

Board of Appeals Report to the Town Meeting, Spring 2022

Thank you, Madame Moderator. I speak tonight for the Board of Appeals, a body that is not always seen as the most glamorous volunteer board in town. Even so, we quietly do important work that can have a positive influence in shaping how Winchester looks and feels. We are proud of that role.

The Board of Appeals is made up of six residents appointed by the Select Board. Two of the members are also members of the Town Meeting, Dorothy Simboli and William McGonigle. The other four members are Robert Tedesco, Martin Hill, Gerard Marino, and me.

Among other responsibilities, our Board decides whether to allow certain construction projects to proceed. These are proposals that fall outside of what the zoning bylaw permits as a matter of right. The proponents are asking for exceptions in the form of a special permit, a variance, or approval of a site plan. In other cases, we decide whether the building commissioner made a mistake in issuing—or not issuing—a building permit for a proposed project.

Our decisions can be appealed through the Massachusetts court system. Mindful of this, we work hard to apply the law correctly to each proposal. Given the significant legal component of our work, it is not surprising that five of our six members are lawyers.

Much of the information we need comes in applications filed by proponents. The Board also gets reports from other volunteer boards—notably the Planning Board, the Design Review Committee, and the Historical Commission. And we are fortunate to have the help of our Clerk, Janine Viarella. At our monthly meetings, proponents explain their projects and may be questioned about them. Neighbors and other members of the public also can express their views.

Under the zoning bylaw, our decisions often cannot be based on simple objective factors such as the number of feet a proposed building will be from a neighbor's property. In making our determinations, we recognize on one hand that development activities can be worthwhile and on the other hand that the neighborhoods that make Winchester attractive may be made less appealing by insensitive changes.

Our decisions often include specific conditions to be met. The conditions can range from complying with recommendations of the engineering department about storm water management to taking a certain approach to a project's design. The Board's power to approve or deny a requested permit can facilitate a discussion leading to revisions that improve the project from the point of view of the abutters, the neighborhood, or the town, while being acceptable to the proponent.

In the past 12 months the Board has considered roughly 30 matters divided among special permits, site plan approvals, variances, and appeals from decisions of the building commissioner.

The Board follows procedures that conform to the zoning bylaw and good practice. The first step is an application completed by the proponent. Until a few months ago, the application forms had not been updated for 25 years. For example, we didn't have a specific form for site plan approval. And the information requested by some forms did not match the current language of the zoning bylaw. To address these shortcomings, the Board recently replaced the old forms with a new comprehensive set.

We appreciate the work of the Planning Board and the Town Meeting in amending the zoning bylaw to keep it current and helping us to serve Winchester effectively.

Thank you.

David Feigenbaum, Chair