Town of Lincoln  
ZONING BOARD OF APPEALS  

Application  

All Applications are to be submitted to Board Staff. Applications will not be considered duly filed until all required information, submittals and payments have been provided by the Applicant, reviewed by Board Staff and filed with the Town Clerk. 

See Information and Instructions for Applicants for instructions on completing this Application, and for information on the procedures and steps involved in seeking zoning relief from the Zoning Board of Appeals.

1. Location  
Address:  

<table>
<thead>
<tr>
<th>No.</th>
<th>Street</th>
<th>Map</th>
<th>Block</th>
<th>Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>158</td>
<td>BEDFORD ROAD</td>
<td>113</td>
<td>6</td>
<td>0</td>
</tr>
</tbody>
</table>

Assessor’s Records:

2. Applicant  
Name(s): CHRISTOPHER KALISCH and LINDSAY NORRIS  

Applicant is: Owner of Record  Other:  
Name of Owner of Record (if not the Applicant):

Contact Information:  
Address: 158 Bedford Rd.  
Phone: 617-230-3815  Email: CTIP131@gmail.com  
Representative (if any):

3. Application  
General Description of Proposal:  

DEMOLITION OF DERELICT GARAGE; RECONSTRUCTION OF NEW TWO-BAY GARAGE WITH HOME OFFICE ABOVE  

Application is for:  
Special Permit  Variance  Appeal  Other:  

Applicable Sections of Zoning By-Law:  
Specific Nature of Relief Requested:  

SECTION 4.4, 13.4  
EXISTING NONCONFORMITY WITH RESPECT TO BUILDING HEIGHT AND PROPERTY SIDE SETBACK
4. Zoning Information

Zoning District: 
Other Required Permits/Approvals: ___ Planning Board ___ Historic Commission ___ Conservation Commission ___ Board of Health
Other: 
(please submit copies of any other permits and approvals or findings that have been obtained for the Proposal)

5. Attachments/Submissions

To constitute a complete Application, each of the following items shall be submitted, together with the Application. See Information and Instructions for Applicants.

Property Information

- **Assessors Card** for the Property.
- **Lincoln GIS Map** printout showing the Property and its general vicinity (including adjoining properties).

**Statement**

A detailed **Statement** describing the Project and the zoning issues it raises, and addressing each of the statutory requirements for the relief requested, as provided in the Zoning By-Law, and stating how the Applicant’s Proposal meets each of those requirements.

Applicants for a **Special Permit** should provide a statement addressing the Standards for a Special Permit.

Applicants for a **Variance** should provide a statement addressing each of the Standards for a Variance.

Applicants for an **Appeal** should provide a statement describing the action being appealed and the basis for the appeal.

**Zoning Worksheet**

A fully completed **Zoning Worksheet**.

**Plans**

- **Survey** or **Plot Plan** (showing existing conditions and proposed, and all setback and other dimensions).
- **Floor Plans** (both existing and proposed).
- **Elevations** (both existing and proposed).
Where appropriate, Plans should include **graphic overlays** depicting existing conditions as compared to proposed.

**Existing Approvals/Fillings**

- Copies of any existing zoning approvals, if any - **Special Permits, Variances, Site Plan Reviews** etc.
- Copies of any Historical Commission filing, if any – **MHC Inventory Form**.

**Other Materials**, relevant to the Application

6. Hearing Request

I/We hereby request a hearing before the Lincoln Zoning Board of Appeals for the indicated relief.

I/We certify that we have read the **Information and Instructions for Applicants**, understand same and have complied with its requirement to the extent reasonably possible.

I/We certify that I/we have read and examined this Application (pages 1 through 3) and all the materials submitted, that all of the information contained therein or provided therewith is true, complete and correct.

