



TOWN OF WINCHESTER
PLANNING BOARD MEETING
TUESDAY, AUGUST 6, 2019 @ 7:30PM
SELECT BOARD ROOM

	BUSINESS
7:30PM	Open Meeting/Planner/Board and Committee Updates and Reports
7:35PM	Town Meeting Zoning Hearing Procedures
8:00PM	Tony Ciampa – Euclid Ave
8:30PM	Steve Anderson – Herrick Street
9:00PM	Fall Town Meeting Articles
9:30PM	New Business not known at time of the Posting
9:55PM	Action Items
10:00PM	Adjourn

	CORRESPONDENCE
	Petition No. 3883 – 26 Stevens Street – GRANTED Petition No. 3885 – 336 Main Street - GRANTED Petition No. 3886 – 5 Chesterford Road East - GRANTED (RED BOOK)
	City of Woburn Public Hearings (RED BOOK)

	2019 MEETINGS
Tuesday Aug. 27	7:30PM Regular Planning Board Meeting, Select Board Room

**Winchester Planning Board
Procedures for Public Hearings
for Zoning Bylaw Amendments
Adopted by the Planning Board x/xx/2019**

Draft July 30, 2019

1. Opening of Hearing

- a) Chair calls the meeting to order: “Welcome to a public hearing of the Winchester Planning Board. Please sign in.”
- b) If the meeting is being recorded, restate that it is being recorded for the benefit of those who have come just for the hearing.
- c) Chair introduces the members of the Planning Board and the town planner.

2. Meeting Purpose

Chair announces the purpose of the public hearing: “The hearing is called to inform the public about potential changes to the Winchester Zoning Bylaw at the upcoming Town Meeting.” The chair also may read aloud the legal notice.

3. Rules and Procedures

- a) Chair announces the following:
 - 1. “When you begin to speak, please state your name, company if applicable, and address for the record.”
 - 2. “Please direct your comments and questions to the chair.”
 - 3. “Speakers are asked to come to the table to address the board and shall leave the table when finished.”
- b) Chair has the right to exclude irrelevant, immaterial, or repetitive comments.
- c) Chair shall maintain decorum and may have unruly persons removed.

4. Presentation by the Planning Board

- a) If the town planner is presenting, the chair clarifies that the staff is advisory.
- b) The presentation may be a dry-run for Town Meeting. If this is the case, the presenter should expect the moderator at Town Meeting to grant five minutes and a five-minute extension (ten minutes total) to explain the warrant article.

5. Memos and letters

The chair lists any memos or letters received by the Board and summarizes them.

6. Comments from Town Staff and Other Boards

The Board reviews comments from the Engineering Department, the Zoning Board of Appeals, the Zoning Enforcement Officer, the Historical Commission, the Design Review Committee, the Select Board, the Finance Committee, and any other agencies and boards.

7. Opening of Public Comment Period

- a) Chair opens the hearing to the public and asks the audience how many people wish to speak. Both questions and comments are allowed.
- b) Each speaker is given five minutes, with an extension of no more than two minutes allowed at the chair's discretion.
- c) The Board chair and town planner may respond to questions from the public. Through the chair, other Board members may respond or pose questions to the speaker.

8. Board Discussion

Board members discuss the warrant article.

9. Board Votes

- a) As set forth in Massachusetts General Laws, Chapter 40A, Section 5, Adoption or Change of Zoning Ordinances or Bylaws, "No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council, has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard."
- b) Three members of the Board present constitute a majority vote of the Board, and the vote of a majority of the Board is required to place the article on the Town Meeting warrant.



TOWN OF WINCHESTER

OFFICE OF PLANNING DEPARTMENT

BRIAN SZEKELY

Town Planner

71 Mount Vernon Street
Winchester, MA 01890

July 23, 2019 Planning Board Meeting

8/6/2019

Tony Ciampa- Euclid Avenue: Euclid Avenue is not a “Certified Private Street or Way” according to the Engineering Departments records. The records are based on a legal document dated March 10, 1977 voted by the Planning Board and approved by legal counsel. Additionally, Euclid Avenue does not fit the definition of “Street, Road or Way.”

