

TOWN OF WINCHESTER  
BOARD OF APPEALS  
71 Mount Vernon Street  
Winchester, Massachusetts 01890  
(781) 721-7115

FORM 2, BOARD OF APPEALS APPLICATION FOR HEARING

*(Use this form for all applications for special permits or site plan approvals, appeals or petitions for variances, and appeals to the Board of Appeals.)*

Date of application January 5, 2023

Property Address 1 Winter Street Zoning District RG-6.5

Applicant(s)

1. Name Christopher Downey  
Address 1 Winter Street  
Email address cdowney4@hotmail.com  
Telephone 781-591-5915 (work), 781-369-1763 (home)  
Relationship to the property Owner
2. Name Kerry Downey  
Address 1 Winter Street  
Email address kerlynshe@hotmail.com  
Telephone \_\_\_\_\_  
Relationship to the property Owner
3. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Email address \_\_\_\_\_  
Telephone \_\_\_\_\_  
Relationship to the property \_\_\_\_\_

If the applicants do not include the record owner of the property, attach a document signed by the record owner authorizing the applicant(s) to pursue this application.

Title Reference:

(Unregistered land) Middlesex County Registry of Deeds, Book 63554 Page 337

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

Date of Recording or Registration 04/30/2014 \_\_\_\_\_

Summary of the subject matter of this application:

To widen existing front porch.

Other party(ies) in interest.

If the record owner of the property is not the sole real party in interest, identify all other real parties in interest:

1. Name \_\_\_\_\_

Address \_\_\_\_\_

Email address \_\_\_\_\_

Telephone \_\_\_\_\_

2. Name \_\_\_\_\_

Address \_\_\_\_\_

Email address \_\_\_\_\_

Telephone \_\_\_\_\_

Include the appropriate Supporting Form (2A through 2J) and all required attachments.

Attorney, agent, or other representative(s) acting for the applicant:

1. Name \_\_\_\_\_

Address \_\_\_\_\_

Email address \_\_\_\_\_

Telephone \_\_\_\_\_

2. Name \_\_\_\_\_

Address \_\_\_\_\_

Email address \_\_\_\_\_

Telephone \_\_\_\_\_

3. Name \_\_\_\_\_

Address \_\_\_\_\_

Email address \_\_\_\_\_

Telephone \_\_\_\_\_

The Board may request written evidence of a representative's authority.

The signatures below apply to this Form 2, to Supporting Forms (2A through 2J), and to attachments, all of which are statements of fact to which the signatures apply under the pains and penalties of perjury.

1. Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed name Christopher Downey

2. Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed name Kerry Downey

3. Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed name \_\_\_\_\_

TOWN OF WINCHESTER  
BOARD OF APPEALS

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FORM 2F, SPECIAL PERMIT (NONCONFORMING SINGLE AND DUPLEX  
RESIDENTIAL STRUCTURES)

1. The applicant, Christopher & Kerry Downey, asks the Board of Appeals to grant a special permit under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, and Sections 3.5.5, 9.3.3, and 9.4 of the Winchester Zoning Bylaw.

2. The applicant asserts the following in support of its application for a special permit:

a. The existing nonconforming structure and its nonconformity consist of:

The existing house and existing open porch are within the minimum required front yard setback.

b. The proposed reconstruction, extension, alteration, or change to the existing nonconforming structure consists of:

We propose to extend the existing open front porch on each side. The existing porch roof will remain unaltered. The proposed extensions will have perimeter railings and each will be approximately 60 sq. ft. and structurally detached from the house.

c. The proposed reconstruction, extension, alteration, or change will not be substantially more detrimental than the existing nonconforming structure to the neighborhood because:

It will not change the style of the existing house nor will it substantially change the existing nonconformity.

d. The beneficial impacts of the proposal will outweigh its adverse effects on the town or the neighborhood in view of the particular characteristics of the site and of the proposal in relation to that site for the following reasons:

