

FORM 2K. SPECIAL PERMIT FOR RECONSTRUCTION AFTER VOLUNTARY  
DEMOLITION OF A NONCONFORMING STRUCTURE

[Revisions adopted April 20, 2023]

1. The applicant, \_\_\_\_\_, asks the Board of Appeals to grant a special permit under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, and Sections 3.5.7, 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:
  - b. The applicant intends to voluntarily demolish the nonconforming structure.
  - c. The applicant will reconstruct the nonconforming structure within two years after the voluntary demolition.
  - d. The proposed reconstruction will cause the structure (a) to exceed the gross floor area of the original nonconforming structure or (b) to be located other than on the original footprint.
  - e. 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 because:
  - f. The following community needs (as distinguished from needs of the applicant) will be served by the proposal:
  - g. The effects of the proposal on traffic flow and safety, including parking and loading, will be:
  - h. The effects of the proposal on the adequacy of utilities (e.g., electricity, gas, water) and other public services will be:
  - i. 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. :

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

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

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

k. The proposal involves the following site alterations (checkmark any that apply):

changes in topography

installation of retaining walls

removal of mature trees

other impacts on the natural environment

Provide detail for any alteration and show and identify it on the required drawings. Indicate the span and degree of grade changes in the topography, the number, location, size, and linear feet (aggregate height) of mature trees to be removed, and the height and length of retaining walls to be installed. On the required drawings also show proposals for mitigation of removed trees and new landscaping. If any of the proposed work is in a wetland area or a floodplain, contact the Conservation Commission, as you may need a Conservation Commission permit. For other areas, consult the Conservation Commission's pamphlet *Native and Wetland plants*.

A copy of this application will be forwarded to the Conservation Commission for review and

recommendations. To aid their work, checkmark the items below that reflect effects that may result from the alterations proposed above and provide a brief explanation (The listed items are based on the Winchester Wetlands Bylaw.):

- alteration of public or private groundwater supply
- reduction of the flood storage capacity of a wetland, river, or stream
- threat to the health, welfare or safety of individuals or the community
- work in an area consisting of “very poorly drained soil”
- work in an area which will be flooded in a 100-year storm event
- wildlife habitat

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

m. The proposal involves (or does not involve) a building (the applicant’s building or other buildings in the neighborhood), an area, a 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.

n. If the proposal involves an historic resource (the building, other buildings in the neighborhood, the area, the neighborhood, or other structure), the impacts on that historic resource are as follows:

(Locate and attach any Massachusetts Historical Commission Forms A—Area, Forms B—Building, or other similar documents that pertain to the building, other buildings on nearby properties, the area, the neighborhood, or other structures that are historic resources.)

3. If the proposal includes any changes to curb cuts, will a special permit also be required for exceptions to the curb cut requirements of 5.1.10 of the Zoning Bylaw?

4. Describe if and how the proposal would meet the following stated purpose of the Zoning Bylaw (Section 1.1): “to encourage the most appropriate use of land throughout the Town:”

Required attachments:

(The Board appreciates clear consistent naming of submitted electronic files, for example:

“4202 – 5 Lamp Post Lane – PLOT PLAN version 2”

“4202 – 5 Lamp Post Lane – SITE PLAN”

“4202 – 5 Lamp Post Lane – APPLICATION FORM 2”)

(Initial each item below to confirm its inclusion with this application.)

One or more drawings to show the following elements typical of a plot plan and a site plan:

Plot plan elements (under seal of a Registered Land Surveyor):

- a. The boundary lines of the property and their lengths.
- b. All existing and proposed dimensions and a comparison of them with the corresponding permitted dimensions as listed in the Table of Dimensional Requirements of the Zoning Bylaw, including area, frontage, front yard, side yard, rear yard, percentages of open space, green space, and hardscape, building height in feet and stories, and distances between buildings.
- c. The locations and dimensions of existing and proposed buildings and their distances from the property boundaries.

Site plan elements:

- a. Contour lines showing existing and proposed topography.
- b. Existing trees, and mature trees proposed to be removed.
- c. Existing and proposed screening and buffering.
- d. Existing and proposed retaining walls.
- e. Locations and dimensions of existing and proposed driveways, curb cuts, walkways, patios, swimming pools, and other outdoor features.

Landscaping plan

Groundwater management plan  If the property is in the PRD, RB-20, GBD-1, GBD-2, GBD-3, IL, SCI, or RA-120 districts, the Lighting Plan required by 5.4.7 of the Zoning Bylaw.

Building drawings including:

Existing and proposed plan views.

Existing and proposed elevational views showing the building’s forms, materials, architectural features (including dormers, lintels, bay windows, open porches, and chimneys), and patterns and proportions of windows.

Interior and exterior dimensions, floor heights, and total height.

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 Forms A—Area, and Forms B—Building, if any, for the building on the property, other buildings on nearby properties, the area, the neighborhood, and other structures. [Forms A and 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 in some cases buildings may appear only on Forms A. 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 was or is historically significant without regard to whether the building was or is subject to a demolition delay.

\_\_ Any other materials provided to the Winchester Historical Commission, Design Review Committee, Planning Board, or Conservation Commission in connection with their review of the application.

\_\_ 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.