**APPLICANT’S SIGNATURE:**

Signed: ____________________________ Date: 11/5/17

**OWNER OF RECORD:**
(If not the Applicant, and if not an Appeal)

Signed: ____________________________ Date: ____________________________

[further content on next page]
Application Checklist:

The following items should be confirmed as submitted with the completed and signed Application:
(the Applicant should check-off the items that are included with this Application)

☑ Application Fee (check, made payable to the Town of Lincoln)
[for Special Permits, Variances and Appeals: $200 / for Renewals: $100]
☑ Assessor’s Card
☑ Lincoln GIS Map, showing Property and vicinity

☐ Statement
☐ Zoning Worksheet
☐ Survey or Plot Plan
☐ Floor Plans
☐ Elevations
☐ Copies of Existing Permits and Approvals
☐ Copies of any Historical Commission Filings
☐ Other Materials submitted:

As is required by applicable law, the Board will be notifying all neighbors and abutters of the Property of this Application.
Please advise as to whether you have discussed the Project with your neighbors and/or provided them with copies of your proposal and plans for the Project:

☒ We have discussed the Project with our neighbors
☐ We intend to discuss the Project with our neighbors prior to the Hearing
☐ We will not be discussing the Project with our neighbors

NOTES:

Ten (10) copies of the complete Application (with all attachments, submittals and plans), are to be submitted to Board Staff.

Please note that other or additional submittals or plans may be required by the Zoning Board of Appeals in connection with their review and consideration of the Application.

Please also note that certain submittal requirements may be waived if, given the nature of the Proposal, the waived information would not be germane to the decision or would be unjustified in light of the scale, location or other attributes of the Proposal.

GENERAL:
The contents of this Application are intended to assist the Applicant in applying for zoning relief from the Zoning Board of Appeals. They are not intended to replace or override the provisions of Chapter 40A of the Massachusetts General Laws or the By-Law, or to replace sound legal advice. If there is any inconsistency between this Application and MGL Chapter 40A or the By-Law, the provisions of the By-Law and Chapter 40A control.

It is the Applicant’s responsibility to assure that all legal requirements are satisfied and all showings are made. The Applicant is encouraged to review the By-Law in its entirety, and to consult with counsel and obtain its own legal advice regarding the Application.

3 of 3
OFFICE AND BATH
Area: 612 sq ft
HABITABLE AREA TO FACE OF EXTERIOR WALLS

ARCHITECT:
SUZANNE SPINNEY, RA
NOW COMMUNITIES LLC
338 BAKER AVE
CONCORD, MA 01742
978.369.6200

NEW GARAGE AND
STUDIO
CHRISTOPHER AND
LINDSAY KALISCH
158 BEDFORD ROAD
LINCOLN, MA

PLAN - OFFICE LEVEL
A1.2 FEBRUARY 11, 2020
MATERIALS OPTIONS

CEDAR LAP SIDING
CEDAR SHAKE SIDING
CEDAR VERTICAL BOARD
CEDAR VERTICAL BOARD AND BATTEN
LP COMPOSITE WOOD SIDING (LAP SIDING AND VERTICAL BOARD AND BATTEN OPTIONS)

SOUTH ELEVATION (FRONT)

23'-2" PLUS OR MINUS

EAST ELEVATION (TOWARDS YARD AND PATIO)

158 BEDFORD ROAD
NEW GARAGE AND HOME OFFICE
FEBRUARY 11, 2020
NOW COMMUNITIES, LLC
336 Baker Avenue
Concord, MA 01742
978.369.6200
Smart Housing for Today and Tomorrow

Project: Garage reconstruction with office above
Owner(s): Lindsay and Christopher Kalisch
Location: 158 Bedford Rd., Lincoln, MA
Date: February 11, 2020

STATEMENT – ZONING BOARD OF APPEALS

Project Summary:
Lindsay and Christopher Kalisch have for many years owned an approximately 2,000 square foot, one bedroom house with a two car garage at 158 Bedford Road. The house has previously been renovated to expand the second floor including a deck area; the owners have taken great care in selecting the scale and materials of the existing house. The existing garage, nominally a two-car garage, is structurally deficient and does not currently allow for any vehicles; it is used for storage. The concrete footings are not deep enough for a frost wall and the slab is cracked; the walls are canted and the roof has started to list. While there is no imminent danger of collapse, the owners would like to have a usable two car garage plus a home office on the second floor. Use of a garage to include home office use is a permitted, and common, use in Lincoln. However, a Special Permit will be required for both height and side yard setback.

