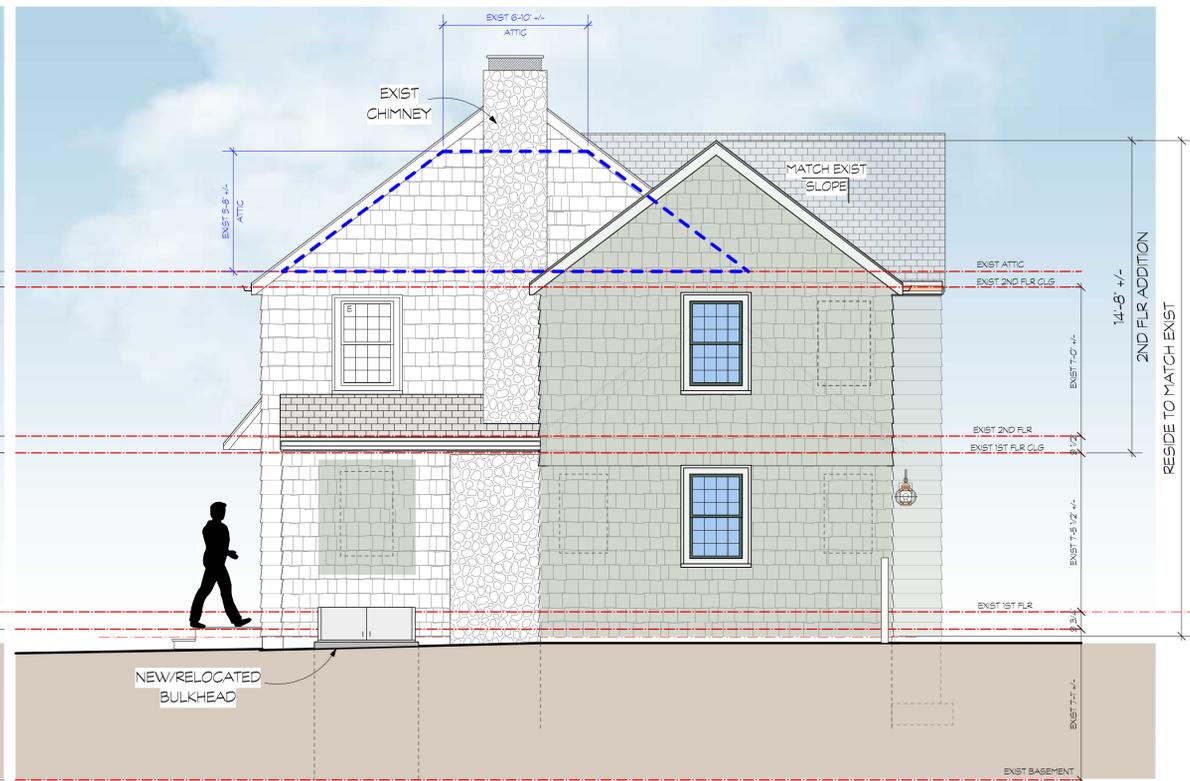
WINCHESTER BOARD OF APPEALS

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



Front Elevation

Scale: 1/4" = 1'-0"



Right Elevation

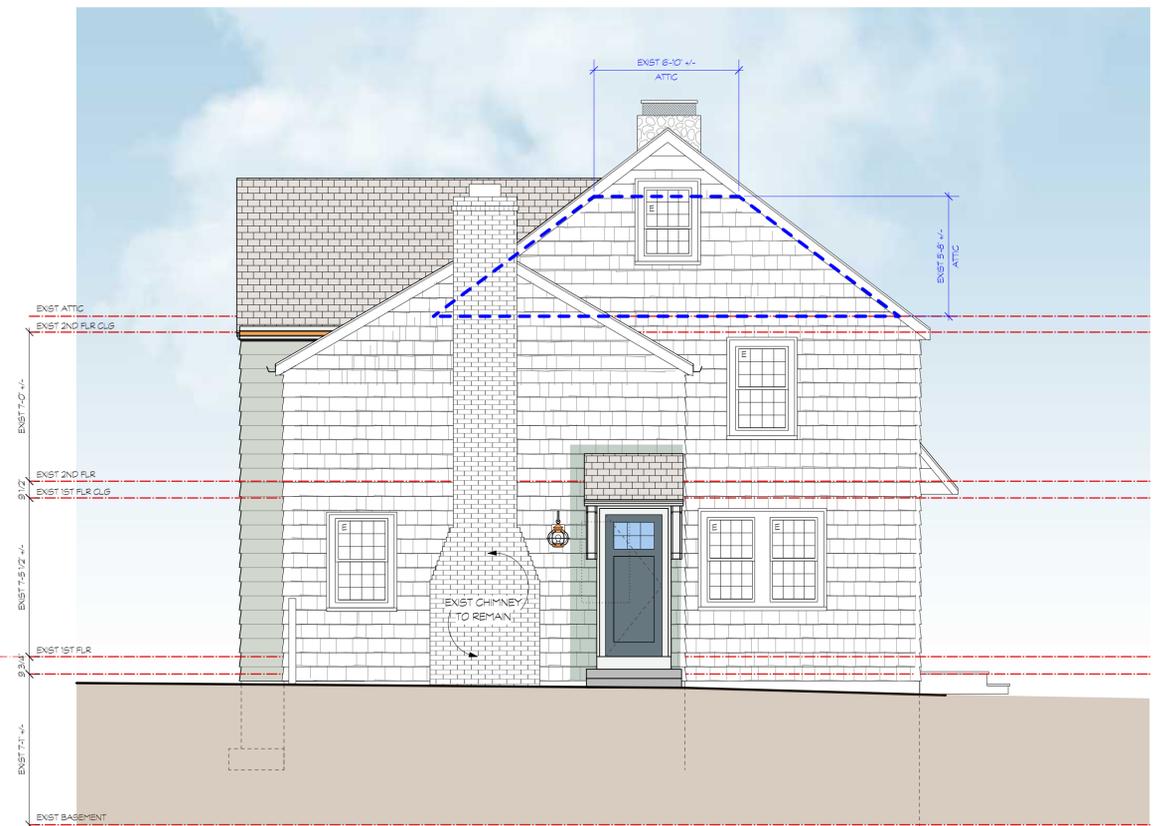
Scale: 1/4" = 1'-0"

