



**TOWN OF WINCHESTER  
PLANNING BOARD MEETING  
TUESDAY, SEPTEMBER 20, 2022 @7:00PM  
7:35PM JOINT MEETING OF THE PLANNING BOARD AND THE  
ZONING BOARD OF APPEALS  
REMOTE PARTICIPATION**

Join Zoom Meeting

<https://us02web.zoom.us/j/82890282362?pwd=aURwMklsWmM4L25jeEZNbkdxaI9rQT09>

Meeting ID: 828 9028 2362

Passcode: 346343

One tap mobile

+16465588656

Find your local number: <https://us02web.zoom.us/u/keqXKrDLOv>

	<b>BUSINESS</b>
7:00PM	Open Planning Board Meeting, Updates
7:05PM	N. Main St. and Holton/Cross projects
7:15PM	14 Thompson St design review
7:35PM	ZBA Joint Meeting/Jay Talerma, Town Counsel Special Permit vs Variance for Sections 3.5.5 and 3.5.4 Minor Site Plan Review-reduce burden for smaller developments/additions Section 9.5.1 Timing Site Plan Review/ Definitive Subdivision Section 9.5.1/Rules and Regs Governing Subdivision of Land
9:00PM	Review draft ADU bylaw and other potential Town Meeting articles
9:30PM	Action Items, Adjourn

	<b>CORRESPONDENCE</b>
	None

	<b>2022 MEETINGS</b>
Tuesday Oct. 11	7:00PM Planning Board Meeting, Remote Participation
Tuesday, Oct 18	7:00PM Planning Board Meeting, Remote Participation



# TOWN OF WINCHESTER

## OFFICE OF PLANNING DEPARTMENT

**BRIAN SZEKELY**

**Town Planner**

71 Mount Vernon Street  
Winchester, MA 01890

## September 20, 2022 Planning Board Meeting

### **NORTH MAIN STREET AND HOLTON/CROSS/SWANTON PROJECT UPDATE**

I have been in conversations with Form + Place and MAPC over the past 2 weeks. Scopes have been finalized for both and once Certificates of Insurance are received by the Town, the contracts will be finalized.

**North Main:** Not a large issue, but we are about a month behind our initial schedule, but this does not affect the project as we still only have \$30K for this portion. Form + Place are in contact with the Engineering dept to get detailed street plans in order to do test fits on several parcels in the district. Design guidelines would then stem from these real-world test fits. One issue that we are having is how this exercise will dovetail with the MBTA Multi-family zoning district (3A). The timing from the state is not very conducive to our schedule, as the Compliance model for 3A will not be ready until closer to November, with the Action Plan due to the state at the end of January. This puts a time crunch on us. We have not hired Form + Place to come up with an overarching zoning change that would incorporate the CBD, and GBD-2 and GBD-3. We hired them to do design guidelines for these districts AND potentially rewrite the zoning in this area as well. It is unlikely that we would be able to do both of these things for the money we have allotted. I think we can best use their skills to come up with design guidelines that will inform the zoning, rather than the other way around. We plan to have 2 more community meetings this calendar year to help elucidate what those guidelines will be.

**Holton/Cross/Swanton:** The scope for Phase 2 that was outlined at the beginning of Phase I includes a few more focus group meetings, a preparation of recommendations and Community Workshop #2 to happen sometime in late Fall or early Winter. Originally, this work was to finish this November, but a more detailed timeline is in the works and would most likely finish end of Winter or before, leading up to a Fall 2023 Town Meeting zoning change article. MAPC is currently determining staffing for this project to see exactly when we can start. They have already committed to it, but just need to work out who would be assisting Josh in this work.

## **14 THOMPSON STREET DESIGN REVIEW**

The Winchester Historical Commission had serious concerns with the loss of the door to the left of the new entrance. They thought it a character-defining feature that should be retained. The applicant will be at our meeting on the 20<sup>th</sup> where we can determine the options that could work for them and for the Town on this historic resource. The Design Review Committee will also have the applicants at their meeting at the beginning of October and the hope is that we can all come to an agreement on the direction of this renovation collectively.

## **LEGAL COUNSEL JAY TALERMAN AND ZBA JOINT MEETING**

There is a drafted change by Jay Talerman for Section 3.5 in order to make clear what is considered a Variance, and what is considered a Special Permit. Since 2012, the Town has considered any pre-existing non-conforming lot/house to be protected to only need a Special Permit if a new nonconformity is introduced. Prior to 2012, any new non-conformity would have been considered a Variance. Detailing this language is important for permitting procedures. We will be talking with ZBA about this issue, as well as timing of other overlapping processes between the Planning Board and the ZBA, most notably Site Plan Review and Subdivision.