Standards for Special Permit:

158 Bedford Road is in the R-1 zoning district:

R-1 SINGLE-FAMILY RESIDENCE DISTRICT. The R-1 District is intended as a district of single family homes with not more than one dwelling unit and accessory structures upon one lot (except as may be permitted under Sections 6.6, 14.3 and 14.4 below).

Permitted accessory uses defined in the Zoning Code include:

(h) professional office, studio, laboratory, and workshop accommodating occupations customarily conducted in Lincoln in a residence or building accessory thereto by a person residing on the premises, provided that:
i. such use is clearly incidental and secondary to the use of the premises for residential purposes;
ii. not more than one person other than residents of the premises is engaged in the conduct of the home occupation, whether as an employee or otherwise;
iii. no offensive noise, vibration, smoke, dust, odors, heat, glare or unsightliness is produced;
iv. there is no public display of goods or wares and there are no signs except as permitted in Section 16;
v. there is no exterior storage of material or equipment (including the parking of more than one commercial vehicle) and no other exterior indication of such use or variation from the residential character of the premises;
vi. there are adequate off-street parking spaces for employees and for visitors in connection with the home occupation which does not substantially alter the appearance of the premises as a single family residence.

vii. such use does not require the parking of more than four vehicles used by persons engaged in the occupation, clients, customers or patients on a regular basis;
viii. traffic generated by such use is not inconsistent with traffic usually associated with a single family residence.

The homeowners plan to use the second floor office as a single person office for Christopher Kalisch; there are no employees and few visitors. In addition, the homeowners plan to use the garage level for both vehicle parking and for the use of Lindsay Norris Kalisch’s floral business including some storage (which is a current use of the garage). The floral business also has no employees nor many visitors. Both these uses are permitted according to the Zoning Code; and neither use will generate additional vehicle traffic, noise or other adverse neighborhood impact.

Section 4.4 The change or alteration of any non-conforming use or structure which is not otherwise permitted as a matter of right by the provisions of paragraphs 4.1(c), 4.1(e), and 4.3 hereof, may be extended, altered, reconstructed or repaired, provided that in each case the Board of Appeals, in accordance with the procedures and provisions of Section 20 hereof, shall grant a special permit finding that such extension, alteration, reconstruction or repair is not substantially more detrimental to the neighborhood than the prior existing non-conforming structure or use.

The existing garage is non-conforming with respect to one side yard setback (it is currently two feet from the south property line) and height (currently about 15 feet). Due to the location of the house and property width limitations, a new garage must also be located quite close to the south property line too allow any vehicle access. In addition, the new garage / home office height must be increased to allow for adequate headroom on the second floor. While the new side setback is one foot further from the property line, the new garage will still be non-conforming with respect to the setback and the new garage will be longer along that property line. In addition, a Special Permit is also required for the new building height.

13.4 Accessory Structures. Accessory structures, as defined in Section 23 and enumerated under Structure (a-q), shall not be located closer than 50 feet from the street line nor any closer to any side or rear lot line than the height of such accessory structure above the ground level or 20 feet, whichever is greater. Accessory structures, as defined in Section 23, and enumerated under Structure (b-q) may be located without regard to the foregoing dimensional requirements.
provided that the Board of Appeals has issued a special permit pursuant to Section 6.2(f) and Section 20.2(c).

The proposed new structure has been designed to be of complementary architectural character to the existing structure and to appear as a one and one-half story structure with dormers to provide adequate headroom. While visible from the street, it will be shorter than the house and somewhat blocked from view by the existing house. Materials will also be complementary to the existing house: cedar or composite wood siding and shingles with mullioned windows. We believe it will be harmonious with the neighborhood, and in no way be detrimental to the neighborhood, either through appearance or additional traffic.

No Site Plan review required:

Section 4.6 Any proposed alteration, extension, reconstruction or renovation of an existing building or accessory structure above natural grade subject to the requirements of Section 4 that will result in: (a) the buildings and accessory structures on the lot having a calculated gross floor area in excess of 4,000 square feet or 8% of the lot area, whichever is greater; or (b) the buildings and accessory structures on the lot having a calculated gross floor area which exceeds 6,500 square feet shall require Planning Board site plan review and approval prior to the issuance of a Building Permit therefore, in accordance with Section 17.7 of the By-law.