12/12 & 12/1 WINDOW LITE PATTERN



Rear Elevation

Scale: 1/4" = 1'-0"



Left Elevation

Scale: 1/4" = 1'-0"



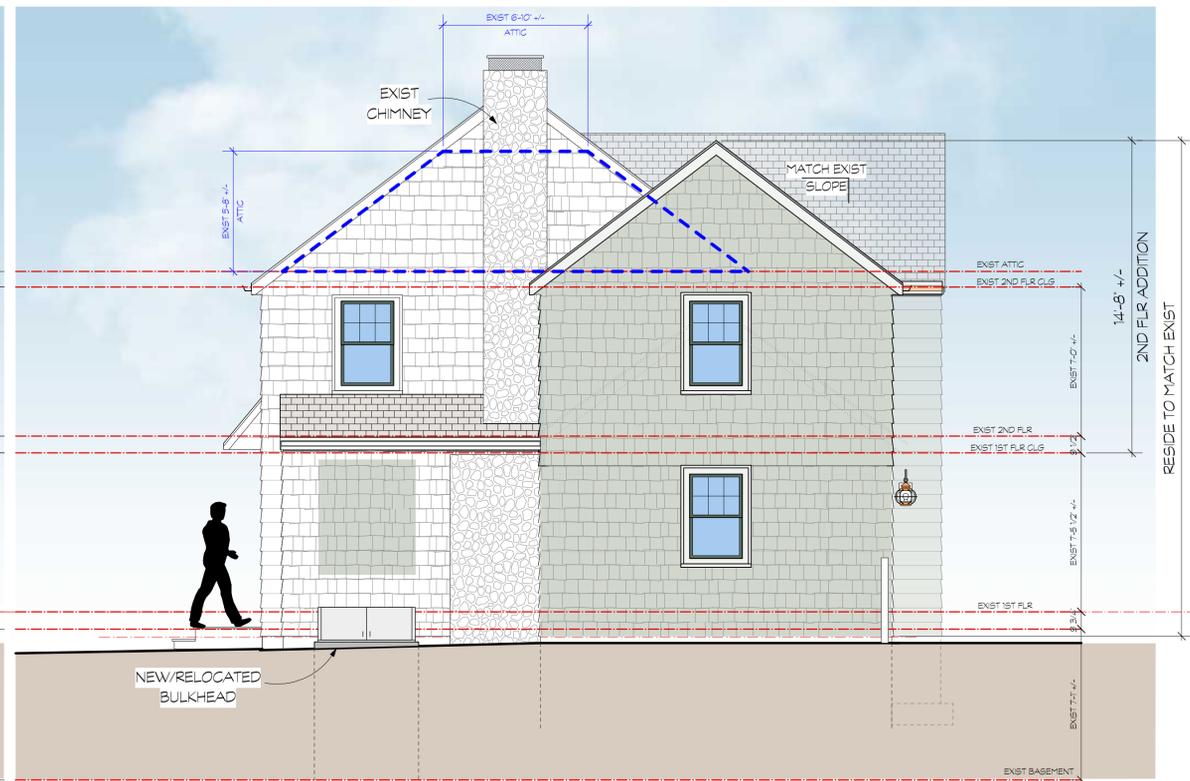
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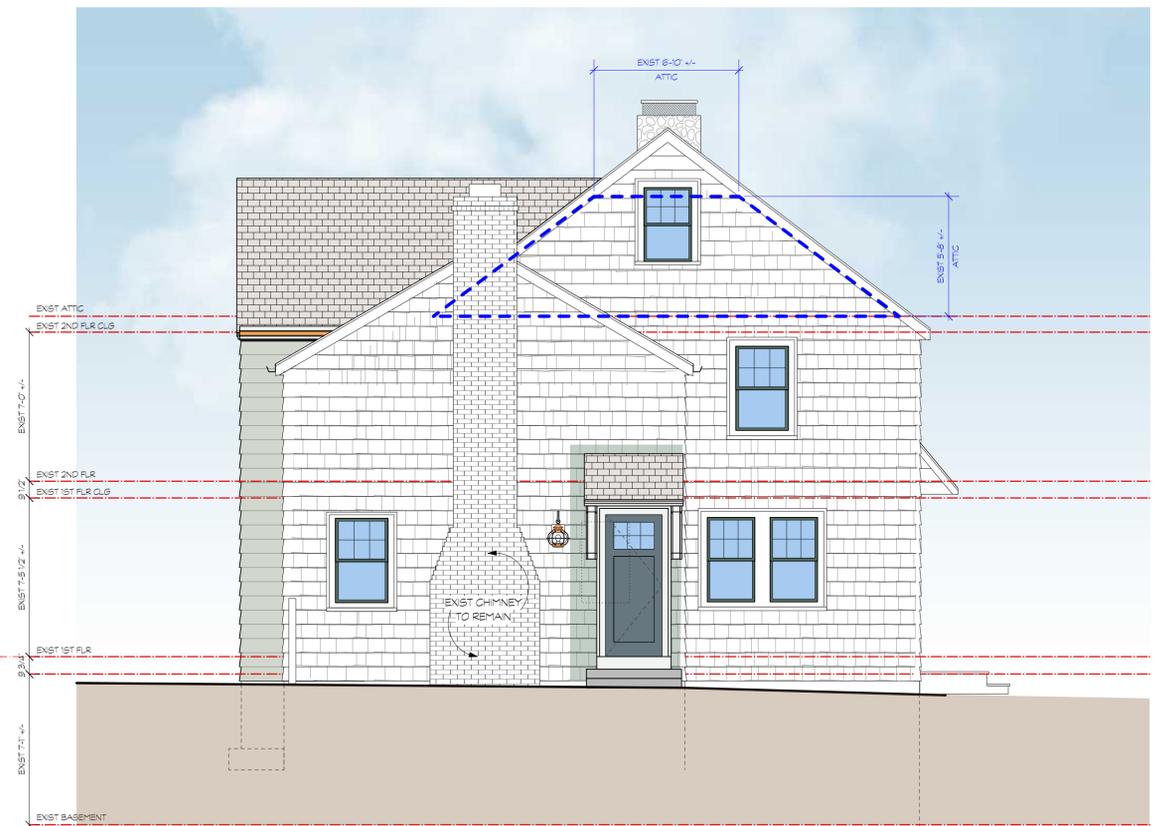


