

TOWN OF WINCHESTER

BOARD OF APPEALS

Decision No. 3960

25 Yale Street, Winchester, Massachusetts 01890

2022 JUN 14 PM 2:57

TOWN CLERK

TOWN OF WINCHESTER

NAME OF PETITIONER: Walid Sukarieh

APPLICATION FOR: The Petitioner is 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 rear property line than permitted by right. The property is located in the RDB (Single Residence) zoning District and contains 12,433 +/- square feet.

DATE OF HEARING: May 19, 2022

BOARD OF APPEALS: William McGonigle, Dorothy R. Simboli, 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) Plot Plan 25 Yale Street, Winchester, Massachusetts (Middlesex County) prepared for Walid Sukarieh Scale: 1" = 20', Date: March 14, 2022 by Brennan Consulting;
 - (b) Town of Winchester Assessor's Map;
 - (c) Plans prepared by Lincoln Architects LLC dated November 30, 2021 to wit: Foundation Plan & Basement Plan (Sheet A1), First Floor Plan (Sheet A2), Exterior Elevations (Sheet A3.1), Building Sections (Sheet A4; and
 - (d) Sheet marked "Landscaping Plans."

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.

FACTS:

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 rear property line than permitted by right. The property is located in the RDB (Single Residence) zoning District and contains 12,433 +/- square feet .

At the hearing on May 19, 2022 the Petitioner presented the above request. He explained his request to extend the existing deck with the addition of a covered porch. The porch to be constructed would have the same set back as the existing deck and would not extend beyond the current set back. The porch would not be built closer to the rear lot line than the existing deck. No one in opposition to the request appeared at the hearing. The Petitioner provided a letter of support from a direct abutter.

DISCUSSION:

The Winchester Planning Board reviewed the application of the Petitioner, voting in favor 4-0-1, and the Board carefully reviewed the Planning Board's recommendations, and noted same in its deliberations, incorporating same herein by reference, which are as follows: that the current non-conforming rear setback will not change, and that the rear abutter wrote a letter in support of the addition; but that no existing-condition elevation of the rear was provided, so it was hard for the Planning Board to see on the drawings the before and after elevations.

The Town of Winchester Design Review Committee reviewed the application and recommended a favorable action (4-0) and noted the following: the proposed addition will not be visible from Yale Street, will be only slightly visible from Foxcroft Road, and will affect barely 1% of open area and green space; the proposed addition will enhance the aesthetic appearance and value of the existing house; the forms and materials of the proposed addition are 100% compatible with the scale and character of the existing house, and with buildings in the neighborhood; each window in the addition will have a 2-row, and 3 panes-across

grid pattern on top with a single large pane on the bottom, quoting the Petitioner "The whole point is, we want a room with a lot of light." 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, voted 6 in favor, 0 opposed, finding no adverse effect on a historical or cultural resource. The Board noted the Commissions comment in its deliberations.

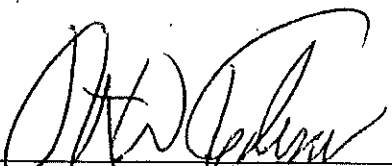
The Town of Winchester Engineering Department reviewed the petition and determined that the proposed work does not increase impervious area by an amount which triggers an Engineering Department drainage review. The Board took note of the Engineering Department's comment in its deliberations, and incorporates 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 Commissions comment in its deliberations.

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 Laws so as to be permitted to construct an addition that will be located closer to the rear property line than permitted by right, is granted.

BOARD OF APPEALS, BY:

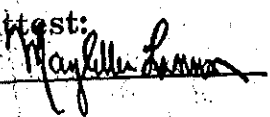


Robert W. Tedesco

Date 7/14/22
I hereby certify that 20 days
Have elapsed from the dates
This certificate was issued
and that no appeal has been
filed in this office.

DECISION DATED:

6-14-2022

True Copy, Attest:


Town Clerk