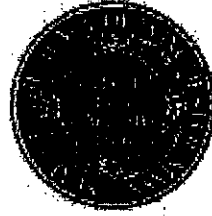


TOWN OF WINCHESTER



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TOWN CLERK
TOWN OF WINCHESTER

PUBLIC MEETING NOTICE and AGENDA

REMOTE PARTICIPATION
(Due to State of Emergency COVID-19)

Pursuant to MGL Ch. 30A, Sec. 18-25 All meeting notices and agendas must be filed and time stamped by the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays) on www.winchester.us

Board/Committee Name:	Board of Appeals
Date:	April 21, 2022
Time:	7:00PM
Place:	REMOTE PARTICIPATION - Zoom

Revised

Register in advance for this meeting:
<https://us02web.zoom.us/meeting/register/tZEpc-GrqDguGtZ5Xb0BOURt6cchDWInawoq>

After registering, you will receive a confirmation email containing information about joining the meeting.

Agenda:

- Petition No. 3956 – 334 Cross Street (Continued from March 31, 2022)
- Petition No. 3958 – Lot 4 Abby Road
- Petition No. 3959 – 19 Agawam Road
- Review draft decision – Petition No. 3953 – 21 Laurel Hill Lane
- Content of brief oral presentation by the chair to the Town Meeting
- Possible joint meetings with Planning Board, Design Review Committee and Historical Commission



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REMOTE PARTICIPATION PUBLIC HEARING CONTINUED TO APRIL 21, 2022 AT 7:00PM

TOWN CLERK
TOWN OF WINCHESTER

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a REMOTE PARTICIPATION PUBLIC HEARING on THURSDAY, MARCH 31, 2022 at 7:00 P.M. on the following matter:

PETITION NO. 3956 - That of LI FU and ZHUO WANG concerning the property at 334 CROSS STREET, WINCHESTER, MA. The petitioners seek Site Plan Review under Section 9.5.1(6) 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 3,600 square feet. The property is located in the RG (General Residence) zoning district and contains 10,691 +/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed at the Building Department during regular office hours or on the Board of Appeals web page www.winchester.us

Link to the meeting can be found on the Government Calendar and the Board of Appeals web page www.winchester.us



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TOWN CLERK
TOWN OF WINCHESTER

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a REMOTE PARTICIPATION PUBLIC HEARING on THURSDAY, APRIL 21, 2022 at 7:00 P.M. on the following matter:

PETITION NO. 3958 - That of JOEY DAVIS and JESSICA CHANG concerning the property at LOT 4 ABBY ROAD, WINCHESTER, MA. The petitioners are seeking a Dimensional Variance from Section 4.0 of the Winchester Zoning By-Law in accordance with Chapter 40A, Section 10 of the Massachusetts General Laws so as to be permitted to construct a new single family dwelling that will be located closer to the front property line than permitted as of right. The petitioners are also seeking Site Plan Review under Section 9.5.1(7) of the Winchester Zoning By-Law so as to change the grade of more than 500 square feet by more than six (6) percent. The property is located in the RDB (Single Residence) zoning district and contains 15,998 +/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed at the Building Department during regular office hours or on the Board of Appeals web page www.winchester.us

Link to the meeting can be found on the Government Calendar and the Board of Appeals web page www.winchester.us



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TOWN CLERK
TOWN OF WINCHESTER

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a REMOTE PARTICIPATION PUBLIC HEARING on THURSDAY, APRIL 21, 2022 at 7:00 P.M. on the following matter:

PETITION NO. 3959 - That of KELLY and PAUL MURRAY concerning the property at 19 AGAWAM ROAD, WINCHESTER, MA. The petitioners are seeking a Special Permit under Section 4.4.2 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 in-ground swimming pool that will be located closer to the rear property line than permitted as of right. The property is located in the RDB (Single Residence) zoning district and contains 14,705 +/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed at the Building Department during regular office hours or on the Board of Appeals web page www.winchester.us

Link to the meeting can be found on the Government Calendar and the Board of Appeals web page www.winchester.us

**TOWN OF WINCHESTER
BOARD OF APPEALS**

 **DRAFT**

Decision No. 3953

21 Laurel Hill Lane, Winchester, Massachusetts 01890

NAME OF PETITIONER: Micaela and David Tuell

APPLICATION FOR: Site Plan Review under Section 9.5.1 (7) of the Winchester Zoning By-Law so as to change the grade of more than 500 square feet by more than six (6) percent. The property is located in the RDB (Single Residence) zoning district and contains 12,933 +/- square feet.