Right Elevation
Scale: 1/4" = 1'-0"

6/1 WINDOW LITE PATTERN



Rear Elevation
Scale: 1/4" = 1'-0"

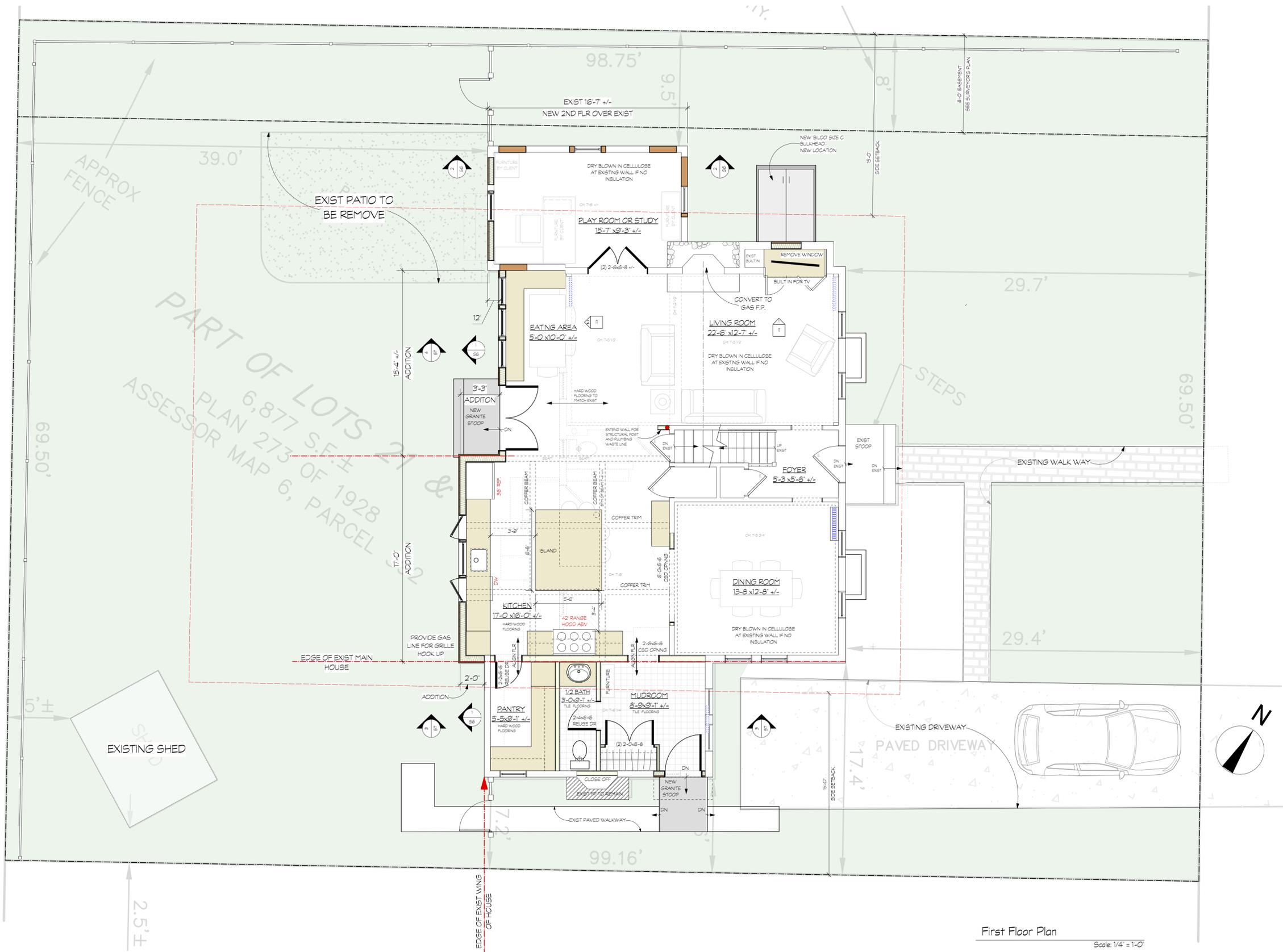


Left Elevation
Scale: 1/4" = 1'-0"