## **ACCESSORY DWELLING UNIT BYLAW**

The ADUWG has reviewed the draft bylaw prepared by previous Town Counsel and has made several revisions. The bylaw has been sent around to the stakeholder groups (Housing Partnership, Planning Board, Select Board, Council on Aging, Housing Authority, Disability Access Commission) for comments. The goal of our meeting on Sep 20<sup>th</sup> is to suggest any edits, **and also decide if we plan to co-sponsor this article for Fall of this year if our edits are incorporated. Please intently review the draft bylaw for our meeting on the 20th.** The Council on Aging decided this week to co-sponsor the article for Fall Town Meeting. The tenets of this bylaw is something I agree with and would recommend moving forward with the bylaw in conjunction with all of the groups involved.

Nonconforming single and duplex residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure or add new nonconformities. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

1. A reconstruction, extension, alteration or change to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the reconstruction, extension, alteration or change will also comply with all of said current requirements.
2. A reconstruction, extension, alteration or change to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the reconstruction, extension, alteration or change will also comply with all of said current requirements.
3. A reconstruction, extension, alteration or change to a structure which encroaches upon one (1) or more required yard or setback areas, where the reconstruction, extension, alteration or change will comply with all current setback, yard, building coverage and building height requirements.

In any other case, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change; or the addition of new nonconformities, where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

**ARTICLE X.** To see if the town will vote to amend Sections 3.2 and 10 of the Winchester Zoning Bylaw by adding a new Section 3.2.2 and a definition of “Accessory Dwelling Unit” as follows to permit accessory dwelling units, or take any other action in relation thereto.

### **3.2.2 Accessory Dwelling Units**

#### **Purpose**

The primary purpose of this section of the Bylaw is to encourage the creation of Accessory Dwelling Units in single family homes or duplexes specifically in order to:

- 1) Provide Winchester property owners with an opportunity to age in place by creating an independent living space for individuals over the age of 62;
- 2) Provide an independent living space for disabled individuals that will allow them to live close to their families and also qualify for financial assistance that depends on the presence of a separate entrance, a bathroom, and cooking facilities within their residence.
- 3) To increase the supply of smaller rental units in Winchester, as outlined in the 2018 Winchester Housing Production Plan, and the 2030 Comprehensive Master Plan.

Nothing in this bylaw shall be construed to prohibit the creation of an accessory dwelling unit within a SINGLE FAMILY or DUPLEX dwelling for the purpose of creating housing for persons with disabilities, as defined under Massachusetts State Law, or where at least one of the individuals in either unit is aged 62 or older, provided the following conditions are met:

1. There shall be no more than one accessory unit per primary dwelling unit;
2. The owner must reside in either the primary dwelling unit or the accessory dwelling unit. For the purposes of this Section 3.2.2, the “owner” shall be a Special Needs Trust (the beneficiary of which resides on the property), or one or more individuals who holds title and for whom either dwelling is their primary residence for voting and tax purposes;
3. The accessory dwelling unit and primary dwelling units must comply with the Table of Dimensional Requirements in Section 4.2. Otherwise, an applicant may apply for relief with the Zoning Board of Appeals.
4. Any exterior changes for an accessory dwelling unit shall be constructed similarly in style to the primary residence.
5. Any new exterior entrance for the ADU shall appear secondary to the primary entrance.

6. For an upper floor accessory dwelling unit created within a primary dwelling unit, a secondary exterior egress shall either be created within the envelope of the structure or be constructed to the rear or side of the primary dwelling unit.
7. The structure must comply with all residential occupancy and building permit regulations;
8. Parking for an accessory dwelling unit shall meet the parking requirements located in Section 5.1.6 and be met off the street with at least one parking space;
9. The owner of the property shall certify annually to the Building Department that the accessory dwelling unit and primary residence are being used in accordance with these provisions. The fee for certification shall be set by the Select Board.
10. Upon any change of ownership of the property, the Seller shall notify both the Zoning Enforcement Officer and the Building Department of the sale, the date and the names of the new owners.

## **Section 10,**

**ACCESSORY DWELLING UNIT.** A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure as a single-family or duplex dwelling or in a detached accessory structure and that: (i) maintains a separate entrance, either directly from the outside or through a common entry hall or corridor shared with the primary dwelling; (ii) shall not be sold separately from the primary dwelling; (iii) is not smaller in floor area than 250 square feet and must be otherwise in conformance with Building Code 105 Mass. Reg. 410.400); (iv) may include up to two bedrooms; and (v) is not larger in FLOOR AREA than  $\frac{1}{2}$  the FLOOR AREA of the primary dwelling or 900 square feet, whichever is smaller.