It will add visual appeal to the front of the house and act to better tie together the original house and the recently completed addition. It will extend the porch along the entire front of the original house with new railings, matching the style of farmer's porches of most of the nearby properties. It will allow us to better complete landscape and hardscape (e.g. replace front walk and retaining wall) renovations to beautify the front yard.

e. The following community needs will be served by the proposal:

Not applicable.

f. The effects of the proposal on traffic flow and safety, including parking and loading, will be:

Not applicable.

g. The effects of the proposal on the adequacy of utilities (e.g., electricity, gas, water) and other public services will be:

Not applicable.

h. The impacts on neighborhood character will be as follows, including the extent to which:

1. Building forms and materials are compatible with the prevailing scale and character of buildings in the neighborhood for the reasons indicated below. (In addition to discussing this factor below, provide pictures of at least the ten nearest buildings in the neighborhood.):

It will not change the style of the existing house. It will extend the porch along the entire front of the original house with new railings, matching the style of farmer's porches of most of the nearby properties. The deck will be surfaced with mahogany planks, to match the existing porch.

2. Architectural features (for example, dormers, lintels, bay windows, open porches, chimneys) would add visual character to the neighborhood by:

Perimeter railings.

3. Patterns and proportions of windows are consistent with the neighborhood because:

Not applicable.

j. Any proposed screening and buffering will be adequate because:

Not applicable.

k. The proposal will have the following impacts on the natural environment, including, but not limited to, changes in topography, installation of retaining walls, or the removal of mature trees:

There will be no substantial environmental impacts. This area of the yard is elevated above the FEMA flood zone and recent historic flood levels. One small dying rhododendron plant will be removed. Completion of this project will allow us to proceed with more landscaping and plantings in the front yard.

l. The proposal will have the following fiscal impacts, including impact on town services, tax base and employment:

Not applicable.

m. The proposal involves (or does not involve) a building, area, neighborhood, or other structure that is an historic resource, as recited in a, b, or c of the definition of Historic Resource in Section 10 of the Zoning Bylaw for the reasons indicated below. [In addition, locate and attach any Massachusetts Historical Commission Form B—Building or other similar document that pertains to any historic characteristics of the building, area, neighborhood, or other structure that is impacted by the proposal.]

The building is not an historic resource as was established in our previous approved application for special permit, and was verified by research completed by the town historian.

n. If the proposal involves an historic resource, the impacts on that historic resource are as follows:

Not applicable.

3. Required attachments:

\_\_ Plot plan by a Registered Land Surveyor including proposed screening and buffering, changes in topography, installation of retaining walls, existing trees, and removal of mature trees.

\_\_ Building drawings including plans and elevations and showing the building's forms, materials, architectural features (including dormers, lintels, bay windows, open porches, and chimneys), patterns and proportions of windows.

\_\_ Landscaping plans.

\_\_ Drainage plans.

\_\_ Description and photographs of the building and the property (including topography and trees) and photographs showing the prevailing scale and character of buildings in the neighborhood (for example the nearest ten buildings).

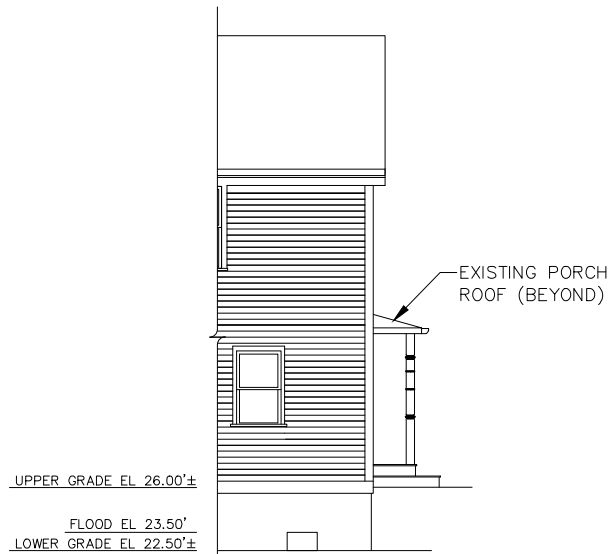
\_\_ Massachusetts Historical Commission Form B, if any. [Forms B can be found at the Massachusetts Historical Commission MACRIS website at <https://mhc-macris.net/>. Note that MACRIS is not always up-to-date and that buildings may be included in Forms A applicable to multiple resource. Additional help may be available from the Town Planner or the Massachusetts Historical Commission.]