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First Floor Plan
 Scale: 1/4" = 1'-0"
 1ST FLR AREA = 1,380 SF

PART OF LOTS 21 & 22
 PLAN 6,877 S.F.H. 1928
 ASSESSOR MAP 6, PARCEL 21

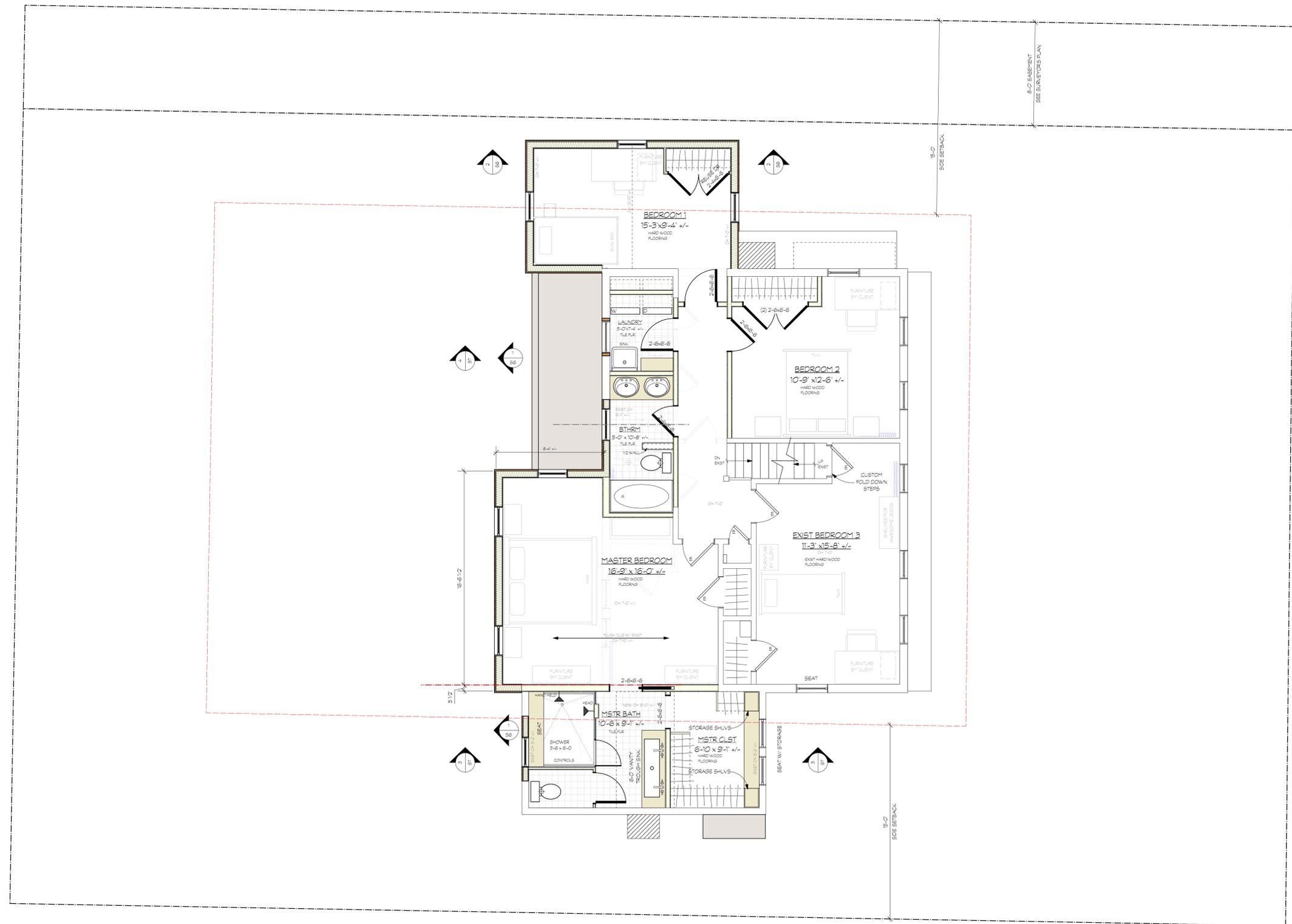
21 STOWELL ROAD



Bernard Residence
 Additions/Renovations
 21 Stowell Rd., Winchester

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Second Floor Plan

Scale: 1/4" = 1'-0"

