



TOWN OF WINCHESTER
PLANNING BOARD MEETING
TUESDAY, SEPTEMBER 15, 2020 @ 7:30PM
REMOTE PARTICIPATION

Join Zoom Meeting

<https://us02web.zoom.us/j/82882176494?pwd=STI2Z3UxQitiTGt0U1ZXbm1CRjMvdz09>

Meeting ID: 828 8217 6494

Passcode: 768498

Join by phone

1 301 715 8592 US

Meeting ID: 828 8217 6494

Passcode: 768498

	BUSINESS
7:30PM	Open Planning Board Meeting, Continued Lochwan Subdivision Public Hearing
8:30PM	Updates and Approval of minutes
8:45PM	Heritage District Appointments-Margaret Mack and Sarah Comes
8:55PM	Fall Town Meeting Articles
10:00PM	Adjourn

	CORRESPONDENCE
	None

	2020 MEETINGS
Tuesday Oct. 6	7:30PM Planning Board Meeting, REMOTE PARTICIPATION
Tuesday Oct. 13	7:30PM Planning Board Meeting, REMOTE PARTICIPATION

9/10/20

Legal will be at our meeting on 9/8 to further discuss our articles. This is still a draft on all accounts and they have minor or other types of changes on Tuesday.

1. To see if the Town will vote to AMEND Section 3.2.1 of the Zoning Bylaw by deleting 3.2.1.4, in order to allow home occupations in accessory buildings.

3.2.1 Home Occupations

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the (dwelling unit + **accessory buildings**) shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated.
4. ~~No home occupation shall be conducted in any accessory building.~~
5. There shall be no sales of products on the premises in connection with such home occupation.
6. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
8. Barber shop, beauty shop, and mortuary are not permitted.

BACKGROUND

Home occupations as defined in the bylaw are essentially family home offices due to the restrictions in Section 3.2.1. The proposed change would allow office space in accessory buildings, above garages for example. We have seen finished space above garages for many years now. Nothing in this proposed change would affect the dimensional requirements for accessory buildings located in 3.3.2 below.

3.3.2 Accessory Buildings. No separate accessory building shall be erected within 15 feet of any other building. No accessory building shall be erected in any required yard provided, however, one or more accessory buildings may be placed within a required

yard within the RDA-20, RDB-10, RDC-15 and RG-6.5 districts if such accessory buildings:

1. Are located in the rear yard;
2. Do not, taken together, cover more than 30 percent of such rear yard;
3. Are not over one and one-half (1.5) stories in height; and
4. Are not located nearer than five (5) feet to any property line.

(Planning Board)

2. PLACEHOLDER: To see if the Town will vote to AMEND map 7.3.1 Center Business District by rearranging several parcels in the district and adding a new "West Core" district and associated descriptions in 7.3.10.2 Areas and 7.3.11.3 Table of CBD Use Regulations. No new parcels will be added to the Center Business District as a result.

The North Core and West Core will have identical Uses for both Ground and Upper floors. Instead of the Table designating Uses for the North Core, it will be for the North and West Cores.

(Planning Board)

3. PLACEHOLDER: To see if the Town will vote to AMEND map 7.3.2, Height Limits by adding the West Core subzone with associated dimensional requirements in a new section 7.3.12.5 West Core.

1. Height: See Height Map 7.3.2 below for height limits by parcel; If a parking facility is located within or beneath the building, height may be increased to the maximum height for its height zone through a Special Permit;
2. Maximum Floor Area Ratio: 1.5 by-right, up to 2.5 with special permit;
3. Front Setback: Property line (0 feet); up to 10 feet for required ramp system with special permit;
4. Minimum Side Setback: Party wall unless bordering a free-standing historic structure, and if so, 5 feet;
5. Minimum Rear Setback: 20 feet; 15 feet with special permit;
6. Minimum Open Space: 20 percent. If open space is more than 20 percent (not including required Wetlands Protection Act buffer zone requirements), 15 percent of which is usable and abuts a lake, river, pond or stream, height may be increased by 10 feet through a Special Permit; and
7. Parking: Only in rear of site or within footprint of the building, or contribution to parking fund. See Section 7.3.20.4.