DATE OF HEARING: February 17, 2022 and continued to March 3, 2022 and again to March 31, 2022

BOARD OF APPEALS: David Feigenbaum, Dorothy Simboli, Robert W. Tedesco

DECISION: Granted

VOTE OF BOARD: Unanimous

CONDITIONS: The following conditions apply to the grant of this Site Plan Review:

1. Construction of the proposed change in slope shall be in substantial conformity with the plans and information submitted with the Petition including the following:
 - (a.) Plot Plan Showing Proposed Retaining Wall and Grading in Winchester, Mass. Prepared by Keenan Survey, dated December 28, 2021;
 - (b.) Topographic Plan of Land in Winchester, Mass. Prepared by Keenan Survey, dated October 25, 2022;
 - (c.) Plot Plan Showing Proposed Retaining Wall and Grading in Winchester, Mass. Prepared by Keenan Survey dated November 30, 2021;
 - (d.) Design Plan entitle "Stone Retaining Wall Plan/Details" Prepared by TLH Consulting, Inc. marked DWG. No. S1.0 dated December 9, 2021, March 1, 2022 and March 16, 2022;
 - (e.) Design Plan entitled "Rear Stone Retaining Wall Elevation" Prepared by TLH Consulting, Inc. marked DWG. No. S1.1 dated March 1, 2022 and March 16, 2022;

- (f.) Undated Landscaping plan
 - (g.) Landscaping plan Prepared by Ray Bouley dated March 9, 2022
 - (h.) Town of Winchester Assessors Maps 3 & 8 dated May 25, 2006; and
 - (i.) Nineteen photographs provided by the Petitioner; and
 - (j.) Statement from direct abutters as to their approval of the revised plans.
2. All representations made by the Petitioner at the public hearing and not memorialized are hereby incorporated into this Decision.

FACTS:

The Petitioners are seeking Site Plan Review in accordance with the Town of Winchester Zoning By-Law 9.5.7.1 to change the grade of more than 500 square feet by more than six percent. The Petitioners explained that they wished to “flatten” the back yard, which was very steep, in order to better utilize the area and match the slope and grade of surrounding properties in the neighborhood. The Petitioners desired to add two stone walls, of varying heights, to the backyard which would be identical to an existing stone in the front yard of the property. The Petitioners also provided extensive landscape plans showing trees and shrubs to be planted to act as “natural” safety and privacy barriers, as opposed to the use of fencing on top of the stone walls, which plantings would be more aesthetically pleasing.

The Winchester Planning Board reviewed the application of the Petitioners. At its meeting on February 8, 2022, discussion focused on the need to reduce the wall height and the extent of cut and fill, and provide fencing or barriers to prevent falls from the tall walls. The Petitioners made a second presentation to the Planning Board on March 1, 2022, showing revised plans for the retaining walls, with more gradual stepping down and a lower maximum height. The Planning Board showed a preference for 18” high step-ups in the height of the wall instead of 12” step-ups, so that the overall slope of the grade would be more gradual towards the end of the wall, thereby lowering the total height from 8’8” to potentially 5’8”. No motion was made to endorse or withhold endorsement of the revised Site Plan. The Planning Board agreed the changes to the site plan addressed its concerns.

The Town of Winchester Design Review Committee reviewed the application of the Petitioners and by a vote of 7 – 0 recommended favorable action on the proposed walls, with the following conditions: 1.) Instead of installing a guard rail fence, install dense plantings at the top of the walls to protect against drop-off. This should be reviewed for building code compliance by the building inspector. 2.) Choose plants suitable for dry

conditions to grow between the walls. 3.) Design Review Committee agrees with the homeowners' choice of natural stone for the walls.

The Town of Winchester Historical Commission voted 6 in favor, 0 opposed (1 Absent) in accordance with Zoning By-Law Section 9.5.7, finds that the plans as submitted have no adverse effect on a historical or cultural resource.

The Town of Winchester Engineering Department reviewed the petition and in a memorandum dated February 17, 2022 stated that project as presented consisted of re-grading the rear of the property. The newly regraded backyard would be supported by stone retaining walls. Footing drains in the retaining walls will discharge onto the Owner's property. The Engineering Department determined that the proposed construction does not increase impervious area by an amount which triggers an Engineering Department drainage review. As such, the Department had no further comment on said Site Plan Review.

The Town of Winchester Conservation Commission reviewed the petition and determined that it did not have jurisdiction over the proposed work.

DISCUSSION:

Pursuant to Section 9.5.7 of the Town of Winchester By-Law, Site Plan Approval shall be granted only upon the determination by the Board of Appeals that the Site Plan meets the ten (10) Site Plan Approval standards. The Board carefully reviewed the plans for construction of the two stone walls and landscaping plan. At the first Public Hearing the Board expressed to the Petitioners its concerns, in particular, regarding the height of the walls, both individually and collectively, of over eight feet. The Petitioners were asked to review the plans once again and adjust the height of the walls, while still maintaining a similar grade as proposed. The Board also requested that a 6 foot vinyl fence between the proposed wall and the abutter's lot, be removed as it cluttered the landscape and may result in an area of land that would be nearly impossible to maintain. The Petitioners were amenable to these requests and returned to the Board with revised plans that lowered the overall height of the walls, both individually and collectively, as shown on the plan presented at the Board's March 31, 2022 meeting. The Board finds that the aforesaid ten (10) Site Plan Approval standards have either been satisfied by the imposition of the conditions contained in this decision, by plans and documents submitted and revised by the Petitioners, as applicable, or are otherwise not applicable. Thus, the Petitioners' requests for Site Plan Review of their proposal to change the grade of more than 500 square feet by more than six (6) percent is granted, subject to the above described conditions and limitations.

BOARD OF APPEALS, BY:

Robert W. Tedesco

DECISION DATED:
