



Town of Winchester  
BOARD OF APPEALS  
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Janine L. Viarella, Clerk

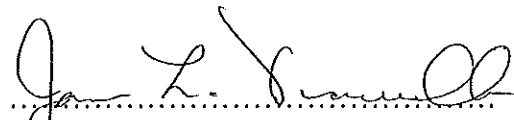
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July 27, 2022

RE: Petition No. 3964 – 94 Church Street, Winchester, MA

Pursuant to Chapter 40A, Section 15 of the Massachusetts General Laws, you are hereby notified that the Board of Appeals has granted Michael and Kathan Pierce Site Plan Review under Section 9.5.1(5) of the Winchester Zoning By-Law so as to be permitted to construct an addition where the total floor area of the single family dwelling will be greater than 5,000 square feet. The property is located in the RDB (Single Residence) zoning district and contains 22,631 +/- 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.

  
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Janine L. Viarella  
Clerk, Board of Appeals

/jv

DATE AND TIME

**TOWN OF WINCHESTER  
BOARD OF APPEALS**

2022 JUL 27 PM 3:58

Petition No. 3964  
94 Church Street

TOWN CLERK  
TOWN OF WINCHESTER

**PETITIONERS:** Michael and Kathan Pierce

**APPLICATION FOR:** Site Plan Review under Section 9.5.1(5) of the Winchester Zoning By-Law so as to be permitted to construct an addition where the total floor area of the single family dwelling will be greater than 5,000 square feet. The property is located in the RDB (Single Residence) zoning district and contains 22,631 +/- square feet.

More specifically: Petitioners seek to expand the second floor of their home to allow all bedrooms to be on the same level. To do so, Petitioners wish to construct a master bedroom suite above the current family room and join the same to the current second floor structure.

**DATE OF HEARING:** Heard and Decided on June 16, 2022.

**BOARD OF APPEALS:** David L. Feigenbaum (Chair), Robert Tedesco (Vice Chair), William McGonigle

**DECISION:** Site Plan Approval is granted.

**VOTE:** 3-0

- MATERIALS CONSIDERED:**
- Submitted by Petitioner:*
    - Form 2
    - Form 2I
    - Photos of Subject Property
    - Neighborhood Map
    - Assessors' Maps
    - Plot Plan
    - Architectural Drawings Depicting Current Structure
    - Architectural Drawings Depicting Proposed Addition
    - Photos of Neighborhood Houses
    - Historical Summary of the Subject Property
    - Mass. Cultural Resources Info. System Records Concerning Subject Property
    - June 10, 2022 Email from Project Architect Richard Leaf
  - Submitted by Town:*

- June 15, 2022 Planning Board Recommendations (5-0 to Recommend Favorable Action)
- June 16, 2022 Memorandum from Engineering Department (No comment)
- May 23, 2022 Historical Commission Findings (5-0 in favor, finding no adverse effect)
- May 16, 2022 Conservation Commission Memorandum (finding no jurisdiction)

**THE LAW:**

Site Plain Review is required when there is “new construction or expansion of one (1) or more buildings resulting in floor area equal to or greater than 5,000 square feet (including garage and any floor area with head room of seven (7) feet or higher, excluding basement) in the RDB-10 zoning district.” Winchester Zoning Bylaw (“WZB”) §9.5.1(5).

WZB §9.5.7 sets the standard for Site Plan Review, stating: “Site Plan Approval shall be granted only upon determination by the Board that the plan meets the following standards. The Board may impose reasonable conditions at the expense of the applicant to implement these standards. New building construction and other site alterations shall be designed, after considering the qualities of the specific location, the proposed land use, the design of the buildings, grading, egress points, and other aspects of the development, so as to:

1. Minimize the volume of cut and fill, the number of removed trees six inches in caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, soil erosion, and threat of air and water pollution;
2. Provide adequate stormwater management and other utilities consistent with the functional requirements of the Planning Board Subdivision Rules and Regulations;
3. Maximize pedestrian and vehicular safety both on the site and egressing from it;
4. Provide adequate access to each structure for fire and emergency service equipment;
5. Minimize obstruction of scenic views from publicly accessible locations;
6. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
7. Minimize glare from headlights and lighting intrusion;
8. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
9. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; and

10. Ensure compliance with the provisions of this Zoning Bylaw, including parking, signs, landscaping, and environmental standards.”

