

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

APPLICATION FOR
ZONING HEARING

FORM 2

Application Date FEBRUARY 16TH, 2022

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 ABBY ROAD LOT 4 (8 Abby Rd.) Zoning District RDB-10

Area of Lot 15,998 SF Frontage 55.94' Year Built N/A

Street Frontage is Public Way Subdivision Control Way Private Way

Petitioner's Name Joseph Davis Address 139 Summer St. #1
Somerville, MA 02143

Name Jessica Chang Address 139 Summer St. #1
Somerville, MA 02143

Name _____ Address _____

Brief Description of Work:

NEW CONSTRUCTION OF A SINGLE FAMILY HOME FOR THE OWNERS

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 (X) 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) _____
Davis Chang Family Trust, Joseph Davis and Jessica Chang Trustees

Address of owner of record 139 Summer St. #1 Somerville, MA

Title Reference:

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

(Registered land) Land Court Certificate of Title No. 98971 Book 77662, Page 584

Date of Recording: April 30, 2021

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

A stormtech underground stormwater storage chamber is installed as described in the "as-built" sub-division plans provided by the Five Points Development, LLC.

No buildings are currently on the premises.

Attorney, agent, or other representative acting for petitioner:

Name n/a 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>16TH</u> day of <u>FEBRUARY</u> , 20 <u>22</u> .	
SIGNATURE <u>Joey N. Davis</u> (Petitioner/Agent)	SIGNATURE <u>Joey N. Davis</u> (Property Owner/Agent)
Address <u>139 Summer St. Somerville, MA</u>	Address <u>139 Summer St. Somerville, MA</u>
Tel No. <u>(510) 517-2731</u>	Tel No. <u>(510) 517 2731</u>
Email address <u>joeydavis@gmail.com</u>	Email address <u>joeydavis@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 2B
VARIANCE

Petitioner Joey Davis seeks a Variance under

Section 9.3.3(2) of the Winchester Zoning By-Law for the property located at

8 Abby Rd. (Lot 4) and asks that the Board of Appeal make the following

findings of fact in accordance with the provisions of Massachusetts General Laws, Chapter 40A,

Section 10.

1. The provision or provisions of the Winchester Zoning By-Law from which the Petitioner seeks relief are:

Section 4.0 Dimensional Requirements: Minimum front yard

- Required = 25'
- Proposed = 17'

2. The conditions relating to topography, shape of the parcel, or soil conditions that cause the strict application of the above zoning provisions to be a hardship are:
This particular lot is uniquely shaped with extremely limited frontage AND non-conforming lot width resulting from the hammerhead access at the southwest corner. Additionally, the lot topography includes a ~15' grade change front-to-back.
Additionally, we are required to request a MINIMUM 5' front setback variance based on the development agreement with the Select Board. This 8' request meets (and exceeds) this requirement. Please see Appendix A for additional information.

3. The conditions described, the topography, shape of the parcel; or soil conditions, specifically affect this property and do not generally the zoning district in which it is located because:

As the sole corner lot in the sub-division, lot has uniquely deep and narrow proportions with extremely limiting frontage and a steep slope. In consultations with the rear neighbors, we worked to move the home forward, which allowed us to lower the overall home profile; minimize the footprint by incorporating the garage into the lowest level, and orient the home to decrease the apparent massing from the west and east. This optimal orientation is not possible without such a variance. As above, please see Appendix A for additional information.

4. The strict application of the above zoning provisions create a substantial hardship, financial or otherwise, because:

Our understanding is that the sub-division agreement between Five Points Development and the Select Board was specifically crafted to promote incorporation of the input of the rear abutters into the design of homes on these lots. We have worked closely with direct abutters living on Dana Ave. and N. Border Rd. over the past year and the resulting proposed design is not possible without this variance. Finally, the strict application of the zoning provisions do not recognize lot 4's unique hardships that result from the corner condition of this lot, its limited frontage, and its non-conforming width, each of which are exacerbated by the inclusion of the hammerhead. Please see Appendix A for more information.

Winchester Board of Appeals
Form 2B

5. The requested relief from the above zoning provisions will be desirable and will not present a substantial detriment to the public good because:

The requested variance allows the structure sit lower on the sloped site and therefore decreases the apparent massing when compared to the by-right condition. Additionally, the design responds to the limited frontage of the corner lot by orienting the narrowest facade of the house towards the street corner. This orientation provides clearer sight lines for neighbors, and maximizes solar collection, and thus sustainability of the home.

As described in the sub-division narrative, Abby Rd in not designed nor expected to have any foot traffic - it lacks sidewalks; and the hammerhead that creates the 'front yard' setback condition we are seeking relief from was explicitly designed solely to allow large trucks (e.g. fire trucks) space to turn around. Given the limited use of this hammerhead roadway, relief from the front setback will not be a detriment to the public good. Were the hammerhead not present, lot 4 'frontage' would extend East from the edge of lot 3 to the lot4/5 property boundary and our proposed would be within the resulting as-right building envelope.

Finally, the proposal is in the interest for the neighborhood based on the above and as per the letters of support. As above, see Appendix A for additional information.

6. The requested relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance because:

The requested relief and proposal are aligned with the intent and purpose of the zoning ordinance, and with that of the approved sub-division agreement. This lot is extremely unique given the hammerhead and the lack of frontage, thus it is unlikely to create an unsustainable extending beyond the Abby Rd. development.

NOTE: It is anticipated that many of the above questions may be answered by the submission of plans.

The rights authorized by a variance expire one year 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 10 and the rules of the Board of Appeal.

Date: 2/16/2022

SIGNATURE *John D. Ferris*
(Petitioner/Agent)

Address 139 Summer St. #1 Somerville, MA

Tel No. (510) 517-2731

Please attach additional sheets if space provided is insufficient.



Town of Winchester

FORM 2D

MIDDLESEX COUNTY, MASSACHUSETTS

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

BOARD OF APPEALS

Date: FEBRUARY 16TH, 2022

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 ABBY ROAD Lot # 4

Zoning District: RDB-10 Area of Lot: 15,998 SF Frontage: 55.94'

Street Frontage is: (X) Public Way () Subdivision Control Way () Private Way

Owner of Record: JOSEPH DAVIS AND JESSICA CHANG

Mailing Address: 139 SUMMER ST. #1 SOMERVILLE, MA, 02143 Tel. 510-517-2731

Date Deed Recorded: 04/30/2021 (Complete Deed Reference Below)

Middlesex South Registry of Deeds: Book 77662 Page 584

Middlesex South Registry District of the Land Court as Cert. of Title No. 98971

Present Use: N/A

Proposed Use: SINGLE FAMILY RESIDENTIAL

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. _____
- (X) Special Permit/Site Plan Review in accordance with Zoning By-Law Sect. 9.5.1
- (X) Dimensional Variance (MGL chp. 40A, Sect. 10) from Zoning By-Law Sect. 4.1.1
- () Sign Permit under Chp. 9 of the General By-Laws of the Town of Winchester

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

Petitioner: JOSEPH DAVIS Signature: Joseph D. Davis

Mailing Address: 139 SUMMER ST. #1 SOMERVILLE, MA 02143 Tel. 510-517-2731

Petitioner is: (X) Owner () Tenant () Licensee () Binding Optionee

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