

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

**ZONING APPLICATION  
CHECKLIST**

**FORM 1  
INSTRUCTIONS**

**INSTRUCTIONS**

Please collect and present the following materials to complete an application to the Board of Appeals. Incomplete filings and forms are not an application and do not begin the process before the Board.

You should present this checklist, the required materials, and the filing fee to the Board of Appeals Clerk at the Building Department. The materials then will be docketed at the Town Clerk's Office.

The Board requires multiple copies (\*) to distribute to the Board members and other interested Town bodies. (20 copies for Special Permits, Variance, Appeals and Site Plan Review).

*Everything circled \**

<u>ITEM</u>	<u>REQUIRED</u>	<u>ENCLOSED</u>
Filing Fee <u>\$50.00</u> (advertising costs are extra & will be billed by newspaper) <span style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 10px;">\$200.00*-</span>	✓	
*Request for Hearing: Form 2	✓	
Supporting Statement – Requested Findings		
*-Appeal (Form 2A)		
*-Variance (Form 2B)		
*-Special Permit Use (Form 2C)		
*(*) Site Plan Review (Form 2D)	✓	
*-Special Permit Sign (Form 2E)		
*(*) Special Permit One & Two Family Non-Conforming (Form 2F)	✓	
*-Special Permit Other Non-conforming (Form 2G)		
*(*) Plot Plan (done by Registered Land Surveyor- to scale, including % of green space and hardscape)	✓	
*(*) Building Drawings (Floor plans w/sq. ft., elevations, dimensions, materials)	✓	
*Sign Drawings and Schematics		
*(*) Assessor's Map (Engineering Department)	✓	
*(*) Landscaping Plans (size, species and spacing. Include before and after for Site Plan Approval)	✓	
*(*) Drainage Plans (with O & M for Site Plan Approval)	✓	
Photographs	✓	
CD or PDF of complete package submitted ( <a href="mailto:viarella@winchester.us">viarella@winchester.us</a> )	✓	

**Note: All plans submitted should contain a title box and be legible.**

TOWN OF WINCHESTER  
BOARD OF APPEAL

**IMPORTANT INFORMATION FOR APPLICANTS**

1. **UNDERSTANDING THE RULES.** Your application and hearing will proceed more smoothly if you understand and follow the Rules and Regulations of the Board of Appeals. (Copies are available from the Clerk of the Board of Appeals).
  
2. **SUBMIT ONLY A COMPLETE APPLICATION.** Applications that do not contain the essential forms, fully completed, and applicable filing fees will not be given a hearing. Incomplete applications do not begin the statutory time periods for considering applications. The Clerk of the Board of Appeals can assist you in determining whether your package is complete.
  
3. **SUBMIT ONLY COMPLETE PLANS.** Submission of vague or incomplete plans, or submissions of late changes, may result in continuances and delays in obtaining a decision from the Board. Also, the Board's decisions allowing the requested relief ordinarily require construction to conform to the plans. Therefore, submit only complete, final plans containing sufficient detail to allow the Zoning Enforcement Officer to determine whether your construction conforms to the decision plans.
  
4. **PLAN FOR THE DELAY.** While the Board seeks to act on petitions more quickly than the statutorily allowed time periods, the application process necessarily will add time to your project schedule. Assuming that your petition is granted without an appeal to court, typical periods before a building permit can issue include:

*Time to advertise hearing and receive recommendations from other Boards/Committees/Departments:	5+ weeks
*Hearing	
*Time to file decision:	Up to 90 days
*Statutory appeal period:	20 Days from written decision filed with the Town Clerk
  
5. **DO NOT CONTACT BOARD MEMBERS.** Board rules prohibit contact between Board members and applicants. Please direct questions, comments and submissions only through the Clerk of the Board of Appeals.
  
6. **CONSULT YOUR NEIGHBORS.** Notice of your application is given to all abutters and abutters to abutters within 300 feet. The Board listens carefully to the concerns of neighbors. Therefore, be sure to inform your neighbors of your project, answer their questions, and seek their approval. Being a good neighbor may avoid delays and conflict at the hearing.