STREET, ROAD, OR WAY. *An area of land dedicated, approved by the Planning Board, or legally open for public travel under at least one of the following classifications:*

- a. A public way duly laid out by the Town of Winchester, the Middlesex County Commissioners, the Metropolitan District Commission or the Commonwealth of Massachusetts, or a way which the Winchester Town Clerk certifies is maintained by public authority and used as a public way excluding, however, limited access highway; or*
- b. A way shown on a definitive plan approved and endorsed in accordance with the subdivision Control Law; or*
- c. A way in existence prior to said Subdivision Control Law having become effective in the Town of Winchester (August 31, 1953), having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected to be erected thereon.*

Tony Ciampa wishes to demolish an existing 1961 house and build a new single-family. According to legal counsel, the Building Dept cannot issue a building permit for this future structure unless the Planning Board takes action with respect to definition section (c) above. Engineering and Planning have visited the site and much of the road around 18 Euclid has been washed out. Drainage work is necessary, the extent to which will be determined by the Engineering Department. Once constructed, the Board can certify this private way.

Steve Anderson- Herrick St: I have put a request into the Building Dept to determine if more than 6% of the land was changed as a result of the retaining wall. There is still much confusion about how to

determine the Site Plan Review section which initiates Site Plan Review (9.5.1.7). This is something we need to discuss as it relates to Fall Town Meeting Articles as well.

7. Change in slope over 6% of existing grade of an area more than 500 square feet; and

Fall Town Meeting-

-9.5.1.7

-The Building Dept is having difficulty enforcing the 1 kitchen-only policy for single-family homes. They have requested a change to the bylaw to make clear the difference between singles and duplexes.

DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing **one (1) independent cooking area, and other separated** bathroom and sleeping facilities. A dwelling unit shall have more than one-half of its floor-to-ceiling height above the average level of the adjoining ground. Each dwelling unit shall be occupied by not more than one family.

CERTIFIED PRIVATE STREETS AND WAYS

PURSUANT TO THE PROVISIONS OF M.G.L. CHAPTER 41, SECTIONS 81K - 81GG, AND THE PROVISIONS OF THE WINCHESTER ZONING BY-LAW, THE WINCHESTER PLANNING BOARD HAS DETERMINED THAT THE FOLLOWING PRIVATE WAYS WERE IN ACTUAL PHYSICAL EXISTENCE WHEN THE SUB-DIVISION CONTROL LAW BECAME EFFECTIVE IN THE TOWN OF WINCHESTER (AUGUST 31, 1953) AND HAS FURTHER DETERMINED THAT THESE PRIVATE WAYS HAVE SUFFICIENT WIDTH, SUITABLE GRADES AND ADEQUATE CONSTRUCTION TO PROVIDE FOR THE NEEDS OF VEHICULAR TRAFFIC IN RELATION TO THE PROPOSED USE OF THE LAND ABUTTING THEREON OR SERVED THEREBY, AND FOR THE INSTALLATION OF MUNICIPAL SERVICES TO SERVE SUCH LAND AND THE BUILDINGS ERECTED OR TO BE ERECTED THEREON.

- (1) ARDLEY PLACE
- (2) BROOKS STREET (Westerly leg - from 32 Grove Street thru 41 Brooks Street)
- (3) FERNWAY
- (4) JEFFERSON ROAD (Highland Avenue easterly to easterly lot line 52 Jefferson Road)
- (5) LAWSON ROAD (Highland Avenue easterly to westerly lot line 93 Lawson Road)
- (6) LEDGEWOOD ROAD
- (7) LESLIE ROAD

- (8) LORENA ROAD
- (9) MC CALL ROAD
- (10) MYOPIA ROAD
- (11) RANGELEY ROAD
- (12) SARGENT ROAD (Town Way to southerly lot line lot
45 Sargent Road)
- (13) SOUTH BORDER ROAD
- (14) WOOD LANE
- (15) YORK ROAD

APPROVED AS TO LEGAL FORM AND CHARACTER:

Walter Woodall 3/10/77
TOWN COUNSEL DATE

VOTED AND ADOPTED BY THE WINCHESTER PLANNING BOARD:

March 7, 1977
DATE

Joseph F. George *Ellis E. ...*
William J. ...
CHAIRMAN

FILED WITH THE TOWN CLERK OF WINCHESTER:

Elice M. ... March 14, 1977
TOWN CLERK DATE

NES:MFR