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TOWN OF WINCHESTER

TOWN OF WINCHESTER  
BOARD OF APPEALS  
71 MOUNT VERNON STREET  
WINCHESTER, MASSACHUSETTS 01890  
(781) 721-7115

APPLICATION FOR  
ZONING HEARING

FORM 2

Application Date JULY 6 2021

The undersigned hereby petitions the Board of Appeals for the following:

Appeal     Variance     Special Permit Use     Special Permit/Site Plan Review

Special Permit Sign     Special Permit (Pre-existing non-conforming structure)     Site Plan Review

Property Address 71 NELSON ST    Zoning District R6

Area of Lot 5000    Frontage 50    Year Built 1870

Street Frontage is  Public Way     Subdivision Control Way     Private Way

Petitioner's Name GERALD KIMBALL Address 71 NELSON ST  
WINCHESTER, MA 01890

Name LEYLA KIMBALL Address 71 NELSON ST  
WINCHESTER, MA 01890

Name \_\_\_\_\_ Address \_\_\_\_\_

Brief Description of Work:

ADD A 2ND STORY TO 1 STORY BUMP  
OUT ON REAR OF HOUSE

Applicants for an Appeal must complete Form 2A

Applicants for a Variance must complete Form 2B

Applicants for a Special Permit Use must complete Form 2C

Applicants for a Special Permit/Site Plan Review or Site Plan Review must complete Form 2D

Applicants for a Special Permit Sign must complete Form 2E

Applicants for a Special Permit Pre-existing Nonconforming 1 or 2 Family must complete Form 2F

Applicants for a Special Permit Pre-existing Non-conforming Other must complete Form 2G

**FORM 2**

The undersigned is ( ) the owner of the subject property; or ( ) the holder of a written option to purchase the subject property, or ( ) the holder of a valid lease to the subject property. (Written authorization from the property owner must be submitted with the other application documents when the applicant is not the record owner of the property).

Record title to the subject property stands in the name (s) GERALD AND LEYLA KIMBALL

Address of owner of record 71 NELSON ST  
WINCHESTER, MA 01890

Title Reference:

(Unregistered land) Middlesex County Registry of Deeds; Book \_\_\_\_\_, Page \_\_\_\_\_

(Registered land) Land Court Certificate of Title No. \_\_\_\_\_ Book 40720, Page 224

Date of Recording: \_\_\_\_\_

State briefly what building and structures currently exist on the premises:

SINGLE FAMILY DWELLING, 10' X 14' SHED  
3' X 10' SHED

Attorney, agent, or other representative acting for petitioner:

Name KEITH SMITH Address 20 HOLLAND ST WINCHESTER, MA  
Name \_\_\_\_\_ Address \_\_\_\_\_ 01890

Written evidence of agent's standing to represent petitioner may be requested.

Signed as a statement of fact under the pains and penalties of perjury, this _____ day of _____, 20____.	
SIGNATURE <u>[Signature]</u> (Petitioner/Agent)	SIGNATURE <u>[Signature]</u> (Property Owner/Agent)
Address <u>20 Holland St Winchester, MA</u>	Address <u>71 Nelson Str</u>
Tel No. <u>781-526-1877</u> <u>01890</u>	Tel No. <u>781-244-7365</u>
Email address <u>KEITH-DIANE@COMCAST.NET</u>	Email address <u>KimballGerry@gmail.com</u>

Note: Do not attempt to discuss the merits of your case with any member of the Board of Appeals at any time after filing this application and prior to the hearing thereon.

TOWN OF WINCHESTER  
BOARD OF APPEAL  
71 MOUNT VERNON STREET  
WINCHESTER, MASSACHUSETTS 01890  
(781) 721-7115

SUPPORTING STATEMENT  
REQUESTED FINDINGS

FORM 2F  
SPECIAL PERMIT  
(Non-conforming)  
(1 and 2 Family)

Petitioner GERALD + LETIA KIMBALL seeks a Special Permit  
under Section 3.5 of the Winchester Zoning By-Law for the property located at  
71 NELSON ST and asks that the Board of Appeal make the following  
findings of fact in accordance with the provisions of Section 3.5 and 9.4 of the Winchester  
Zoning By-Law and Massachusetts General Laws, Chapter 40A, Section 9.