The total Calculated Gross Floor area will be approximately 3,338 square feet, or 8.42% of the total lot area. This is less than 4,000 square feet so a site plan review should not be required.
**Town of Lincoln**  
**ZONING BOARD OF APPEALS**  
**Zoning Worksheet**

**Basic Dimensional Zoning Information for Project:**

All information should be measured and calculated in accordance with Zoning By-Law.  
It is preferred, and may be required, that the information be based on architect/engineer/surveyor prepared plans and/or calculations.  
See Information and Instructions for Applicants for assistance in completing the Worksheet.

<table>
<thead>
<tr>
<th></th>
<th><strong>Existing</strong></th>
<th><strong>Proposed</strong></th>
<th><strong>Notes/Additional</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Use:</td>
<td>SINGLE FAMILY RESIDENTIAL</td>
<td>SINGLE FAMILY RESIDENTIAL</td>
<td></td>
</tr>
<tr>
<td>Lot Area (sf):</td>
<td>39,625 SQ FT</td>
<td>39,625 SQ FT</td>
<td></td>
</tr>
<tr>
<td>Frontage (ft):</td>
<td>110 FT</td>
<td>110 FT</td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft):</td>
<td>110 FT / VARIES</td>
<td>110 FT / VARIES</td>
<td></td>
</tr>
<tr>
<td>Front Yard Setback (ft):</td>
<td>HOUSE: 48.31 FT GARAGE: 98 FT</td>
<td>HOUSE: 48.31 FT (NO CHANGE TO HOUSE) NEW GARAGE WITH OFFICE ABOVE: APPROX. 114 FT</td>
<td></td>
</tr>
<tr>
<td>Side Yard Setback (ft)</td>
<td>HOUSE: 38 FT +/- GARAGE: 86 FT +/-</td>
<td>HOUSE: 38 FT +/- NEW GARAGE: 74 FT +/-</td>
<td></td>
</tr>
<tr>
<td>Side Yard Setback (ft)</td>
<td>HOUSE: 21 FT +/- GARAGE: 2 FT +/-</td>
<td>HOUSE: 21 FT +/- NEW GARAGE: 3 FT +/-</td>
<td></td>
</tr>
<tr>
<td>Rear Yard Setback (ft):</td>
<td>HOUSE: 275 FT +/- GARAGE: 260 FT +/-</td>
<td>HOUSE: 275 FT +/- NEW GARAGE: 236 FT +/-</td>
<td></td>
</tr>
<tr>
<td>Height (ft):</td>
<td>HOUSE: 28.5 FT GARAGE: 14.7 FT</td>
<td>HOUSE: 28.5 FT NEW GARAGE: 23.2 FT +/-</td>
<td></td>
</tr>
</tbody>
</table>

**Floor area (sf):**

<table>
<thead>
<tr>
<th></th>
<th><strong>Existing</strong></th>
<th><strong>Proposed</strong></th>
<th><strong>Calculated Gross Floor Area</strong></th>
<th><strong>Notes/Additional</strong></th>
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</thead>
<tbody>
<tr>
<td>Basement</td>
<td>750</td>
<td>750</td>
<td>750</td>
<td></td>
</tr>
<tr>
<td>1st Floor</td>
<td>1,191</td>
<td>1,191</td>
<td>1,191</td>
<td></td>
</tr>
<tr>
<td>2nd Floor</td>
<td>563</td>
<td>563</td>
<td>563</td>
<td></td>
</tr>
<tr>
<td>Other Floor - HALF STORY</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Attic</td>
<td>152</td>
<td>152</td>
<td>152</td>
<td></td>
</tr>
<tr>
<td>Covered Porch</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage</td>
<td>456</td>
<td>456</td>
<td>GARAGE LEVEL: 780 SF</td>
<td></td>
</tr>
<tr>
<td>Accessory Apartment</td>
<td></td>
<td></td>
<td>OFFICE LEVEL: 612 SF</td>
<td></td>
</tr>
<tr>
<td>Other Accessory Bldgs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>3,152</strong></td>
<td><strong>Total:</strong></td>
<td><strong>4,088</strong></td>
<td><strong>Total:</strong></td>
</tr>
</tbody>
</table>

| Ratio (%) - Calculated Gross Floor Area to Lot Area: | 6.06% | 8.42% |

Source of above Zoning information: SURVEY, PROPOSED PLANS
May 15, 2019

Mr. Christopher Kalisch
158 Bedford Road
Lincoln, MA 01773

Dear Mr. Kalisch:

