



Town of Winchester
BOARD OF APPEALS
Town Hall 71 Mt. Vernon Street, Winchester, MA 01890
Phone 781-721-7115 Fax 781-721-9935
Janine L. Viarella, Clerk

March 16, 2022

RE: Petition No. 3952 – 1 Parker Road, Winchester, MA

Pursuant to Chapter 40A, Section 15 of the Massachusetts General Laws, you are hereby notified that the Board of Appeals has granted Molly and Kevin Ryan 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 9,797 +/- square feet.

Appeals from this decision, if any, must be made pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws and must be filed within twenty (20) days after the date of the filing of this decision in the Office of the Town Clerk.

Janine L. Viarella
Clerk, Board of Appeals

/jv

TOWN OF WINCHESTER
BOARD OF APPEALS
Decision No. 3952
1 Parker Road

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TOWN CLERK
TOWN OF WINCHESTER

Name of Petitioners: Molly Ryan
Kevin Ryan

Application For: Special Permit from Section 3.5.5 of the re-codified 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 to a non-conforming single-family dwelling 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 9,797 +/- square feet.

Date of Hearing: December 16, 2021.

Board of Appeals: David Feigenbaum, Robert Tedesco and Dorothy Simboli.

Decision: Granted

Vote of the Board: Unanimous

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

1. Construction of the proposed addition shall be in substantial compliance with the plans and documents submitted with the petition including:
 - a. Site Plan entitled "Site Plan of Land located at 1 Parker Road Winchester, MA" Scale 1.0 Inch = 10.0 Feet, dated June 3, 2020, prepared by Boston Survey, Inc., Unit C-4 Shipway Place, Charlestown, MA 02129.
 - b. Site Plan entitled "Site Plan of Land located at 1 Parker Road Winchester, MA" Scale 1.0 Inch = 10.0 Feet dated August 24, 2020, prepared by Boston Survey, Inc., Unit C-4 Shipway Place, Charlestown, MA 02129.
 - c. Proposed Plans entitled "Renovation 1 Parker Road Winchester MA-ZBA Set Rev'd 11-3-21," Plan Scale 1/4" = 1.0", prepared by Timothy Sheehan Architect, 9

- Wall Street, Charlestown MA 02129, consisting of 4 sheets, A1, A2, X1 and X3, start date 12/3/19.
- d. Landscape Plan entitled "Ryan Residence, Winchester, Massachusetts Landscape Plan" Plan Scale 1/8" = 1'-0", dated November 5, 2021, prepared by Leonard Design Associates, Landscape Architects, Arlington, MA
 - e. Drainage/Grading Plan entitled "1 Parker Road, Winchester, Massachusetts", dated 10/12/2021, revised December 7, 2021, prepared by Gala Simon Associates Inc., 394 Lowell Street, Suite 1B, Lexington, MA 02420
 - f. Engineering Drainage Calculations for 1 Parker Road Winchester, Massachusetts, Prepared by Gala Simon Associates Inc., dated October 12, 2021, revised December 7, 2021
2. Compliance with all recommendations and requirements by the Town Engineer relating to engineering drainage and infiltration, including but not limited to the installation of two Cultecc 280 HD infiltration chambers, operation and maintenance of drainage systems and DPW permits for Right-of-Way and curb cut, all as described on plans and calculations submitted and further detailed in Memorandum of Beth Rudolf, Town Engineer and Bryan Manter, Assistant Town Engineer dated December 16, 2021.
 3. Strict adherence to the Building Code.
 4. All representations made by the Petitioner at the public hearing and not memorialized in writing are hereby incorporated into this Decision.

Facts:

Petitioner owns the locus at 1 Parker Road, a single-family dwelling which predates the Zoning By-Law. The existing dwelling was built in 1930, and is pre-existing, non-conforming as to the following:

Minimum Lot Area: 9797 square feet where 10,000 square feet is required;
Minimum Lot Frontage: 65 feet where 80 feet is required;
Minimum Lot Width: 65 feet at the front of the lot and 75 feet at the rear of the lot where 80 feet is required;
Minimum Side Yard set-back which is 8 feet where 15 feet is required;
Minimum Distance between buildings which is 13.67 feet where 15 feet is required.