4. PLACEHOLDER: To see if the Town will vote to AMEND map 7.3.3, Planned Unit Developments, specifically PUD2 to only include the East side of Main Street.
5. To see if the Town will vote to ADD a new Section 4.5 Flexible Zoning.

4.5.1 Purpose

Natural and Historic Resources are important and character-defining features to the Town of Winchester. The Town, like all suburban communities in the Boston-metro region are under development pressure, and we are seeing many natural land features as well as historic and smaller homes being demolished to make way for new more expensive and larger housing. Allowing for more flexible zoning to keep Natural, and Historic Resources from being demolished is a key feature to the continued preservation goals of Town. To that end, this Section 4.5 aims to allow for a waiver of dimensional controls to preserve Natural and Historic Resources as they exist on their lot.

4.5.2 Reduced frontage, lot width, lot area and/or side and rear yard setback lots:

For the purpose of preserving existing natural, cultural, and Historic Resources on a lot, the Zoning Board of Appeals by special permit may authorize the division of land into two or more building lots so that one or more building lot(s) contains reduced frontage, lot width, lot area and/or side and rear yard setback provided that the existing resource(s) remain on one of the lots created and a standard Approval Not Required Plan or Preliminary/Definitive Subdivision plan is submitted showing that the lots could otherwise be created under the Subdivision Rules and Regulations.

4.5.2.1 The Planning Board shall submit to the Zoning Board of Appeals written recommendations including at least: (a) An evaluation of the standard Approval Not Required Plan or the Preliminary/Definitive Subdivision Plan, (b) An evaluation and opinion of the appropriateness of the design for any additional structure in relation to the existing resource, (c) An evaluation of the proposed development as to whether the lot layout and design constitute a suitable development for the neighborhood within which it is located, and (d) A recommendation for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as conditions for granting the special permit.

4.5.2.2 The Historical Commission, Design Review Commission, and where applicable, the Tree Warden and/or the Conservation Agent shall submit to the Board a written evaluation of the significance of the existing resource, an opinion of the appropriateness of the proposed lot layout and setbacks requested, and an evaluation or recommendation of the significant features that should be included in a preservation plan.

4.5.3 A special permit shall be granted under this section and under Section 9.4.2 only if the Zoning Board of Appeals shall find: (a) The reduced frontage, lot width, lot area and/or side and rear yard setback lot(s) results in a pattern of development sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable; (b) A restriction has been shown on the plan of land to be recorded providing that the reduced frontage, lot area and/or side and rear yard setback lot(s) and any other lots created are subject to a special permit recorded therewith and shall not be further subdivided. (c) The existing resource shall be preserved consistent with a preservation plan approved as part of or as a condition to the special permit.

(Planning Board)

6. To see if the town will ADD a new definition, "Natural Resource" to Section 10: DEFINITIONS.

NATURAL RESOURCE: Landscapes, forests and all uncultivated flora, as well as soil and water resources all defined under M.G.L. c 21 Section 1 Natural Resources defined.

BACKGROUND

Taken directly from MGL:

The words "natural resources", as used herein, shall be held to include ocean, shellfish and inland fisheries; wild birds, including song and insectivorous birds; wild mammals and game; sea and fresh water fish of every description; forests and all uncultivated flora, together with public shade and ornamental trees and shrubs; land, soil and soil resources, lakes, ponds, streams, coastal, underground and surface waters; minerals and natural deposits. The department shall also be concerned with the development of public recreation as related to such natural resources; and shall have control and supervision of such parks, forests, and areas of recreational, scenic, or historic significance as may be from time to time committed to it.

7. To see if the Town will vote to ADD the Disability Access Commission as a review authority to all special permits, site plans reviews, and variance applications.