**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) Nicholas & Jennifer Warner

Address of owner of record 18 Sheffield Road Winchester, MA 01890

**Title Reference:**

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

(Registered land) Land Court Certificate of Title No.91609 Book 63846, Page 252

Date of Recording: 7/1/14

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

(1) House and (1) Detached cinderblock two-car garage -

Attorney, agent, or other representative acting for petitioner:

Name \_\_\_\_\_ 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>23rd</u> day of <u>April</u> , 2020.	
SIGNATURE <u>[Signature]</u> (Petitioner/Agent)	SIGNATURE <u>[Signature]</u> (Property Owner/Agent)
Address <u>18 Sheffield Road</u>	Address <u>18 Sheffield Road</u>
Tel No. <u>617-913-2100</u>	Tel No. <u>617-913-2100</u>
Email address <u>nwarner@gmail.com</u>	Email address <u>nwarner@gmail.com</u>

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



Town of Winchester

FORM 2D

MIDDLESEX COUNTY, MASSACHUSETTS

TOWN HALL  
71 MOUNT VERNON STREET  
WINCHESTER, MASSACHUSETTS 01890  
(617) 721-7115

BOARD OF APPEALS

Date: 4/23/20

To the Board of Appeal of the Town of Winchester:

The undersigned hereby petitions the Board of Appeal for the relief specified below.

Property Location 18 Sheffield Road Winchester, MA 01890 Lot # 17-128-0

Zoning District: RDB-10 Area of Lot: 13,112 sq ft Frontage: 135 Ft

Street Frontage is:  Public Way  Subdivision Control Way  Private Way

Owner of Record: Nicholas & Jennifer Warner

Mailing Address: 18 Sheffield Road Winchester, MA 01890 Tel. 617-913-2100

Date Deed Recorded: 7/1/14 (Complete Deed Reference Below)

Middlesex South Registry of Deeds: Book 63846 Page 252

Middlesex South Registry District of the Land Court as Cert. of Title No. 91609

Present Use: Homestead

Proposed Use: Homestead

\*\*\*\*\*  
Relief Desired:

Appeal (MGL Chp. 40A, Sect. 8), attach copy of decision or order being appealed.

Special Permit in accordance with Zoning By-Law Sect. \_\_\_\_\_

Special Permit/Site Plan Review in accordance with Zoning By-Law Sect. 4.0

Dimensional Variance (MGL chp. 40A, Sect. 10) from Zoning By-Law Sect. \_\_\_\_\_

Sign Permit under Chp. 9 of the General By-Laws of the Town of Winchester

Describe change, extension, alterations or modifications, etc. requested.

Addition of attached two-car garage and mudroom. Removal of existing asphalt/stamped concrete driveway and hardscape,

replacing it with lawn and landscaping in backyard.

\*\*\*\*\*

Petitioner: Nicholas Warner Signature: N Warner

Mailing Address: 18 Sheffield Road Winchester, MA 01890 Tel. 617-913-2100

Petitioner is:  Owner  Tenant  Licensee  Binding Optionee

Petition must be fully completed, typewritten or plainly printed in ink.

TOWN OF WINCHESTER  
BOARD OF APPEAL  
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SUPPORTING STATEMENT  
REQUESTED FINDINGS

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

Petitioner \_\_\_\_\_ Nicholas Warner \_\_\_\_\_ seeks a Special Permit  
under Section 3.5 of the Winchester Zoning By-Law for the property located at  
\_\_18 Sheffield 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), **lot area, lot frontage or lot width** as follows:
  - (1) **Existing detached cinderblock garage is on the existing north and east lot line, with almost no set-back**
  - (2) **Existing front porch of house is less than 30 feet of set-back from the curb, per Section 4.0 of Zoning Bylaw Dimensional Requirements.**
  
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:
  - (1) **Existing detached cinderblock garage was constructed in ~1940**
  - (2) **Existing front porch of house is original to construction ~1905.**
  
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:

***New attached garage has been thoughtfully designed to match the architectural details and finish of house (shingled redwood). Current long driveway that wraps around north side of house will be replaced with lawn and professionally designed gardens. Current non-conforming garage will be repurposed as a garden house for storage.***

4. The proposed project will not adversely affect:

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

***Driveway will be shortened, with easier access to cars, garage, and house.***

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

***New garage simply replaces old garage; there would be no impact on current off-street parking.***

(c) Refuse collection or disposal, because:

***Refuse trucks currently cannot access the garage, since driveway is too long and tight to navigate. New design will have short driveway with easy off-street refuse collection.***

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

***Neighboring properties are sited well back from proposed garage location, and affected neighbors have existing ~8 ft high fences along properties lines.***

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

***Proposed project will in fact double the size of the current backyard by removing impermeable asphalt/stamped concrete driveway and replacing with lawn and landscaping.***

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

***Garage has been designed to match the architectural details and finish of house. Many homes in the neighborhood have been tastefully updated in a similar manner to our proposal.***

**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: 4/23/20

SIGNATURE   
(Petitioner/Agent)

Address 18 Sheffield Road

Tel No. 617-913-2100