

Appeal Package

Lot 2 Abby Road

(4 Abby Road)

Contents:

Exhibit 1 – Appeal Requirements

- A. Form 1 (checklist)
- B. Form 2
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- D. Photos
- E. Assessor’s map

Exhibit 2 – Grounds for Appeal

Exhibit 3 – Project Background

Exhibit 4 – Building Permit #663

Exhibit 5 – Excerpts from Building Permit application materials

- A. Proposed Plot Plan of Land rev Jan 31, 2021 (and without an appropriate revision date), labelled “PP2e”
- B. Proposed Site Plan dated March 29, 2021, rev. June 29, 2021
- C. Architectural Plans dated June 14, 2021
- D. Stormwater Submissions
 - a) Stormwater Analysis dated March 8, 2021
 - b) Revised Eng. Dept comments dated March 8, 2021
 - c) Drainage calculations dated March 29, 2021

Exhibit 6 – 2018 Development Agreement without attachments (the Agreement included the 10/10/2018 Subdivision Plans)

Exhibit 7 – 2019 Subdivision Approval without attachments.

- NOTE: This approval was recorded at Book 72309, Page 120 with the attachments noted on the last page of the Approval, including the 2018 Development Agreement with attachments (including the 10/10/2018 Subdivision Plans) and also the approved 12/20/2018 Subdivision Plans (see Book 72309, Pages 166-189).

Exhibit 8 - December 20, 2018 Subdivision Plans (excerpts only)

Exhibit 9 – 2018 Community Impact Statement (excerpts only)

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

**ZONING APPLICATION
CHECKLIST**

**FORM 1
INSTRUCTIONS**

INSTRUCTIONS

Please collect and present the following materials to complete an application to the Board of Appeals. Incomplete filings and forms are not an application and do not begin the process before the Board.

You should present this checklist, the required materials, and the filing fee to the Board of Appeals Clerk at the Building Department. The materials then will be docketed at the Town Clerk's Office.

The Board requires multiple copies (*) to distribute to the Board members and other interested Town bodies. (20 copies for Special Permits, Variance, Appeals and Site Plan Review). ✓

Everything circled

<u>ITEM</u>	<u>REQUIRED</u>	<u>ENCLOSED</u>
Filing Fee <u>\$50.00</u> (advertising costs are extra & will be billed by newspaper) \$300.00 +/-	✓	✓
*Request for Hearing: Form 2	✓	✓
Supporting Statement – Requested Findings	✓	✓
*Appeal (Form 2A)	✓	✓
*-Variance (Form 2B)	_____	_____
*-Special Permit Use (Form 2C)	_____	_____
*-Site Plan Review (Form 2D)	_____	_____
*-Special Permit Sign (Form 2E)	_____	_____
*-Special Permit One & Two Family Non-Conforming (Form 2F)	_____	_____
*-Special Permit Other Non-conforming (Form 2G)	_____	_____
*Plot Plan (done by Registered Land Surveyor- to scale, including % of green space and hardscape)	_____	_____
*Building Drawings (Floor plans w/sq. ft., elevations, dimensions, materials)	_____	_____
*Sign Drawings and Schematics	_____	_____
*Assessor's Map (Engineering Department)	✓	✓
*Landscaping Plans (size, species and spacing. Include before and after for Site Plan Approval)	_____	_____
*Drainage Plans (with O & M for Site Plan Approval)	_____	_____
Photographs	✓	✓
CD or PDF of complete package submitted (jviarella@winchester.us)	✓	✓

Note: All plans submitted should contain a title box and be legible.

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APPLICATION FOR
ZONING HEARING

FORM 2

Application Date 8/23/2021

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 4 Abby Road (Lot 2) Zoning District RDB-10

Area of Lot See Note at bottom Frontage 116.87' (from build. permit appl.) Year Built Under Construction

Street Frontage is Public Way Subdivision Control Way Private Way

Petitioner's Name Keith Goodwin Address 14 Highland Ave
Winchester, MA 01890

Name _____ Address _____

Name _____ Address 44 Merrimac Street, Newburyport MA 01950

Brief Description of Work:

Petitioner is the abutter to the proposed project at Lot 2, Abby Road which is owned by Cauley Development. Petitioner asserts that the Building Commissioner erred by issuing a permit for the work.

Applicants for an Appeal must complete Form 2A

Please note: Lot size was not given on the building permit forms.
However, the Variance application stated that the lot would be 10,023 s.f.

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) Cauley Development, LLC

Address of owner of record 69 Cambridge St. Winchester, MA 01890

Title Reference:

(Unregistered land) Middlesex County Registry of Deeds; Book 74859, Page 505

(Registered land) Land Court Certificate of Title No. _____ Book _____, Page _____

Date of Recording: 6/10/2020

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

Significant de-forestation and grading has been performed, but as of 8/23/2021,
only a portion of one underground stormwater treatment feature exists on Lot 2
and there are no buildings or other structures.

Attorney, agent, or other representative acting for petitioner:

Name Jeffrey L. Roelofs Address 44 Merrimac Street, Newburyport, MA 01950

Name _____ Address _____

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 <u>23rd</u> day of August, 20 <u>21</u> .	
<p>SIGNATURE <u>Jeffrey L. Roelofs</u> (Petitioner/Agent)</p> <p>Address <u>44 Merrimac St. NewburyPort, MA 01950</u></p> <p>Tel No. <u>978.462.7600</u></p> <p>Email address <u>jlr@roelofslaw.com</u></p>	<p>SIGNATURE _____ (Property Owner/Agent)</p> <p>Address _____</p> <p>Tel No. _____</p> <p>Email address _____</p>

Digitally signed by Jeffrey L. Roelofs
DN: cn=Jeffrey L. Roelofs, o.ou,
email=jlr@roelofslaw.com, c=US
Date: 2021.08.23 08:04:50 -0400

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.

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BOARD OF APPEAL
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SUPPORTING STATEMENT
REQUESTED FINDINGS

FORM 2A
APPEAL

Petitioner Keith Goodwin seeks an appeal under

Section 9.3.3(3) of the Winchester Zoning By-Law for the property located at

4 Abby Rd ("Lot 2") and asks that the Board of Appeal make the following

findings of fact in accordance with the provisions of Massachusetts General Laws, Chapter 40A,

Section 15.

1. The zoning enforcement officer misapplied the following provisions of the Winchester Zoning By-Law:

See Exhibit 2 of this appeal package.

2. The zoning enforcement officer's decision involved the following errors of law or interpretation of the Winchester Zoning By-Law:

See Exhibit 2.

Winchester Board of Appeals
Form 2A

3. The zoning enforcement officer's decision involved the following errors in the factual findings necessary for the decision:

See Exhibit 2.

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

Date: 8/23/2021

SIGNATURE Jeffrey L. Roelofs
(Petitioner/Agent)

Digitally signed by Jeffrey L. Roelofs
DN: cn=Jeffrey L. Roelofs, o, ou,
email=jlr@roelofslaw.com, c=US
Date: 2021.08.23 08:05:29 -04'00'

Address 44 Merrimac Street, Newburyport MA 01950

Tel No. 978.462.7600

Please attach additional sheets if space provided is insufficient.