2ND FLR AREA = 1,268 SF



Bernard Residence
 Additions/Renovations
 21 Stowell Rd., Winchester

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REAR PHOTO



FRONT PHOTO



RIGHT REAR PHOTO



LEFT PHOTO



Bernard Residence
Additions/Renovations
21 Stowell Rd., Winchester

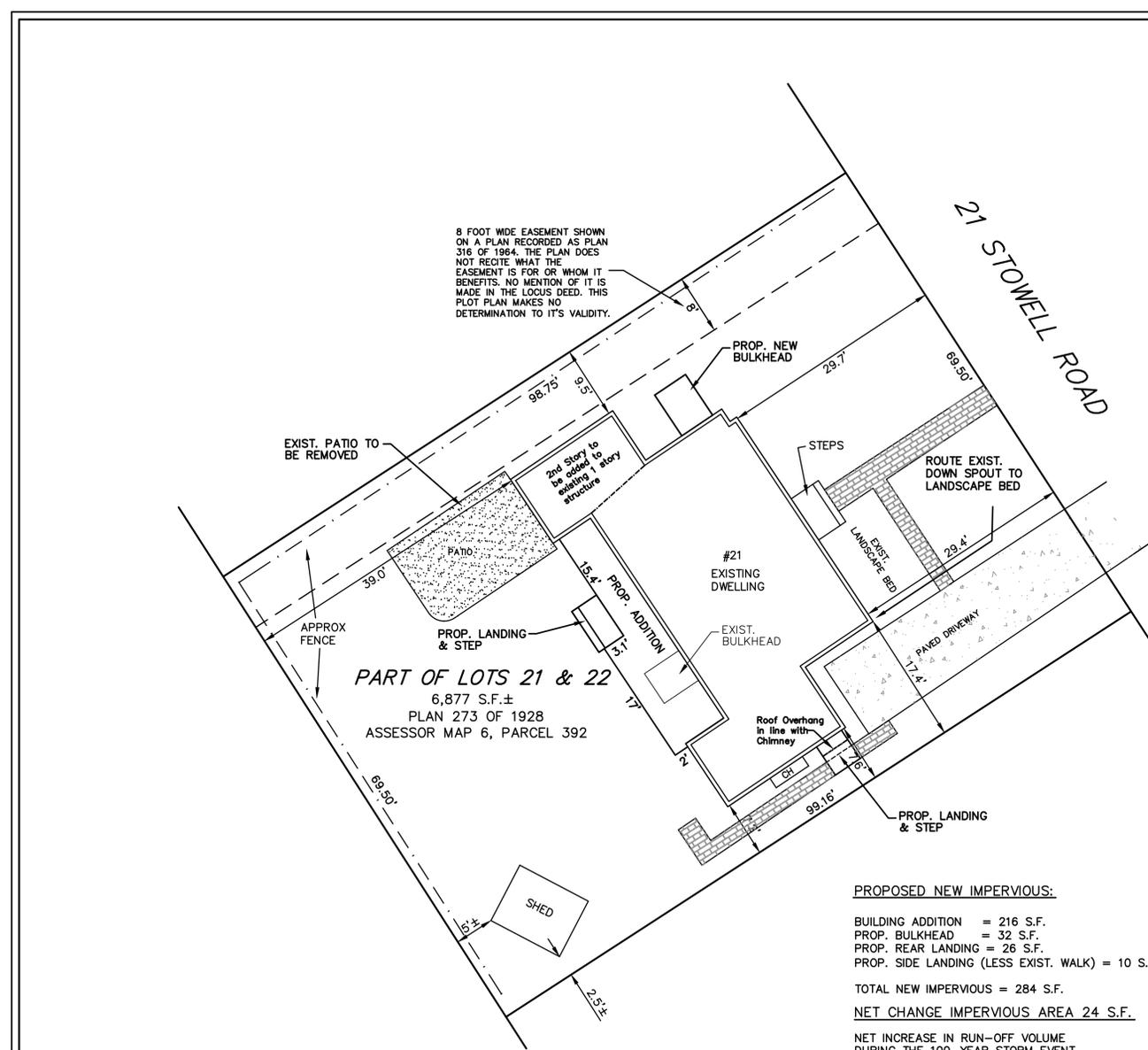
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Bernard Residence
Additions/Renovations
21 Stowell Rd., Winchester

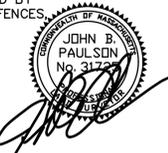
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RESIDENTIAL DISTRICT (RDB-10)			
DIMENSIONAL REQ.	REQ.	EXIST.	PROP.
MIN. % OPEN SPACE	70%	82.0%	79.8%
MIN. % GREEN SPACE	35%	69.1%	68.9%
MAX. % HARDSCAPE	35%	30.8%	31.1%



THIS IS NOT A PROPERTY LINE DETERMINATION. THE SETBACK DISTANCES SHOWN HEREON ARE TO INDICATE THE LOCATIONS OF PROPOSED OR EXISTING STRUCTURES ONLY. THESE SETBACKS ARE NOT TO BE USED BY THE CLIENT TO ESTABLISH LINES FOR FENCES, SHRUBS, ETC.



PROPOSED NEW IMPERVIOUS:
 BUILDING ADDITION = 216 S.F.
 PROP. BULKHEAD = 32 S.F.
 PROP. REAR LANDING = 26 S.F.
 PROP. SIDE LANDING (LESS EXIST. WALK) = 10 S.F.
 TOTAL NEW IMPERVIOUS = 284 S.F.
NET CHANGE IMPERVIOUS AREA 24 S.F.

