

TOWN OF WINCHESTER



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2021 MAY 19 AM 10:31

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: May 20, 2021
Time: 7:00PM
Place: REMOTE PARTICIPATION - Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/82243386500?pwd=T3RoQzlaN2hUMFZCNFBZY2lmakFSZz09>

Meeting ID: 822 4338 6500

Passcode: 626582

One tap mobile

+13126266799,,82243386500#,,,,*626582# US (Chicago)

+16465588656,,82243386500#,,,,*626582# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 822 4338 6500

Passcode: 626582

Find your local number: <https://us02web.zoom.us/j/82243386500?pwd=T3RoQzlaN2hUMFZCNFBZY2lmakFSZz09>

Agenda:

- #3939 -- 18 Fernway
- #3940 -- 19 Wedgemere Avenue
- Rules and Regulations
- New Business
- Review draft decision -- No. 3937 Lot A Webster Street (6A & 6B Webster St)



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BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a REMOTE PARTICIPATION PUBLIC HEARING on THURSDAY, MAY 20, 2021 at 7:00 P.M. on the following matter:

PETITION NO. 3939 - That of VERONICA HEATH concerning the property at 18 FERNWAY, WINCHESTER, MA. The petitioner seeks Site Plan Review under Section 9.5.1(4) of the Winchester Zoning By-Law so as to be permitted to construct an addition to an existing single family dwelling and a detached garage where the total floor area of the single family dwelling and garage will be greater than 6,000 square feet. The petitioner is also seeking Site Plan Review under Section 9.5.1(7) of the Winchester Zoning By-Law so as to change the slope over 6% of existing grade of an area more than 500 square feet. The property is located in the RDA (Single Residence) zoning district and contains 92,887 +/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed 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 OF WINCHESTER

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The WINCHESTER BOARD OF APPEALS will hold a REMOTE PARTICIPATION PUBLIC HEARING on THURSDAY, MAY 20, 2021 at 7:00 P.M. on the following matter:

PETITION NO. 3940 - That of RICHARD and AMY BELIVEAU concerning the property at 19 WEDGEMERE AVENUE, WINCHESTER, MA. The petitioner seeks Site Plan Review under Section 9.5.1(5) of the Winchester Zoning By-Law so as to be permitted to construct a detached garage where the total floor area of the single family dwelling and garage will be greater than 5,000 square feet. The property is located in the RDB (Single Residence) zoning district and contains 16,500 +/- square feet.

WINCHESTER BOARD OF APPEALS

Petition may be viewed 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 OF WINCHESTER
BOARD OF APPEALS
Decision No. 3937

LOT A Webster Street (6A & 6B Webster Street)

DRAFT

Name of Petitioner: EWE Real Estate Development, LLC

Property Address: Lot A Webster Street (6A & 6B Webster Street)

Application For: Site Plan Review under Section 9.5.1 of the Winchester Zoning By-Law so as to construct a new two family dwelling and detached garage where the total floor area of the house is greater than 3,600 square feet and a Special Permit under Section 4.2.5 and 9.4.2 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 dormers that will be greater than 50% of the width of the roof plane. The property is located in the RG (General Residence) zoning district and contains 12,756 +/- square feet.

Date of Hearing: April 15, 2021

Board of Appeals: Dorothy Simboli, Mark Waterbury and Kevin Sarney

Decision: Denied both Site Plan Review and Special Permit

Vote of the Board: Unanimous

Conditions: N/A

Facts:

The Petitioner has applied for a Site Plan Review under Section 9.5.1 of the Winchester Zoning By-Law so as to construct a new two family dwelling and detached garage where the total floor area of the house is greater than 3,600 square feet and a Special Permit under Section 4.2.5 and 9.4.2 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 dormers that will be greater than 50% of the width of the roof plane. The property is located in the RG (General Residence) zoning district and contains 12,756 +/- square feet.

The Petitioner applied for a similar project on this lot in December 17, 2020 (Petition #3922), and the Board decided based on the various comments submitted from the various town committees that a new application significantly different than what was proposed was warranted and voted 3-0 to deny the Petition with Prejudice. This new Petition was determined to not be significantly different, as the Petitioner utilized the same plans but moved the garage parking from the front of the house to the rear of the house in a detached garage. The total square ft. of the proposed structure drawn up by the same architect "First Step Designs" in Mosinee, WI. was 6,006 sqft. The proposed size of this new similar proposal was 6,104 sqft. The differences between the first proposal in December 2020 and this proposal are the addition of a farmers porch in the front of the house where the garage doors were and a 2 car garage in the rear of the property. Previous boards comments on the original application spoke to "The proposed structure's massing and scale exceed that of other houses on Webster, and are out of character with them". This new proposal was in many ways worse with another structure being added to the property by way of a detached garage. The new proposal managed to grow in size not reduce in size.