The proposed addition will remove an existing room on the rear side of the home which is in disrepair and will extend the existing side-yard non-conformity in length and will add a story but will not further encroach in further in depth into the existing non-conforming side yard set-back of 8 feet.

The Design Review Committee minutes from November 3, 2021 voted favorable action, 7-0 for the Special Permit.

The Engineering Department noted in its Memorandum date December 16, 2021 that infiltration for the new addition of impervious surface will be accomplished by the installation of two (2) Cultecc 280 HD infiltration chambers. Engineering also noted that there are proposed alterations to the driveway and the Petitioner will be required to obtain a street opening permit from the Winchester DPW for any work in the Right-of-Way, including work associated with the curb cut. Also, the curb cut shall conform with Zoning By-Law section 5.1.10. The Engineering Department also indicated that the petitioners must update the O&M to indicate how future property owners be notified of the stormwater management system and the requirements for proper operation and maintenance and to provide an estimated annual maintenance budget. Lastly, Engineering noted that Winchester recommends the application of "zero-phosphorus" lawn fertilizer. Petitioner shall also submit as-built plans and certification by engineer of record confirming that the system was installed per the approved plans prior to the issuance of a Certificate of Occupancy.

Engineering noted that since the increase in impervious area was less than 500 square feet, the threshold set in Winchester Stormwater Rules and Regulations, the project is not subject to Section 5- Stormwater Management and Erosion Control for Project Development.

The Historical Commission in minutes of November 29, 2021 voted favorable action 5-0, finding no adverse effect on a historical or cultural resource.

The Fire Department had no objections to the proposed addition.

The Planning Board in minutes dated December 7, 2021 voted favorable action 5-0, with no objections or conditions.

Discussion:

Pursuant to Section 3.5.5 of the re-codified Zoning By-Law, this Board may grant a Special Permit to enlarge or extend an existing non-conforming one or two-family dwelling where the proposed modifications "will not be substantially more detrimental than the existing nonconforming structure to the neighborhood."

Petitioners seek to modify the existing non-conforming structure by constructing an addition that will be closer to the side yard property line than permitted as of right. The project provides for a two story addition of approximately 565 square feet, extending in length, but not further encroaching into the existing side-yard depth of 8 feet, the pre-existing non-conforming set-back. This proposed addition that has no issues other than the existing non-conformity as to the side yard set-back and the addition of impervious surface and new driveway which was addressed by detailed engineering calculations, infiltration proposals and requirements of the Engineering Department.

Based on all of the information presented at the hearing, including the submissions of the Petitioners, the Board finds that the location of the structure on this property constitutes a condition pre-existing to the applicable requirements of the Zoning By-Law and that the proposed additions and modifications to the property will not be substantially more detrimental to the neighborhood than the existing non-conforming structure.

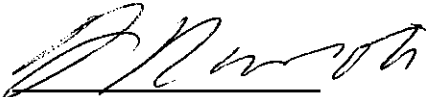
Under Section 9.4.2, the re-codified By-Law requires that this Board also consider and address how the following criteria have an effect on this petition:

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. Neighborhood character, including historic resources and social structures;
5. Adequacy of proposed screening and buffering;
6. Impacts on the natural environment; and
7. Potential fiscal impact, including impact on town services, tax base and employment.
8. Impacts on Historic Resources, as defined in Section 10 of the Bylaw.

This Board finds that criteria numbers 1, 2, 4 and 5 will be met as the proposed addition will significantly improve the existing structure and provide an updated and attractive residence which will enhance the surrounding neighborhood and the Town of Winchester, in general. The proposed and/or existing landscaping buffer as shown on the Landscape Plan along the neighboring properties will provide screening. Criteria 6 is addressed by the Town Engineer's requirements for drainage and infiltration from the additional impervious surface. The remaining criteria listed above are either not relevant to, or are not adversely affected by the proposed addition, the subject of this petition.

Thus, Petitioner's request for a Special Permit to construct an addition to the existing non-conforming structure is granted, subject to the above-described conditions and limitations.

Board of Appeals



Dorothy R. Simboli

March 16, 2022

Date of Decision