Enclosed for your records is a copy of the application showing that, at a meeting of the Lincoln Historical Commission on May 14, 2019, the detached garage at 158 Bedford Road was not considered historically or architecturally significant and can, therefore, be demolished.

This permission applies only to the significance of the structure. Before any demolition is done, all other approvals must be obtained with regard to any new construction on that lot. A building permit for the demolition of the garage is required at a fee of $25.

If you have any questions, please give me a call.

Very truly yours,

Elaine M. Carroll
Administrative Assistant

Enclosure
Lincoln Historical Commission

Application to Determine the Significance of an Existing Building or Structure

Date received by Building Department:_________________ Date received by Commission: 3/15/19

Property Address: 158 Bedford Rd. Map and Parcel: 113-61-0

Owner of Record: LINDSAY NORRIS Tel. No.: 781-259-0949

Address of Owner: SAME AS ABOVE

Applicant (if different):_________________ Tel. No.:_________________

Address of Applicant:_________________

Description and Proposed Demolition: REPLACE GARAGE

Lot Size: .918 Ac. Square footage of existing Building or Structure: 525 sq. ft.

Date of Construction (source): 1989

Provide photographs of all elevations of the building or structure, as well as photographs showing any other buildings on the premises.

Provide a map showing the location of the building or structure to be demolished with reference to lot lines and to neighboring buildings and structures.

Signature of Owner: _______________________

Christopher Kalucha

Action by Lincoln Historical Commission:

Determined not to be historically or architecturally significant: YES Date: 5/14/9

Determined to be historically or architecturally significant: Date:

Determination pertains only to the building or structure’s historic/architectural evaluation. This determination is non-transferable, and it shall remain valid for a period of two (2) years from the date of the decision or until the sale of the property to a party other than the applicant, whichever comes first.

If significant, see reverse side for materials to be provided for a subsequent public hearing:

Date Materials Submitted:_________________ Dates of Hearing:_________________

Date of Report on “Preferably Preserved” Determination:_________________ (attached)

Date of Report following period of Delay: ________________________ (attached)

Before a demolition permit can be issued by the Building Department, the Building Inspector will need verification that all other town boards that have jurisdiction over the project, such as The Planning Board, The Zoning Board of Appeals and The Conservation Commission have approved any rebuilding to be done. The Building Inspector will also require verification that water, electricity and gas, if any, have been turned off.

Rev. 7/2007
Timothy H. & Mary Ellen Gailey
160 Bedford Road
Lincoln, Massachusetts 01773
February 25, 2020

RE: Letter of Support – Christopher Kalisch and Lindsay Norris
M/P 113-61-0

To Whom It May Concern:

We are abutters (next-door neighbors) of Christopher Kalisch and Lindsay Norris and have known them for years. We are pleased to support their application for a special permit to remove their existing garage and replace it with a new garage and office space above. We have lived next door to them for many years and appreciate the consideration, care and planning that have gone into the proposed replacement of their garage.

We strongly urge approval of their special permit to allow them to proceed with their excellent plans.

Sincerely,

Timothy H. Gailey

Mary Ellen Gailey
David and Jacqueline Whalen
154 Bedford Road
Lincoln, Ma  01773

February 25, 2020

Re: Letter of Support

To Whom It May Concern,

We are next door neighbors of Christopher Kalisch and Lindsay Norris and have known them for more than 20 years.

We are pleased to support their application for a special permit to remove and replace their existing garage with a new one including office space above.

We are in full support of their plans.

