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**TOWN OF WINCHESTER
BOARD OF APPEALS**

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Decision No. 3943

14 Glen Road, Winchester, Massachusetts 01890

TOWN CLERK
TOWN OF WINCHESTER

NAME OF PETITIONER: Sarah O. Doherty and Brian P. Doherty

APPLICATION FOR: The Petitioners are 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. The property is located in the RDB (Single Residence) zoning district and contains 16,654+/- square feet.

DATE OF HEARING: July 15, 2021

BOARD OF APPEALS: Mark Waterbury, David Feigenbaum, Robert W. Tedesco

DECISION: Granted

VOTE OF BOARD: Unanimous

CONDITIONS: The following conditions apply to the grant of this Special Permit:

1. Construction of the proposed addition shall be in substantial conformity with the plans and information submitted with the Petition including the following:
 - (a.) Application for Zoning Hearing Form 2 dated May 26, 2021 received on June 2, 2021;
 - (b.) Supporting Statement Requested Findings Form 2F Special Permit (Non-conforming)(1 and 2 Family) dated May 26, 2021;
 - (c.) A Stormwater BMP Operation/Maintenance Manual prepared by Cyprus Design, Inc. dated April 15, 2021, revised May 14, 2021 and May 18, 2021;
 - (d.) A Site Plan, entitled "14 Glen Road, Winchester, Massachusetts" prepared by Cyprus Design Inc. dated and stamped May 18, 2021;
 - (e.) An Existing Conditions Plot Plan, entitled "14 Glen Road, Winchester, Massachusetts" prepared by Cyprus Design, Inc. dated April 28, 2021;

(f.) A Proposed Conditions Plot Plan, entitled "14 Glen Road, Winchester, Massachusetts" prepared by Cyprus Design, Inc. dated May 18, 2021 and

(g.) A Design Plan Set, 14 Glen Road, Winchester, Mass., drawings Z1 through Z9 as prepared by Space Craft, Lexington, Massachusetts dated May 26, 2021

2. All representations made by the Petitioners at the public hearing and not memorialized are hereby incorporated into this Decision.
3. Compliance with the Town of Winchester Engineering Department recommendations.
4. Compliance with conditions requested in the July 12, 2021 letter from Turner and Laney Zamore (12 Glen Road).

FACTS:

The existing structure is non-conforming as to certain minimum set-back requirements. The northwesterly corner of the existing structure is 1.1 feet from the northeasterly lot line, at its nearest point, where a set-back of 15 feet is required. The front façade of the existing structure is 17.1 feet from the northwesterly lot line, at its nearest point, where a set-back of 25 feet is required.

The addition is comprised of a one story kitchen/breakfast area and porch. The area of the addition is approximately 650 square feet. The scale of the structure, with the proposed extension, will be compatible with the scale of other homes in this neighborhood. In addition, the proposed extension will maintain a single-family home that is similar in character to other properties in the neighborhood. The new clapboard siding and trim will match the existing siding and trim, thus creating a seamless transition between the existing structure and the extension. The eave details on the proposed extension will match the eave details on the existing residence. Columns and railings on the new covered porch will match columns and railings on the front porch. In all these respects, the proposed extension will be compatible with both the scale of other homes in the neighborhood, as well as the attractive, cohesive style of these residences.

The Petitioners plan to introduce mature landscaping along their northeasterly lot line. The design of the extension, also, with the new covered porch and a 637 square foot patio located on the southeasterly corner of the residence, improves screening and buffering. There will be an increase in the size of the driveway by 275 square feet. A 148 square foot walkway will be removed and a 263 square foot walkway will be installed. The proposed extension will not result in changes to topography, installation of retaining walls or the removal of mature trees.

DISCUSSION:

The Winchester Planning Board reviewed the application of the Petitioner and voted to recommend favorable action on the Special Permit Request 3-0-1-1 (Three in favor; none against; one abstaining; one abstention) under Section 3.5.5 of the Zoning By-Law.

The Board carefully reviewed the Planning Board's recommendations, noted same in its deliberations, and incorporates same herein by reference.

The Town of Winchester Design Review Committee reviewed the application and recommended a favorable action for the following reasons: (1) The addition is not visible from the road. (2) The addition is not closer to the property line than that of the existing house. (3) There was a question about the roofing material for the flat roof. This will not be visible from the ground and the specific roofing material has not been chosen. If sarnafil is used, a member of the DRC recommended a light color. Vote all in favor.

The Board carefully reviewed the Committee's recommendations, noted same in its deliberations, and incorporates same herein by reference.

The Town of Winchester Historical Commission, in accordance with Zoning Bylaw Section 9.4, subsection 8, finds no adverse effect on a historical or cultural resource. Voted: 4 in favor, 0 opposed (3) Absent.

The Board noted the Commissions comment in its deliberations.

The Town of Winchester Engineering Department reviewed the petition and in a memorandum dated June 25, 2021 and noted the following findings: Increase the size of driveway by 275 square feet; remove a 148 square foot walkway; install a 263 square foot walkway; and install a 637 square foot patio. As to Stormwater Review, said Department determined (1) At a minimum, a test pit shall be performed during permitting process to document the soil conditions and seasonal high groundwater at the proposed site of recharge. Seasonal high groundwater shall be estimated based on redoximorphic features in the soil. Depth to bedrock or other restrictive layers shall also be identified. The soil conditions shall be documented by a Certified Soil Evaluator. (2) The Engineering Department shall be notified a minimum of 48-hours prior to performance of the sub-soil investigations and installation of the sub-surface infiltration system. (3) The application shall provide an as built-plan and certification by the engineer of record confirming that the system was installed per the approved plan prior to the issuance of the Certificate of Occupancy permit. The Engineering Department concluded (1) Applicant to conduct test pit during the permitting process. If results of the test pit differ than the assumptions made in the infiltration system calculations – applicant shall revise design accordingly. (2) If field conditions match assumptions made in the initial design and the infiltration system is properly installed and maintained, it should adequately mitigate stormwater runoff from the new impervious area.

The Board carefully reviewed the Engineering Department's recommendations, noted same in its deliberations, and incorporates same herein by reference.

The Town of Winchester Conservation Commission reviewed the petition and determined that it did not have jurisdiction over the proposed work. The Board noted the Commission's comment in its deliberations.

A letter from Turner and Laney Zamore, 12 Glen Road, dated July 12, 2021 was submitted to the Board expressing their support with five (5) conditions (1) The Petitioner will provide at least two weeks of advance notice of the construction schedule to the property owners at 12 Glen Road for any days involving demolition work or significant dust production, and the Petitioner will limit demolition activities to one period of time to the extent possible. (2) The Petitioner will not use the driveway or property at 12 Glen Road for any construction or other purposes, except with regard to the relocation of the compressor on the northerly facade of the Petitioner's residence. (3) The Petitioner will install landscaping consistent with the Landscaping Plan submitted to the board as part of the Petitioner's original filing. (4) The Petitioner will relocate the compressor on the northerly facade of the Petitioner's residence to another exterior wall, so that it is entirely on their property. The Petitioner will provide advance notice of any entry onto the property at 12 Glen Road for the purpose of relocating the compressor. (5) The Petitioner will soundproof any and all AC units on the northerly facade of their house to a reasonable extent). The petitioners (through their attorney) were amenable to the conditions listed in the letter.

DECISION:

The Petitioners' Application for a Special Permit pursuant to 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, is granted.

BOARD OF APPEALS, BY:


Robert W. Tedesco

DECISION DATED:

August 12, 2021