NET INCREASE IN RUN-OFF VOLUME DURING THE 100-YEAR STORM EVENT RAINFALL = 8.9"
 RUNOFF VOLUME = 18 C.F. (135 GALS)

IMPERVIOUS MITIGATION:
 TO MITIGATE FOR THE NEGLIGIBLE INCREASE IN IMPERVIOUS AREA AND RUNOFF VOLUME, ONE OF THE EXISTING FRONT ROOF DOWN SPOUTS WILL BE DIRECTED TO THE EXISTING LANDSCAPE AREAS TO PROVIDE INFILTRATION.

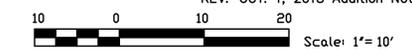
EXIST. IMPERVIOUS TO BE REMOVED:
 MASONRY PATIO = 234 S.F.
 EXIST. BULKHEAD = 26 S.F.
 TOTAL IMP. REMOVED = 260 S.F.

PERMIT PLAN FOR 21 STOWELL ROAD IN WINCHESTER, MASSACHUSETTS

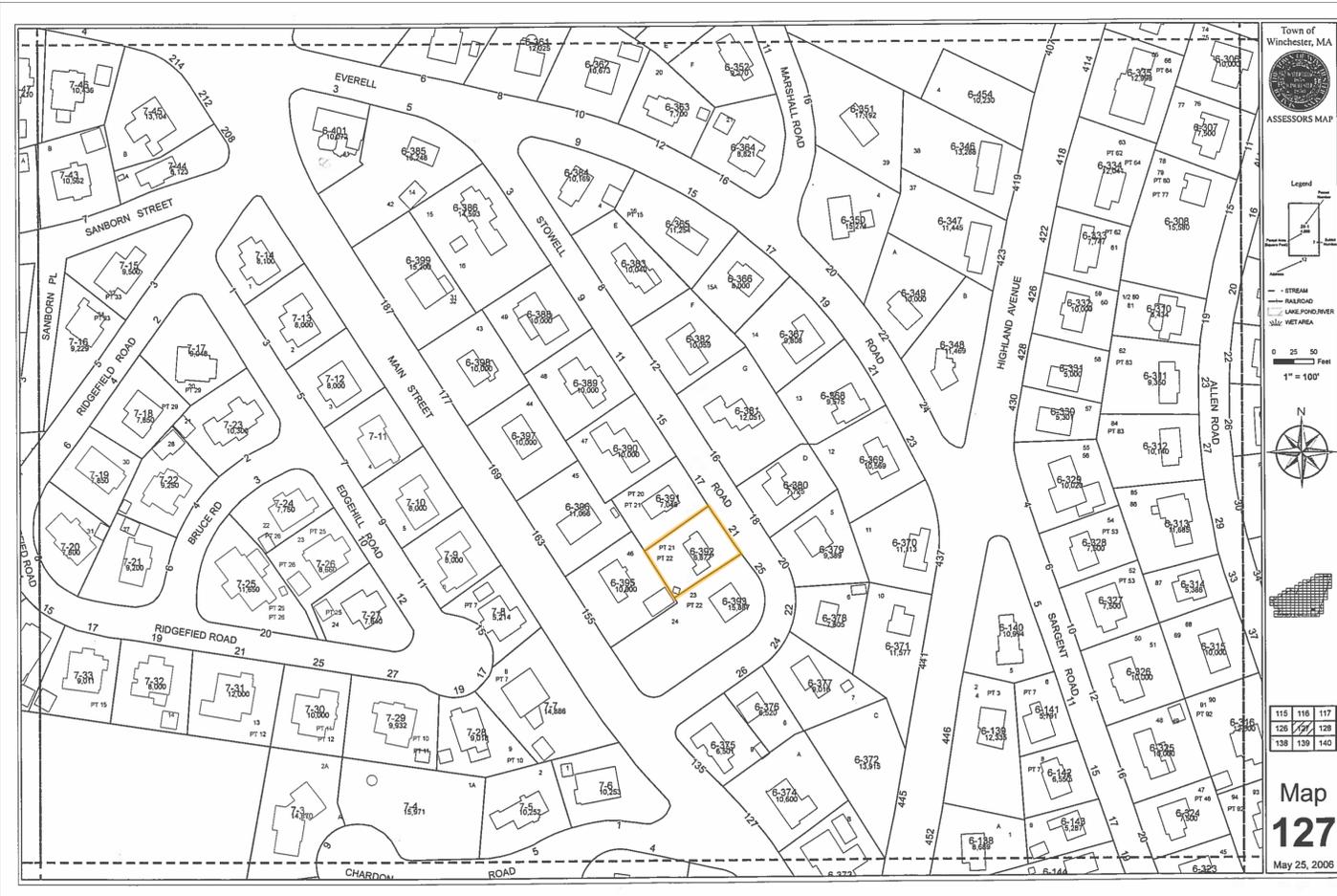
ENGINEER:
ATLANTIC ENGINEERING & SURVEY CONSULTANTS INC.
 97 TENNEY STREET - GEORGETOWN, MA 01833
 PHONE: 978-352-7870 FAX: 978-352-9940

DRAWING FILE: seq93\21Stowell.dwg

JOB NO. A1710-03 DATE: AUG. 29, 2018
 REV: SEPT. 13, 2018
 REV: OCT. 1, 2018 Addition Note



THIS IS AN INSTRUMENT PLOT PLAN SHOWING THE LOCATIONS OF EXISTING AND PROPOSED STRUCTURES FOR OBTAINING A BUILDING PERMIT. LOT LINES HAVE NOT BEEN STAKED AS PART OF THIS JOB.
 THE SETBACK DISTANCES SHOWN ARE NOT TO BE USED BY THE CLIENT TO ESTABLISH LINES FOR FENCES, SHRUBS, LANDSCAPING, ETC...