MOTION 1: To see if the Town will vote to AMEND Section 9.4.3 of the Winchester Zoning Bylaw by adding the Disability Access Commission as a review authority for all special permits.

Special permit applications shall be governed by the rules and regulations of the special permit granting authority. Whenever an application for a special permit is filed with a special permit granting authority, the applicant shall file eighteen (18) paper copies (and an electronic copy) of the submission at the Building Department. Within five (5) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation shall be forwarded by the Board of Appeals clerk to the Planning Board, Board of Health, Town Engineer, Conservation Commission, Building

Commissioner, Director of Public Works, Police Chief, Fire Chief, The Design Review Committee, **the Disability Access Commission**, and Historical Commission for their consideration, review, and report.

MOTION 2: To see if the Town will vote to AMEND Section 9.5.5. of the Winchester Zoning Bylaw by adding the Disability Access Commission as a review authority for all site plan reviews.

The Board of Appeals shall within three days (Saturdays, Sundays and holidays excluded) of receipt of them transmit to the Conservation Commission, the Historical Commission, the Design Review Committee, **the Disability Access Commission** and the Planning Board two copies of the above application and site plan. The Planning Board, the Historical Commission, the Design Review Committee, **the Disability Access Commission** and the Conservation Commission shall consider the same and submit a final recommendations thereon to the Board of Appeals with a copy to the applicant. The Conservation Commission shall review the application with particular reference to the provisions of the Wetlands Protection Act - Chapter 131, Section 40 - and shall recommend as to the advisability of granting the special permit and as to any restrictions which should be imposed upon the development as a condition of such permit. The Board of Appeals shall not make a finding and determination upon an application until it has received the final recommendation of the Planning Board, the Historical Commission, the Design Review Committee, **the Disability Access Commission** or the Conservation Commission thereon or until 35 days shall have elapsed since the transmittal of said copies of the application and site plan to the Planning Board, the Historical Commission, the Design Review Committee and the Conservation Commission without such report being submitted. The failure to submit such a report with recommendations within such 35 day period shall be deemed a lack of opposition to the application by whichever of the Planning Board, the Historical Commission, the Design Review Committee **the Disability Access Commission** or the Conservation Commission fails to submit such report.

MOTION 3: To see if the Town will vote to AMEND Section 7.3.15.2 (4) of the Winchester Zoning Bylaw by adding the Disability Access Commission as a review authority for all Special Permits, site plan review and design review in the Center Business District.

4. Consultation. The SPGA Board **shall consult with the Disability Access Commission prior to any final decision and** may consult with any other boards, commissions and departments to ensure a complete site plan and design review. The SPGA may utilize MGL Chapter 44 §53G peer review consultants.

Background- For all petitions that require Site Plan Reviews, Special Permits, or Variances, the review authorities consist of: the Health Department, Police Department, Fire Department, Engineering Department, Conservation Commission,

Building Department, Public Works Department, the Design Review Committee, the Planning Board, and the Historical Commission.

Designing the Town's buildings and other physical infrastructure with the input from the Disability Access Commission can make each project that much more inclusive and welcoming to those who have challenges that affect their lives and their family's lives every day. This is something that the Town feels strongly about as this is noted in the 2030 Master Plan to add the Disability Access Commission as a review authority for projects requiring zoning relief.

(Planning Board)

8. To see if the Town will vote to AMEND Section 9.5.8 of the Zoning Bylaw by replacing "special permit" with "site plan."

9.5.8 Effect *In the event that the Board of Appeals approves a ~~special permit~~ **site plan** under these provisions, any construction, reconstruction, substantial exterior alteration or addition shall be carried on only in conformity with any conditions, modifications and restrictions subject to which the Board shall have made its findings and determination, and only in conformity with the application and site plan on the basis of which the finding and determination are made.*

BACKGROUND

Special Permits are incorrectly noted in this section 9.5, as all Special Permit regulations are located in Section 9.4. Rather than dealing with this as a scrivener's error, it was decided that the normal legislative process made sense at the time.

(Planning Board)