1. The existing structure is non-conforming as to certain minimum yard set-back(s), lot area, lot frontage or lot width as follows:

THE SIDE SET BACK IS 6.4' WHERE 10' IS REQUIRED  
THE FRONT SET BACK IS 10' WHERE 20' IS REQUIRED

2. The evidence that the non-conformity pre-dates the yard set-back, lot area, lot frontage or lot width requirement of the Zoning By-Law or was permitted under relief granted by the Board of Appeal is:

THE HOUSE WAS CONSTRUCTED IN 1870

3. The proposed enlargement or extension of the structure will not be substantially more detrimental to the neighborhood than the existing non-conforming structure because:

THE ADDITION OF A 2<sup>ND</sup> STORY BEING BUILT ON  
TOP OF THE EXISTING 1 STORY ADDITION IS

- 1) ON THE REAR OF HOUSE
- 2) WILL BE SIMILAR TO OTHER HOUSES  
ON THE STREET

Winchester Board of Appeals  
Form 2F

4.

(a) Community needs which are served by the proposal;

N/A

(b) Traffic flow and safety, including parking and loading;

N/A

(c) Adequacy of utilities and other public services;

N/A

(d) Impacts on neighborhood character, including the extent to which:

(i) Building forms and materials are compatible with the prevailing scale and character of buildings in the neighborhood;

WE ARE MATCHING THE MATERIALS TO THE EXISTING SET BACKS ARE THE SAME AS EXISTING

(ii) Architectural features add visual character to the neighborhood (for example, dormers, lintels, bay windows, open porches, chimneys); and

WE ARE MATCHING THE EXISTING WINDOWS, TRIM AND SIDING

(iii) Patterns and proportions of windows are consistent;

WITH EXISTING

(e) Adequacy of proposed screening and buffering;

NO CHANGE

(f) Impacts on the natural environment, including but not limited to, changes in topography, installation of retaining walls, or the removal of mature trees;

2ND FLOOR ADDITION ON TOP OF EXISTING 1 STORY STRUCTURE

Winchester Board of Appeals  
Form 2F

- (g) Fiscal impacts, including impact on town services, tax base and employment;  
and

N/A OTHER THAN TAX INCREASE BASED ON  
SQUARE FOOTAGE

- (h) Impacts of Historic Resources, as defined in Section 10 of this Bylaw.

THE ADDITION IS ON THE REAR OF HOUSE

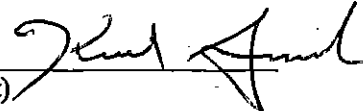
NOTE: It is anticipated that many of the above questions may be answered by the submission of plans.

If the SPGA disagrees with the recommendation of any other town agencies or officials, it shall explain its position in its written decision.

The rights authorized by a special permit expire two years from the date the decision is filed with the Town Clerk unless exercised or extended in accordance with the terms of Massachusetts General Laws, Chapter 40A, Section 9.

Date: 7-6-21

SIGNATURE  
(Petitioner/Agent)