Town of
Winchester, MA
ASSESSORS MAP
Legend
1" = 100'
Map
127
May 25, 2006

CUMMINGS ARCHITECTS



57 S. Main St. Ipswich, MA • www.cummingsarchitects.com • 978-356-5026

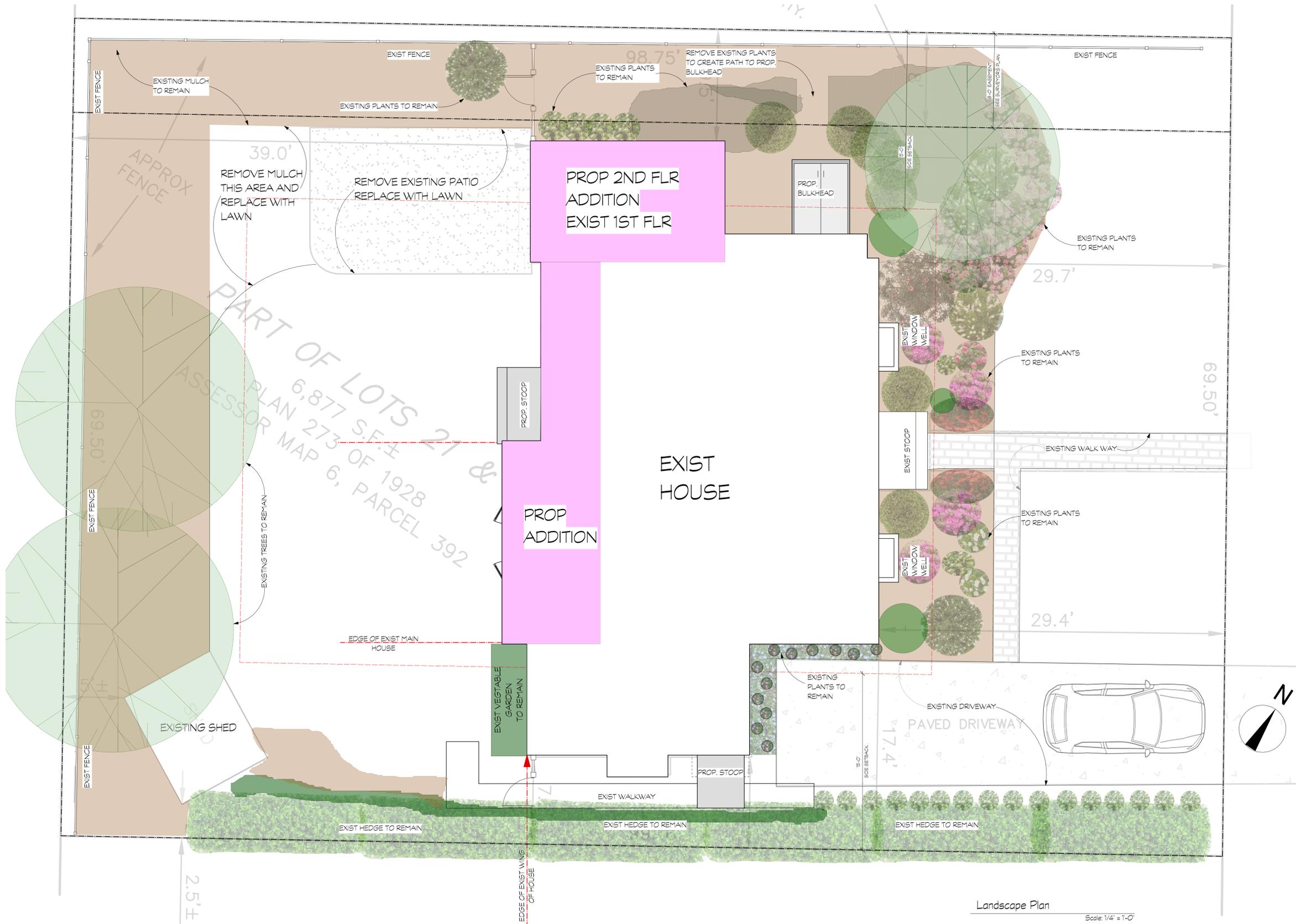
Bernard Residence

Additions/Renovations
21 Stowell Rd., Winchester

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Landscape Plan
Scale: 1/4" = 1'-0"

ATTENTION: THIS DRAWING DOES NOT SHOW THE COMPLETE WORK NECESSARY FOR ANY SINGLE SUBCONTRACTOR. A FULL REVIEW OF EVERY DRAWING SHEET IS REQUIRED.



Bernard Residence
Additions/Renovations
21 Stowell Rd., Winchester

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

APPLICATION FOR
ZONING HEARING

FORM 2

Application Date 10/2/2018

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 21 STOWELL ROAD, WINCHESTER Zoning District RDB-10

Area of Lot 6,877 S.F. +/- Frontage 69.50 FEET Year Built 1930 +/-

Street Frontage is Public Way Subdivision Control Way Private Way

Petitioner's Name Timbre Bernard Address 21 Stowell Road
(Owner)

Name Andrea Bernard Address 21 Stowell Road
(Owner)

Name _____ Address _____

Brief Description of Work:

Additions to an existing nonconforming house on ther right and left setback. The addition to the right will be upon an existing nonconfroming footprint but no more nonconforming. A roof overhang to the left above a new door within the side setbacks but no more nonconforming than the existing structure.