WZB §9.5.8 states that “In the event that the Board of Appeals approves a special permit under these provisions, any construction, reconstruction, substantial exterior alteration or addition shall be carried on only in conformity with any conditions, modifications and restrictions subject to which the Board shall have made its findings and determination, and only in conformity with the application and site plan on the basis of which the finding and determination are made.”

**DISCUSSION:**

Here, the Petitioners seeks to expand their residence by constructing an addition above their current family room. Doing so will allow them to add a master bedroom, laundry room, and bathroom to the second floor of the current structure. The addition will be connected to the existing second floor by a hallway and allow for all family members to have bedrooms on the same floor. This is particularly important for Petitioners, as two of their children have disabilities that require the parents to be in close proximity while sleeping.

The family room upon which the proposed addition would be built was not part of the original structure. Instead, it was added in 2008. When built, it included high ceilings and pitches to the roof that are not necessarily consistent with the original aspects of the structure.

The proposed addition would lower the ceiling in the family room and adopt pitches more consistent with the original structure. Further, the new hallway connecting the addition to the existing second floor would help fill in the incongruent “gap” currently separating the family room roof from the original structure. A bay window would be incorporated into the Sheffield Road side of the addition to minimize massing and match the bay windows on the turrets on the front of the structure. Windows would be positioned in a manner consistent with existing windows. These and other aspects were designed to respect and maintain the character of the original structure and better integrate the addition (both the 2008 and the proposed addition) into the same.

The Board found that the proposed addition improved the appearance of the structure and brought it more in line with the original design. During discussion of the various design aspects, comment was made concerning the brackets as depicted on the proposed addition, and both the Project Architect and Petitioner suggested and agreed to replace the proposed brackets with smaller corbel brackets matching those on the existing turrets. With that, and reliant on all representations made both in writing and orally

to the Board and other Town authorities, the Board voted to allow the Special Permit with a vote of 3-0.

In granting the Special Permit, the Board must apply the elements of §9.5.7:

1. Minimize the volume of cut and fill, the number of removed trees six inches in caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, soil erosion, and threat of air and water pollution;
  - Given the addition being constructed on top of the current family room, none of these issues were pertinent to the immediate matter.
2. Provide adequate stormwater management and other utilities consistent with the functional requirements of the Planning Board Subdivision Rules and Regulations;
  - Given the addition being constructed on top of the current family room, none of these issues were pertinent to the immediate matter.
3. Maximize pedestrian and vehicular safety both on the site and egressing from it;
  - Given the addition being constructed on top of the current family room, none of these issues were pertinent to the immediate matter.
4. Provide adequate access to each structure for fire and emergency service equipment;
  - Given the addition being constructed on top of the current family room, none of these issues were pertinent to the immediate matter.
5. Minimize obstruction of scenic views from publicly accessible locations;
  - The Board found that the proposed plans sufficiently minimized the obstruction of any scenic views.
6. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
  - Given the addition being constructed on top of the current family room, none of these issues were pertinent to the immediate matter.
7. Minimize glare from headlights and lighting intrusion;
  - Given the addition being constructed on top of the current family room, none of these issues were pertinent to the immediate matter.
8. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
  - The Board found that the proposed addition better reflected the character of the original structure and

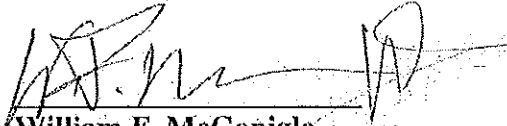
neighborhood in comparison to the 2008 addition as it currently stands. Therefore, the proposed addition was not an unreasonable departure from the local character, but an improvement.

9. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; and
  - Given the addition being constructed on top of the current family room, none of these issues were pertinent to the immediate matter.
10. Ensure compliance with the provisions of this Zoning Bylaw, including parking, signs, landscaping, and environmental standards.
  - Given the addition being constructed on top of the current family room, none of these issues were pertinent to the immediate matter.

For these reasons, the Board approved the petitioner by a vote of 3-0, subject to the condition that the Petitioners adhere to all representations made to the Board and other Town authorities both in writing and during hearings. This includes, but is not necessarily limited to, replacing the proposed brackets on the addition with smaller corbel brackets matching those on the existing turrets.

**CONDITIONS:** Petitioners shall adhere to all representations made to the Board and other Town authorities both in writing and during hearings. This includes, but is not necessarily limited to, replacing the proposed brackets on the addition with smaller corbel brackets matching those on the existing turrets.

**BOARD OF APPEALS, BY:**

  
William F. McGonigle

**DECISION DATED:**

7/27/2022