Address 20 HOLLAND ST WINCHESTER MA

Tel No. 781-526-1877

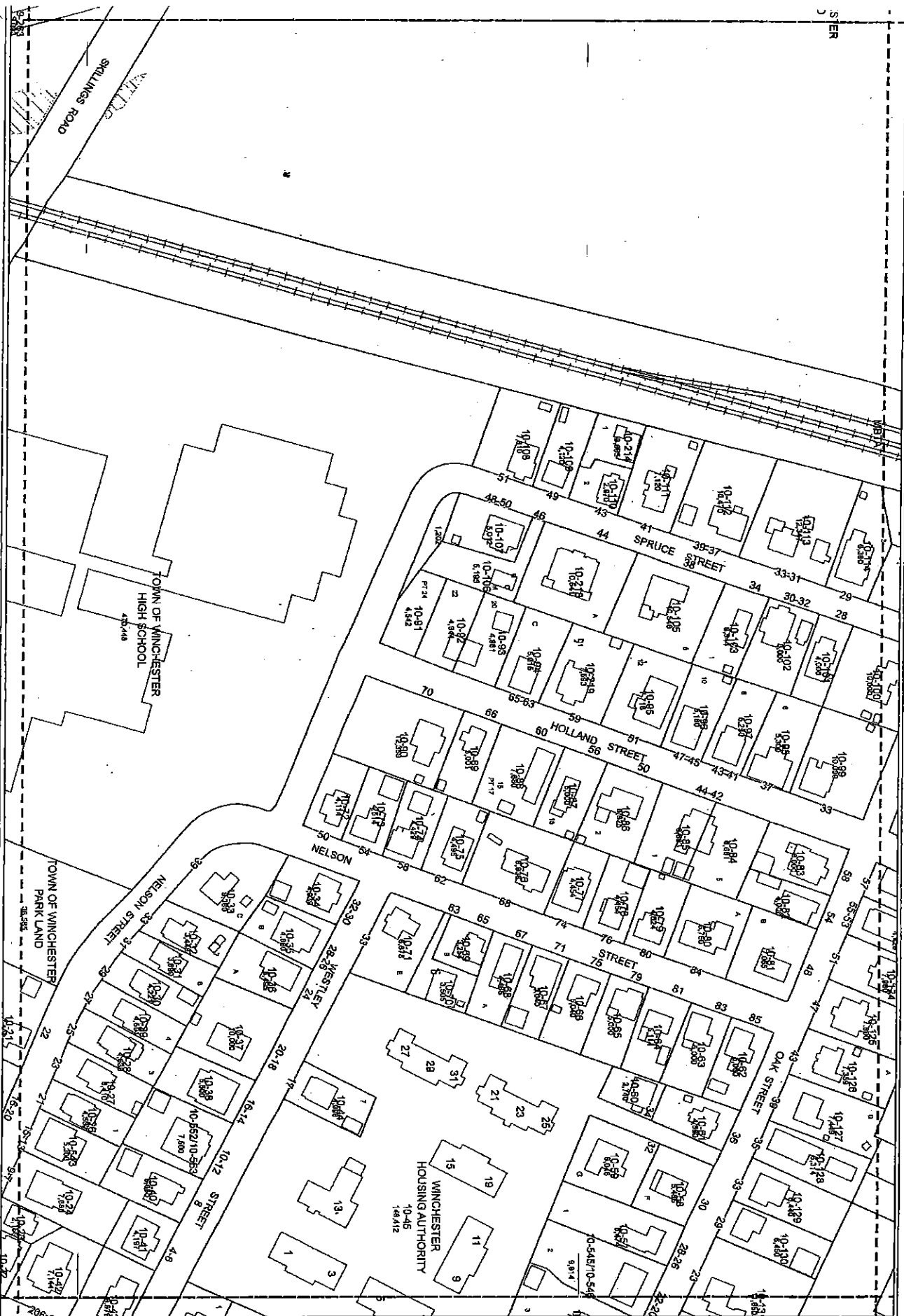
01890

LANDSCAPING


7-6-21


71, NELSON ST

THIS PROJECT ENTAILS ADDING  
A SECOND STORY TO AN EXISTING  
ONE STORY STRUCTURE, SO THERE  
ISN'T AN IMPACT ON THE LANDSCAPING.



Town of Winchester, MA  
ASSESSOR'S MAP




  
 1" = 100'  
 0 25 50 Feet

LEGEND  
 - - - - - STREAM  
 - - - - - RAILROAD  
 - - - - - LAND POWER LINE  
 - - - - - S.W. VERTICES

33	40	41
50	57	62
52	53	64

Contour  
 10' 20' 30' 40' 50' 60' 70' 80' 90' 100' 110' 120' 130' 140' 150' 160' 170' 180' 190' 200'

**51**  
 Map  
 May 25, 2008

**From:** Manter, Bryan  
**Sent:** Tuesday, June 22, 2021 1:51 PM  
**To:** Diane Petrigno Smith  
**Subject:** RE: 71 Nelson St - Drainage Requirements

Keith -

Based on your description the project is not adding more than 250 ft<sup>2</sup>; therefore the drainage requirements provided on 6/22 do not apply.

However since the project requires a special permit, the Eng. Dept will conduct a formal review of the project.

Bryan

**Bryan Manter, P.E.**  
Assistant Town Engineer  
  
Engineering Department  
71 Mount Vernon Street  
Winchester, MA 01890  
Tel: 781-721-7120  
Email: bmanter@winchester.us

**From:** Diane Petrigno Smith [mailto:keith-diane@comcast.net]  
**Sent:** Tuesday, June 22, 2021 10:51 AM  
**To:** Manter, Bryan <bmanter@winchester.us>  
**Subject:** RE: 71 Nelson St - Drainage Requirements

Hello Bryan

The address for which we are applying for a special permit is 71 Nelson St. It involves adding a second floor to an existing 12' X 12' one story structure on the rear of house. The house was built in 1870. Set backs have changed since then requiring a special permit. My question to you is since we are not changing the square footage of the roof is the existing roof drainage system ok. Rain leaders run onto the lawn or into original dry wells. Please advise as how we should proceed to be in compliance with your part of the special permit process.

Thanks Keith 781.526.1877

Sent from Mail for Windows 10

**From:** Manter, Bryan  
**Sent:** Friday, June 18, 2021 11:02 AM  
**To:** keith-diane@comcast.net  
**Subject:** 71 Nelson St - Drainage Requirements