The Planning Board in a April 13, 2021 memo recommended finding the Petition 3937 is specific and materially different then the project in Petition 3922 (3-1 Vote, one member opposed). For the

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reasons given above this Board did not agree that this was a significantly different project that address the concerns of massing and scale compared to other homes on Webster Street.

The Planning Board recommended endorsement of the site plan (4-1 Vote) with the following conditions:

1. Consider relocating driveway to other side of the house.
2. §9.5.7 (1) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity:
 1. Decrease overall scale of the house, reduce size of rooms and dormers.
 2. Reduce the height of the garage.
 3. Break up the rear and side façade massing to give 3-dimensional definition
3. §9.5.7 (31) Minimize [...] the number of removed trees six inches in caliper or larger:
 1. Plant large tree species.
4. Submit a landscaping plan.

The Board didn't necessarily disagree with the Planning Boards recommendation on the site plan review recommendation conditions, however that's not what the applicant proposed to the Zoning Board of Appeals in Petition 3937. The Zoning Board notes that the Planning Board recommended denying Petition 3922 due to massing and scale that exceeded of other houses on Webster Street, This Board notes nothing has changed with the submission of this Petition.

The Planning Board also recommended favorable action (4-0 Vote) for Special Permit for relief for dormer width adding conditions as stated in their Site Plan recommendation with additional special attention to:

- §9.4.2 (4) Impacts on neighborhood character; subsection a) building forms and materials are compatible with the prevailing scale and character of buildings in the neighborhood
- §9.4.2 (6) Impacts on the natural environment, including but not limited to, changes in topography, installation of retaining walls, or the removal of mature trees

The Board didn't necessarily disagree with the Planning Boards recommendation on the Special Permit recommendation conditions, however that's not what the applicant proposed to the Zoning Board of Appeals in Petition 3937.

The Design Review Committee (DRC) in its April 7, 2021 meeting minutes recommended unfavorable action (vote 7-0) on the petition siting the following reasons:

- a. 9.5.7 1. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity: The proposal represents a departure for the scale of the buildings in the vicinity.
- b. The building is larger and wider in comparison with the lot width, than others on the street.
- c. Possible remedies to scale would be to reduce the height and/or width of the building.
- d. A landscape plan should be provided.
- e. The front elevation shows the building on a level site. It should be drawn to reflect the change in grade of approximately six feet across it, including how the enlarged stairs will meet grade and if any retaining walls will be needed.

f. The following recommendations were made by the DRC on March 7, 2020. With the exception of the fireplaces, these comments remain.

- a. Plans reviewed are revised from previous submittal. The following comments are on revised plans sent to the DRC on March 9th.
- b. Design has been vastly improved by relocating the garage to the rear of the site.
- c. DRC members are opposed to how the front gable ends on top of the porch and that it appears to be supported by the porch.
- d. Possible improvement may include continuing the front gable to grade, thus dividing the porch in two. Each unit would have a side facing entry door and a separate porch. Another means to improve it would be to provide thicker columns on the porch below the gable.
- e. As shown, the front porch stairs end in a blank front wall. This should be modified to have stairs end at a door or, if the front gable is brought to grade, a window. Two separate sets of stairs could also resolve this.
- f. Reduction of rear dormers, as shown, is an improvement.
- g. Materials in the submission are appropriate.
- h. Members were opposed the wood framed fireplace extensions on the sides of the building that are visible from the street.

Decision:

The Board voted 3-0 unanimously to deny Petition 3937 that the plans and representations made at the meeting are not significantly different from Petition 3922 submitted in December 2020.

The Board also noted the applicant still has not addressed various comments submitted from the various town committees that remain similar in Petition 3937 as they were in the Petition 3922 that was submitted in December 2020, specifically as it relates to massing and scale for the property.

Board of Appeals

Kevin G. Sarney

DRAFT

Date of Decision: May ____, 2021

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