\_\_ Any written determination by the Winchester Historical Commission concerning whether a building associated with the proposal is historically significant without regard to whether the building was or is subject to a demolition delay.

\_\_ Any other written comments, recommendations, or decisions related to the proposal from other town agencies or officials.

Other attachments may also be provided.

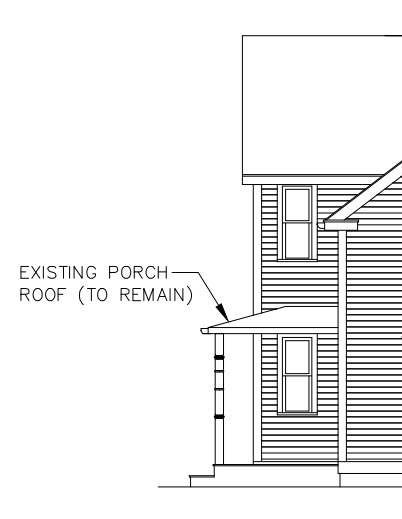
Attach additional sheets if more space is needed.



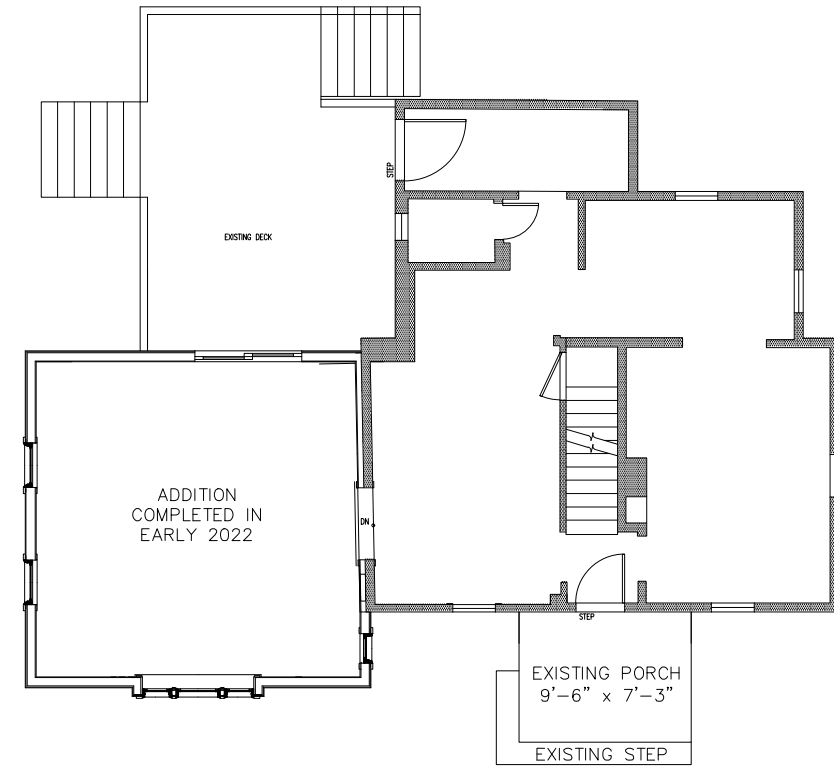
1 EXISTING LEFT ELEVATION  
3/16" = 1'-0"