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) Andrea & Timbre Bernard

Address of owner of record 21 Stowell Road

Title Reference:

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

(Registered land) Land Court Certificate of Title No. 185255 Book 59880, Page 44

Date of Recording: 06/10/2015

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

There is the existing house and shed in the rear yard.

Attorney, agent, or other representative acting for petitioner:

Name Mathew Cummings (Cummings Architects) Address 57 South Main street, Ipswich, MA, 01938

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>2</u> day of <u>October</u> , 2015.	
SIGNATURE <u>Andrea Bernard</u> (Petitioner/Agent)	SIGNATURE <u>Andrea Bernard</u> (Property Owner/Agent)
Address <u>57 South Main street, Ipswich, MA, 01938</u>	Address <u>21 Stowell road, Winchester, MA, 01890</u>
Tel No. <u>978-356-5926</u>	Tel No. <u>617-347-7922</u>
Email address <u>mat@cummingsarchitects.com</u>	Email address <u>andreasebernard@gmail.com</u> <u>tobernard00@gmail.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 Andrea & Timbre Bernard seeks a Special Permit

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

21 Stowell Road 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:**
The right setback requirement is 15'-0" whereas, the existing house is setback 9.5'.
The left setback requirement is 15'-0" whereas, the existing house is setback 7.6'

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:**
The property is dated under the assessors about 1930.

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 proposed work on the right side is to build on the existing footprint of the first floor to add a second floor, which would be no closer than the existing house. Also to add a entry roof over the proposed landing on the left side of the house that would not extend out any farther the existing chimney.

Winchester Board of Appeals
Form 2F

4. The proposed project will not adversely affect:

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

The proposed work will not alter the existing front entry to the house. The addition will follow the IRC 2015 for proper egress where necessary.

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

The proposed work will not alter the existing driveway or parking.

(c) Refuse collection or disposal, because:

The proposed work will not alter the existing shed which is used for collection and disposal.

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

The proposed work will not alter the existing view from ground level looking into the rear yard.

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

The proposed work will extend into the rear yard a few feet to gain much needed space inside. However, it will have french doors and windows added to rear that will tie the inside and outside together.

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

The proposed work will match the existing characteristics of the existing house and neighborhood.

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: 10/2/18

SIGNATURE Andrew Bernard
(Petitioner/Agent)

Address 21 Stowell road, Winchester, MA

Tel No. 617-347-7922

absence, inability to act or conflict of interest on the part of any member or members thereof, or in the event of a vacancy, until said vacancy is filled in the manner provided in this section.

9.3.3 Powers. The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this Bylaw. The Board's powers are as follows:

1. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 9.4 or as otherwise specified.
2. To hear and decide appeals or petitions for variances from the terms of this Bylaw, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals shall not grant use variances.
3. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.
4. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

9.3.4 Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

9.3.5 Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees pursuant to G.L. c. 44, s. 53G for petitions for variances, administrative appeals, and applications for comprehensive permits.

9.4 SPECIAL PERMITS

9.4.1 Special Permit Granting Authority. The Zoning Board of Appeals shall serve as Special Permit Granting Authority as may be designated for particular matters in this Bylaw.

9.4.2 Criteria. Unless otherwise specified in Section 3.5 or elsewhere in this Bylaw, a special permits may be granted by the Special Permit Granting Authority (SPGA) 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. In addition to any specific factors that may be set forth in this Bylaw, the SPGA shall consider, and its written decision shall address, each of the following, as well as any recommendations by other town agencies and officials:

- 
1. Community needs which are served by the proposal;

- 
2. Traffic flow and safety, including parking and loading;
 3. Adequacy of utilities and other public services;
 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;
 7. Fiscal impacts, including impact on town services, tax base and employment; and
 8. Impacts on Historic Resources, as defined in Section 10 of this Bylaw.

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

9.4.3 Procedures. Special permit applications shall be governed by the rules and regulations of the special permit granting authority. Whenever an application for a special permit is filed with a special permit granting authority, the applicant shall file eighteen (18) paper copies (and an electronic copy) of the submission at the Building Department. Within five (5) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation shall be forwarded by the Board of Appeals clerk 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 and Historical Commission for their consideration, review, and recommendations.

9.4.4 Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw.

9.4.5 Plans. Unless otherwise specified herein, an applicant for a special permit shall submit a plan in substantial conformance with the requirements for a site plan as set forth in the rules and regulations of the Zoning Board of Appeals.

9.4.6 Regulations. The Special Permit Granting Authority may adopt rules and regulations for the administration of this section.



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Drainage Letter

21 Stowell Road
Winchester, MA

10/2/18

Cummings Architects and Atlantic Engineering had a conversation with the Winchester Town Engineer about the required drainage plan for 21 Stowell Road. It was discussed that this was not needed because of how little of an increase of impervious surface is proposed for the site. The proposed work has an increase of 24 square feet of impervious surface, which would likely contribute negligible runoff volume.

The consensus of the conversation was that an elaborate system would not be necessary.