Sincerely,

David Whalen  Jacqueline Whalen
Commonwealth of Massachusetts  
Town of Lincoln  
Zoning Board of Appeals  

DECISION

In the matter of:  
Christopher Kalisch & Lindsay Norris Kalisch  
158 Bedford Road  
Map/Parcel/Block: 17–18–0  

Special Permit:  
under Section 4.4 of the By-Law for  
construction of an addition to a house on a non-conforming lot.

Introduction:
Following notice duly given in accordance with the requirements of Section 11 of Chapter 40A of the Massachusetts General Laws, the Town of Lincoln Board of Appeals held a public hearing on October 30, 2008 in the Lincoln Town Office to consider the application of Christopher Kalisch & Lindsay Norris Kalisch. The applicant requested a special permit for the construction of a second floor addition and enclosed porch.

At the hearing, the following members of the Board were present: John Kimball (Chair), Steve Daigle, Joel Freedman, Anna Hardman, & Win Quayle.

Hearing Summary:
The application relates to property owned by the applicant at 158 Bedford Road. The property lies within an R-1 Zoning District, and contains a single family residence on approximately 40,0075 square feet of land, making the property a non-conforming lot.
The applicant presented plans to build a second floor over the existing house, and to build an enclosed porch attached to the front of the house. According to the applicant's plans, the proposed porch will add 257 square feet of gross floor area to the first floor of the house, and the second floor additional will add 528 square feet to the second floor of the house. This will increase the total square footage of the house from 1495 square feet to 2280 square feet.
The existing foundation of the structure will not need to be reinforced or modified to support the second floor addition. The porch will be mounted on concrete footings, and will increase the overall footprint of the house slightly. Although this will result in a reduction of the front yard setback from 62 feet to 54 feet, this is still within the 50 foot front yard setback requirement. Both side yard setbacks already violate the 50 foot setback requirement. However, the proposed construction will not increase the non-conformity of these setbacks, as neither will be setback will be affected.
As a result of the construction, the height of the house will increase significantly, from 15.5 feet to 27.5 feet. In addition, several large evergreen trees situated immediately in front of the house will need to be removed to make room for the porch. Although this will make the house much more prominent in the neighborhood, and to passing traffic along Bedford Road, the applicant is committed to providing screening in front of the house in order to offset the effect that this may have. The screening requirement is the one condition that the board has agreed to impose on the project.

The applicant provided written letters from each of the abutters stating that they had no objections to the project, and no one attended the meeting to voice any concerns about the proposed project.

Findings and Decision:
The Board discussed the application and the relevant provisions of the By-Law for additions to a house on a non-conforming lot.

The Board noted that the houses along Bedford Road in North Lincoln vary significantly with regard to size and style, so the proposed plan is not out of style or scale with the rest of the homes in the neighborhood. The proposed design also does not affect the side yard setback non-conformities of the property. Although the height of the structure will be increased, the applicant will provide screening in an attempt to minimize the impact. In summary, based on all of the facts of the case, the Board determined that the proposed accessory structure would not be substantially more detrimental to the neighborhood than the existing structure.

The Board votes unanimously to grant the Special Permit for the Addition on the condition that screening is done to mitigate the effects that the additional structure height will present.

Additional Notes:
1. Section 21.5 of the Zoning By-Laws states that special permits lapse within a period of 18 months if construction or use is not commenced except for good cause.
2. Section 11 of Chapter 40A of Massachusetts General Laws provides that no special permit shall take effect until a copy of the decision is recorded with the Registry of Deeds (or, if applicable, the Registry District of the Land Court).

BOARD OF APPEALS

John F.H. Kimball

Joel Freedman

Dwight W. Quayle

Steve D. Daigle

Anna Hardman

Date: November 13, 2008.
CERTIFICATION

I hereby certify, pursuant to Section 11 of Chapter 40A of the Massachusetts General Laws as amended, that the foregoing decision of the Zoning Board of Appeals of the Town of Lincoln in the Matter of Christopher Kalisch and Lindsay Norris Kalisch, was filed in the Office of the Town Clerk on November 17, 2008.

[Signature]
Susan F. Brooks
Town Clerk

Date: November 17, 2008

Twenty days have elapsed after the date of filing and no appeal has been filed.

[Signature]
Susan F. Brooks
Town Clerk

Date: December 8, 2008