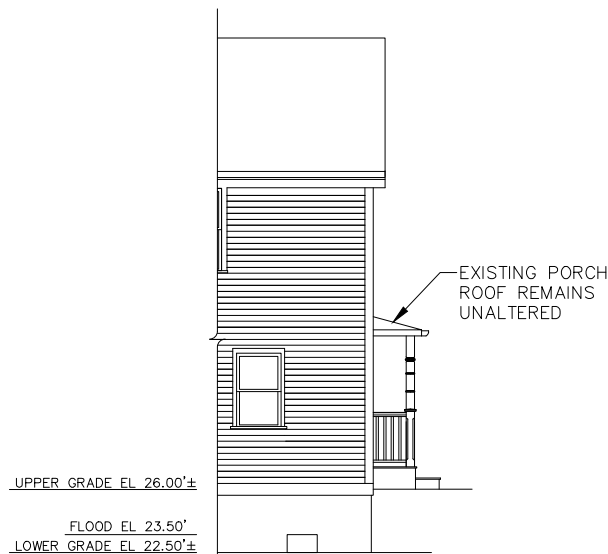
2 EXISTING FRONT ELEVATION  
3/16" = 1'-0"



3 EXISTING RIGHT ELEVATION  
3/16" = 1'-0"



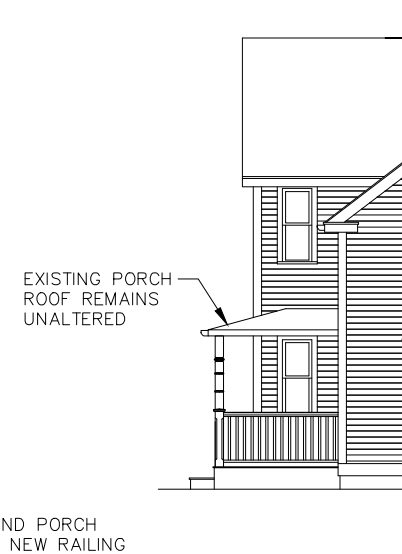
4 EXISTING PLAN VIEW  
3/16" = 1'-0"



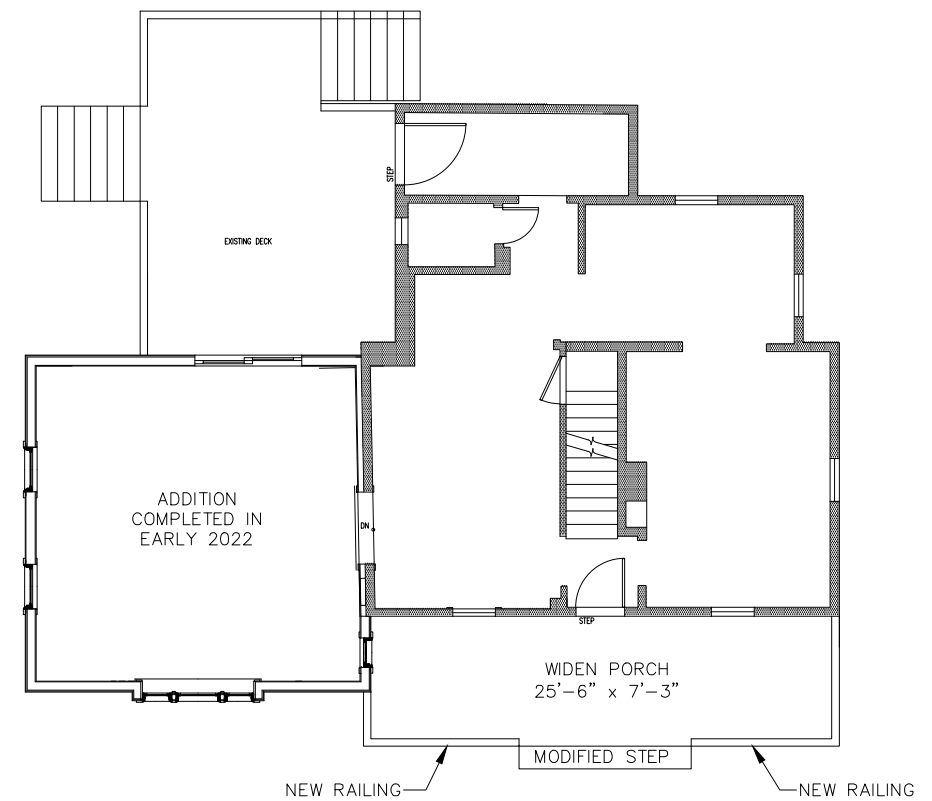
5 PROPOSED LEFT ELEVATION  
3/16" = 1'-0"



6 PROPOSED FRONT ELEVATION  
3/16" = 1'-0"



7 PROPOSED RIGHT ELEVATION  
3/16" = 1'-0"



8 PROPOSED PLAN VIEW  
3/16" = 1'-0"

DOWNEY RESIDENCE  
 1 WINTER STREET  
 WINCHESTER, MA 01890

ISSUED FOR: APPROVALS  
 DATE: 01.05.23

SHEET NUMBER:

A-0



Existing Front Porch



Proposed Front Porch  
*(rough rendering)*





Existing Front Porch



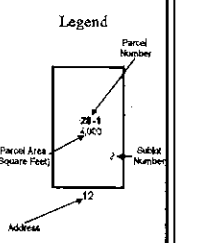
Existing Front Porch



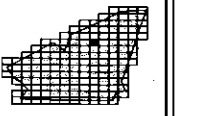
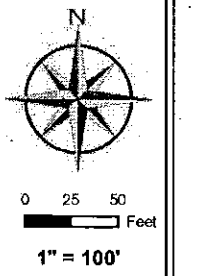
Neighbors -- 6 Winter and 8-10 Winter



Neighbors -- 37 Tremont and 33 Tremont



- Legend
- Easement
  - Building
  - Deck, Patio
  - Foundation
  - Miscellaneous Structure
  - Overhead Walkway
  - Pool
  - Tank
  - Bridge
  - Lake, Pond, River, Basin
  - Wet Area
  - Railroad



27	28	29
38		40
49	50	51

# Map 39

March 1, 2017



EXISTING UTILITY POLE

EXISTING HYDRANT

CULTEC INFILTRATION SYSTEM INV. = 20.1

N/F  
9 WINTER STREET  
MAP 10 PARCEL 197

LOT AREA  
6,505± S.F.

LAND SUBJECT TO FLOODING  
RESOURCE AREA EXTENDS TO 100  
YEAR FLOOD ELEVATION=23.5  
COMMUNITY PANEL# 25017C0409E

FO TOP=23.5±  
BOT.=22.6±

INSPECTION PORT

FO TOP=23.5±  
BOT.=22.6±

FO TOP=23.5±  
BOT.=22.6±

APPROXIMATE LOCATION  
OF FLOODWAY SCALED FROM  
FEMA FLOOD MAP COMMUNITY  
PANEL# 25017C0409E

I. ROD  
(FOUND)

FO TOP=23.5±  
BOT.=22.6±

FO TOP=23.5±  
BOT.=22.5±

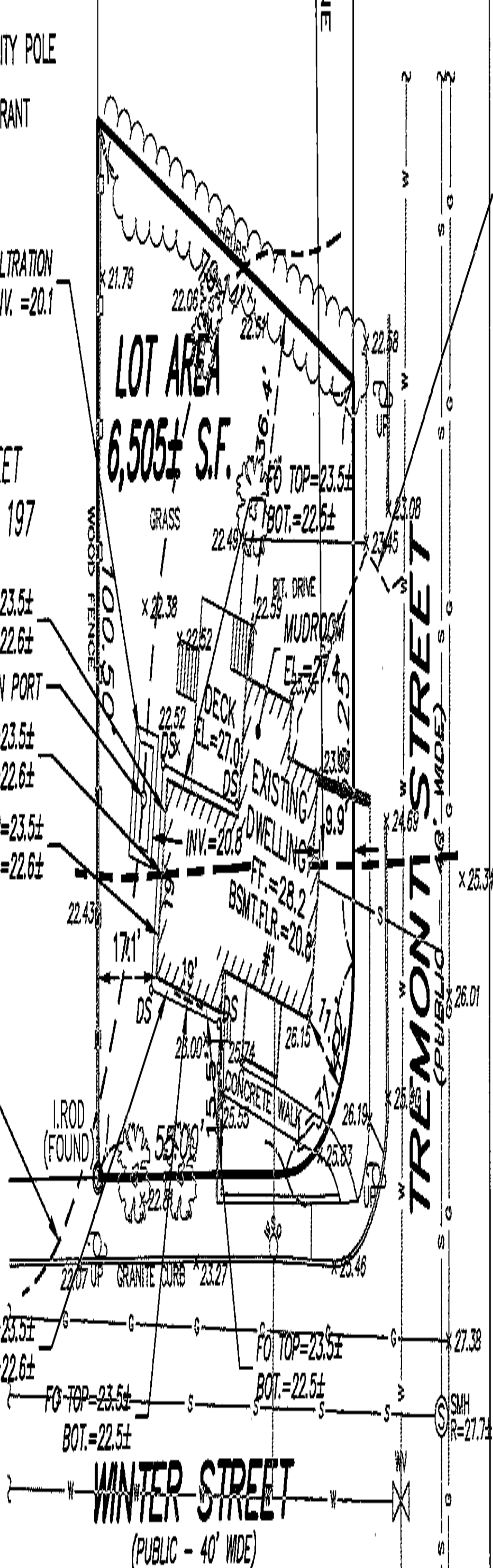
FO TOP=23.5±  
BOT.=22.5±

WINTER STREET  
(PUBLIC - 40' WIDE)

TREMONT STREET  
(PUBLIC - 40' WIDE)

# NOTES

1. THE LOCATIONS AND ELEVATION OF ALL EXISTING UTILITIES SHALL BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. ANY DISCREPANCIES IN THE LOCATION OF ANY UTILITIES SHOWN OR ENCOUNTERED DURING CONSTRUCTION SHALL BE REPORTED TO THE ENGINEER.



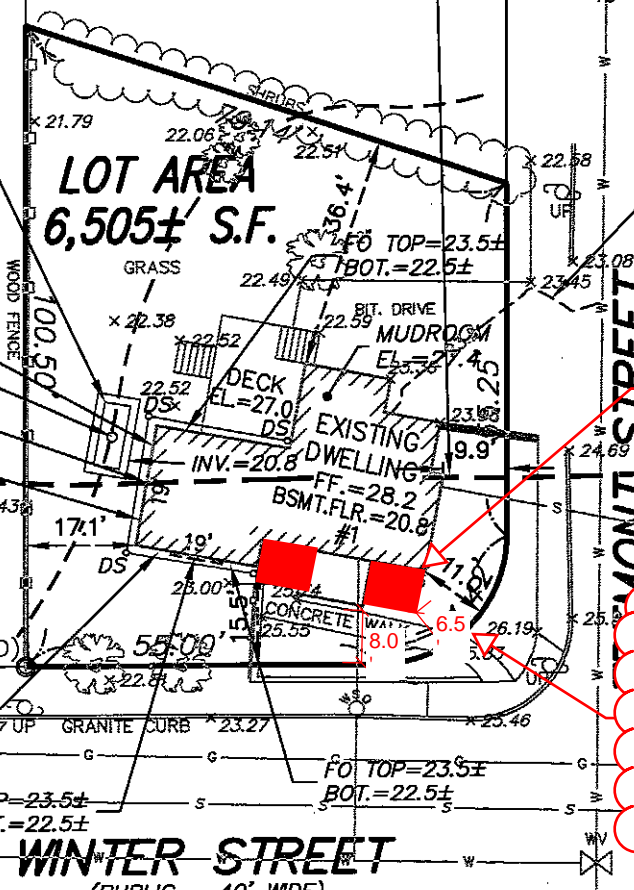


EXISTING UTILITY POLE  
EXISTING HYDRANT

LAND SUBJECT TO FLOODING  
RESOURCE AREA EXTENDS TO 100  
YEAR FLOOD ELEVATION=23.5  
COMMUNITY PANEL# 25017C0409E

CULTEC INFILTRATION  
SYSTEM INV. =20.1

N/F  
9 WINTER STREET  
MAP 10 PARCEL 197



PROPOSED PORCH EXTENSIONS ON  
EACH SIDE OF EXISTING PORCH.

APROX 60 SQ. FT. EACH AND  
STRUCTURALLY DETACHED.

EXISTING PORCH ROOF TO REMAIN  
UNALTERED.

### NOTES

- APPROXIMATE SETBACKS:
- 11.0' FROM CORNER OF EXISTING HOUSE
  - 8.0' FROM EXISTING PORCH STEP
  - 6.5' FROM PROPOSED PORCH EXTENSION

DURING CONSTRUCTION SHALL  
BE REPORTED TO THE ENGINEER.

FO TOP=23.5±  
BOT.=22.6±

INSPECTION PORT

FO TOP=23.5±  
BOT.=22.6±

FO TOP=23.5±  
BOT.=22.6±

APPROXIMATE LOCATION  
OF FLOODWAY SCALED FROM  
FEMA FLOOD MAP COMMUNITY  
PANEL# 25017C0409E

FO TOP=23.5±  
BOT.=22.6±

FO TOP=23.5±  
BOT.=22.5±

FO TOP=23.5±  
BOT.=22.5±

**WINTER STREET**  
(PUBLIC - 40' WIDE)

**From:** chris@stevedowneygolf.com  
**Sent:** Sunday, August 4, 2019 12:31 PM  
**To:** chris@stevedowneygolf.com  
**Subject:** FW: 1 Winter

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**From:** Archives <Archives@winchester.us>  
**Sent:** Wednesday, July 03, 2019 11:59 AM  
**To:** Christopher Downey <cdowney@sde-us.com>  
**Subject:** RE: 1 Winter

Chris,

As Archivist for the Town, I can help property owners find information about houses, but it is not my role to determine significance. However, I did look for information that might pertain to the criteria appended below, copied from the Historical Commission's page.

The house was not owned by any significant persons, as far as I can tell. The first three owners or residents were Dennis O'Leary, a currier and later farm hand; Frank Capone, a laborer; and Peter Sciascia, another laborer. It was apparently worker housing. There were several heavy industries in the northern part of Winchester from the mid-19<sup>th</sup> century to the mid-20<sup>th</sup> century. In the mid-20<sup>th</sup> century the house was owned for decades by an employee of the gelatin factory.

I could not find the name of the architect or builder. I find no documentary reference to the site having made any particular contribution to history or prehistory.

Findings as to the quality of a property's architectural or cultural significance fall within the purview of the Historical Commission.

This may or may not be helpful, but I do believe it's about all I could learn with the available resources in the Center.

Ellen Knight, Ph.D., Reference Archivist  
Winchester Archival Center  
71 Mt. Vernon Street  
Winchester, MA 01890  
781-721-7146  
<http://www.winchester.us/130/Archival-Center>  
Online catalog: <http://winchester.pastperfectonline.com/>

The Winchester Historical Commission judges a property to be historically significant under guidelines drawn from U.S. Department of the Interior, incorporated into the revised Chapter 14 By-Law in Section 3.5 as follows:

3.5: Criteria for Determination of an Eligible Building being a Historically Significant Building. If at such Hearing the Commission determines that the Demolition of the Eligible Building would be detrimental to the American history, architecture, archeology, engineering and culture of the Town, such building shall be considered a "Historically Significant Building". An Eligible Building's Historical Significance shall be evidenced by demonstrating that the Eligible Building has a quality of significance in American history, architecture, archeology, engineering and/or culture and which possesses integrity of location, design, setting, materials, workmanship, feeling and/or association, and: