



**TOWN OF WINCHESTER
PLANNING BOARD MEETING
7:30PM PUBLIC HEARING: 654 MAIN STREET
SPECIAL PERMIT PETITION CBD-11
8:30PM PUBLIC HEARING: FALL TOWN MEETING ARTICLES
TUESDAY, OCTOBER 6, 2020 @ 7:30PM
REMOTE PARTICIPATION**

Join Zoom Meeting

<https://us02web.zoom.us/j/82114476385?pwd=S05Dc3h5SEJkc1I2c1JRTTNrQW14Zz09>

Meeting ID: 821 1447 6385

Passcode: 587085

Join by phone

1 301 715 8592 US

Meeting ID: 821 1447 6385

Passcode: 879058

	BUSINESS
7:30PM	Open Planning Board Meeting, Public Hearing: 654 Main Street Special Permit Petition CBD -11
8:30PM	Public Hearing: Fall Town Meeting Articles
9:30PM	Updates, Approval of Minutes
9:45PM	New Business not known at time of the Posting
10:00PM	Adjourn

	CORRESPONDENCE
	None

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



TOWN OF WINCHESTER

OFFICE OF PLANNING DEPARTMENT

BRIAN SZEKELY

Town Planner

71 Mount Vernon Street
Winchester, MA 01890

October 6, 2020

CBD PETITION

654 MAIN STREET

Petitioner seeks Special Permit under Section 7.3.12 so as to be permitted to construct a new mixed-use structure that is proposed to be taller in height, and have a Floor-Area-Ratio (FAR) higher than permitted as of right and nonconforming front and rear setbacks. Parking for the residents will be provided under the building and total 41 spaces. The property is located in the CBD zoning district and contains 18,708 square ft. Below is my initial evaluation and it will be supplemented over the course of the permitting process.

	Requirement	Existing	Proposed
Lot Size	N/A	10,086 SF	unaltered
Front Setback	0'	0' Main 21' Vine 35' Elmwood	2' Main 3' Vine 0' Elmwood
Rear Setback	20'	58'	15'
Open Space	Min 10%	80%	25%
FAR	1.5 by-right 2.5 Special Permit	.352	2.49
Height	45'	29'	52.8'
Parking	0.75/unit	N/A	41 spaces/36 units (1.14)

Documents Received:

- CBD Special Permit Application Form D
- Existing Conditions Photos
- Beals Plan Set
- Touloukian Plan Set
- Traffic Impact Study by Howard Stein Hudson
- Stormwater Management Report

Submission Requirements

All submission requirements in Section 7.3.16 are addressed within the application.

Waivers

1. **Front Setback**- I recommend favorable action with regards to this relief based on the necessary clearance needed to build an ADA ramp to the first floor of the building.

2. **Rear Setback**- I recommend favorable action with regards to this relief based on the proximity to the large triplex located at higher elevation at 49 Vine Street. This does not appear to negatively effect the rear neighbor based on elevation.

3. **Height**-The proposed height is within the Special Permit regulations. The careful design of the structure and the preservation of 63 Vine St weigh into my decision, but the fact that this project is located in the floodplain and adheres to the design guidelines, I recommend favorable action with regards to this relief.

4. **FAR**-The proposed FAR is on the upper limit (2.48 out of possible 2.5) but within the Special Permit regulations. The open space required is 20%, while 25% is proposed. Based on the appropriate height of the building and the open space requirement achieved, I believe this relief is warranted. There are significant costs to the parking that has been proposed and for a 4-story building in the downtown along Main St is appropriate. This area has been studied and taller and denser buildings like the project that is proposed is what was envisioned during the rezoning of the Town Center.

The applicant and the architect had several pre-application meetings with the Town Planner and the Planning Board throughout 2019. The applicant was guided by the board's design consultant, Dennis Carlone during the beginning and through the summer of 2020. I am pleased to see the historic house at 63 Vine St incorporated into a residential unit since the initial filing.

The applicant proposes to construct a four-story mixed-use building containing 6,168 square feet of retail space (split between 2 commercial tenants) and 36 residential units, 5 of which are deed restricted affordable. Fells Hardware will remain onsite and it is anticipated that the second space will be a restaurant/café or even other retail.

Historical:

1. See memo attached from John Clemson regarding conditions that the applicant plans to or already has met, and has also placed them in the application itself.

Floodplain:

1. This application is currently under review by the Conservation Commission, and they have already voted for the applicant to use VHB as the peer reviewer for stormwater and floodplain aspects, based on recommendations from the Town Engineer. We will therefore not need to hire a peer review for this work. A scope has been determined and once finalized, a report will be shared with the Planning Board.

Affordable Housing:

1. How will the parking spot location and fees be determined for the residents of the affordable units?
2. 36 total units: 2-3BR units, 14-2BR units, 19-1BR units. The applicant is supplying 5 units per the regulations, however all 5 are one-bedroom units. **Two of the units should be two-bedroom units.**

Traffic/Transit Oriented Development:

1. 24 indoor bicycle spaces
2. 8 exterior bicycle spaces for the public
3. Will generate 224 vehicle trips, 46 transit trips, and 12 walk/bike trips per weekday. (1 vehicle trip every 3-4 min during peak hours)
4. It has been discussed in the past that a potential parking study or a peer review of the traffic study could be performed. Much of the conversation to date has centered around ancillary parking that would exacerbate an existing parking problem for residents, visitors, and others on Vine Street. I am not aware of such a study that takes into account ancillary parking for tradesman, visitors, or others. It would be possible to peer review the traffic study but I do not know if we will receive the information that you're looking for.
5. There are 5 extra parking spaces based on a 1:1 ratio for the 36 units. What are these extra spots planned to be used for?
6. The traffic study showed that very few people are walking and biking in this area during the first week of November of 2019. Crash rate for the Main St/Elmwood Ave intersection is on average 1.8 crashes/year.

Design

1. The architect has responded to the Planning Board by giving three distinct streetscapes that are keeping within the scale and design of its surroundings. The top floor has been changed to accommodate a parapet which is a significant improvement from the previous design, but it appears that further work is needed with the design consultant simply to make minor adjustments to the roofline and check materials and specifications prior to final construction. At the moment, the largest concerns I have is of the protruding stair element. **We need to mitigate that height somehow and determine why these stairs must be constructed in this way. Additionally, I would like to see the proposed mechanical on the roof as viewed from Vine St and Main St.**
2. **Tree species or a list of possible species will be determined with input from the Design Review Committee and labeled on the Landscaping plan (C2.1) prior to a decision.**



TOWN OF WINCHESTER
MIDDLESEX COUNTY,
MASSACHUSETTS
HISTORICAL COMMISSION
TOWN HALL
WINCHESTER, MASSACHUSETTS 01890

Meeting Minutes

Date: September 28, 2020

Virtual meeting via Zoom

Members Present: Jack LeMenager, Chair
Bruce Hickey, Vice-Chair
John Clemson
Janet Boswell
Jon Carlisle
Emily Dowling

Members Absent: Jennifer Adams

Also Present: Brian Szekely, Town Planner
Maureen Meister, Winchester Planning Board
Rachael Edmonston, Recording Secretary
Matt Croatti
Jenny Croatti
Tobin Shulman
Ted Touloukian
Ian Gillespie
John B. Miller
Kevin Sarney
Molly K. McDougal
Jan Steenbrugge
Karen Garrett
Grishette Colon
Shelby Lifflefield
Paul Soughley
Martin O'Donnell
Christian Nixon
Timothy O'Donnell
Jacqueline O'Donnell
Steve Meinelt

A quorum being in attendance, the meeting was called to order at 7:32 p.m.

Public Hearing: Demolition Permit Application – 3 Edgewater Place

Commissioner John Clemson detailed the historical background of 3 Edgewater Place. The property, known as the McLaughlin house, is a split level that was built in 1957. The architect was Ralph Williams. Clemson noted that the house is well preserved and described the construction and the layout of the house. Clemson provided a brief historical narrative of the house and the land upon which 3 Edgewater Place sits.

The house is sited adjacent to two historically significant areas: the Middlesex Canal National Historic District, and the Sheffield Road/Everett Avenue National Historic District. The original owner of the land was the Middlesex Canal, which operated primarily from 1793 until about 1850. After the canal fell into disuse, a portion of the land was bought by Gorham Brooks, a wealthy landowner; it was held by his family for several generations. After the land changed hands several times, Charles H. and Helen McLaughlin acquired a portion of the land in 1956 and constructed 3 Edgewater Place for approximately \$18,000. Commissioner Clemson gave a brief record of the life of the house's architect, Ralph Williams, while acknowledging that not much is known about his life.

Following the description of the property, Clemson read from the Statement of Significance contained in the Form B, researched and prepared by Claire W. Dempsey, the Commission's consultant. The house is denoted as "noncontributing" to the Canal Historical District. The statement speculates that were the Sheffield Road/Everett Avenue district to expand, it may be judged historically significant and included.

Chair Jack LeMenager requested that Clemson clarify the meaning of "noncontributing." Commissioner Clemson stated that the house does not contribute to the historical significance of either the Canal District or the Sheffield Road/Everett Avenue District, as it is not a part of either.

Tobin Shulman, the architect of the proposed new house, expressed his confusion that the house would be considered a historical property, given that it does not contribute to the Middlesex Canal National Registered District or the Sheffield Road/Everett Avenue district. Shulman also noted that the house was not in very good shape. LeMenager responded that the house was eligible for Historical Commission review simply because it had been included in the State Registry, even though it is noncontributing.

Commissioner Emily Dowling requested that Mr. Shulman share the plans for the proposed house that would replace the current structure at 3 Edgewater Place. Shulman said that the planned house would be a single-family house, roughly in the same footprint of the current structure, except with an attached garage. He also described several of the decorative elements of the proposed house including clapboard siding, columns, a wood-shingled roof, and other details would be in keeping with the adjacent houses.

LeMenager asked how the height of the proposed house would compare to neighboring structures. Shulman said it would be comparable. However, the proposed house would be a story and a half to three quarters, whereas surrounding houses were all single story. He also noted that the height difference would be made up by the topography.

Commissioner John Carlisle asked how big the proposed house would be. Shulman showed the blueprint for the house and said it would be 5,000 square feet—similar in size to the current structure. LeMenager asked if the clients would be keeping the property's pool. Mr. Shulman replied that a new pool would be built in the rear but sited differently.

LeMenager opened the hearing for public comment, but no one from the public requested to speak. The Meeting was closed to public comment and Commissioners deliberated the building's historical significance.

Carlisle noted that while he originally liked the house, he thought the blueprint was thoughtful and good. He stated that he supported demolition.

Clemson expressed his belief that the historical research of the consultant indicated that the property is worthy of preservation. He believed that the building was special, with a wealth of evidence to support its preservation. He noted that this period of post-war architecture has recently been the subject of historical scholarship.

Commissioner Janet Boswell acknowledged Schulman's point that the house is considered noncontributing to the Middlesex Canal National Registered District, and the Sheffield Road/Everett Avenue Historic District. She stated that the cul-de-sac is an asset, and the house is a culturally significant example of post-war architecture. She expressed support for preservation.

Commissioner Emily Dowling supports demolition, states that she believes that the house does not meet the criteria to be considered historically significant.

Co-Chair Bruce Hickey found the house to be a good example of a split-level, but he does not believe that it is historically significant.

Chair LeMenager stated that while he liked the house, he did not believe it is historically significant.

MOTION: That the Winchester Historical Commission finds the property located at 3 Edgewater Road to be historically significant. The motion was made and seconded.

VOTED: 2 in favor, 4 opposed (Adams absent).

Board of Appeals Petitions

654 Main Street/63 Vine Street (Fell's Hardware site): Special Permit

Ian Gillespie described the project at 654 Main Street/63 Vine Street as part of a Planning Board proposed rezoning effort of the Center Business District. The goals of the project include the construction of a four-story mixed-use building consisting of two ground level retail units and 36 residential units, which will adhere to and preserve the aesthetic of downtown Winchester. Mr. Gillespie announced that the project will also preserve the historic property at 63 Vine Street.

Ted Touloukian, project architect, provided greater detail of the project's plans, noting its emphasis on new residential housing, more parking spots, and the preservation of the historic 63 Vine Street. Touloukian said that 63 Vine Street is in bad condition and requires serious restoration, which the project will provide. It is a historically significant building, having been built between 1853 and 1860, before being relocated to the site in approximately 1927. Touloukian detailed the project's emphasis on connecting to the fabric of Winchester town and

stated that 63 Vine street would be restored as a single-family home, part of the condominium project, and blend seamlessly into the proposed new buildings.

LeMenager reminded the Commission that their decision regarding the special permit should consider the impact of the project on neighborhood's characteristics, the architectural features of the proposed project, and lastly, whether the pattern and proportions of the windows of the proposed new buildings are consistent with the neighborhood. LeMenager also reminded the Commission to consider the project's impact on the natural and historical character of the town.

Commissioner Clemson, who had consulted on the planning of the 63 Vine Street portion of the project, along with Maureen Meister of the Planning Board, supported the plans. He maintained that he is most interested in the preservation of 63 Vine Street and did not find any adverse effects on the historic character of the surrounding area.

LeMenager acknowledged Clemson's work on the project and agreed that he did not see any adverse effects on the character of the surrounding area.

Dowling asked if 63 Vine Street would remain a single-family home. Mr. Touloukian confirmed that it would.

Co-Chair Bruce Hickey expressed his admiration at the work done on the project and stated his belief that the project fits in well with the character of the town. Boswell saw no issues with the project and expressed her support. Carlisle concurred and gave his support.

MOTION: That the Winchester Historical Commission finds no adverse impact on a historical or cultural resource and recommends favorable action with no conditions.

VOTED: 6 in favor, 0 opposed (Adams absent)

138 Forrest Street: Site Plan Review

LeMenager provided a brief overview of the past proceedings involving 138 Forrest Street, which had undergone a demolition hearing in 2018. On that occasion, the Historical Commission had found the property historically significant, and imposed a twelve-month delay on the issuance of the demolition permit. Having expired, he added, the owners are now free to demolish the house. The owners, Timothy and Jacqueline O'Donnell, had decided that they wanted to better utilize their land by leveling it out and building a stone wall on the edge of their property, thereby requiring a Site Plan Review. Tim O'Donnell noted that the wall would be around ten to twelve feet tall. He had spoken to his neighbors, who were not averse to the proposal.

Commissioner Carlisle asked whether the wall would be visible from the street. Mr. O'Donnell said it would not since it would be at the back of his property and far removed from the public view. Commissioner Dowling asked if the site plan review was solely for the wall. Mr. O'Donnell confirmed that it was. Chair LeMenager clarified that the Site Plan Review was necessitated by the fact that the proposed property will be over 5,000 square feet, not because there is a close rear abutter. Carlisle asked if there would be greater than a 6% change in the

grade of the land. Mr. O'Donnell answered in the affirmative. He noted that the grade change, along with the fact that the planned house will be over 5,000 square feet, necessitated the site plan review. Mr. O'Donnell stated that he and his wife would attend the October 6 Planning Board meeting for its review prior to appearing before the Board of Appeals.

MOTION: The Historical Commission finds no adverse effect on a historical or cultural resource and recommends favorable action with no conditions.

VOTED: 6 in favor, 0 opposed (Adams absent)

1 Abby Road: Dimensional Variance

Called to grant a Dimensional Variance under Section 4.0 of the Winchester Zoning Bylaw so as to permit the construction of a new single-family dwelling that will be located closer to the front property line than permitted as of right. Steven Meinelt, the builder of the proposed property, detailed the plans for a newly developed cul-de-sac called Abby Road. He noted that there would be five new houses built, acknowledging that he is seeking a variance to move the house in question five feet forward. However, he indicated that the builders do not wish to do so. Instead, the builders would prefer to conform to the existing bylaws.

MOTION: The Historical Commission finds no adverse effect on a historical or cultural resource and recommends favorable action with no conditions.

VOTED: 6 in favor, 0 opposed (Adams absent)

43 Glen Road: Special Permit

Molly McDougal, architect, spoke on behalf of this project seeking a Special Permit to allow the construction of an addition that will be located closer to the side property line than permitted as of right. She noted that her client, John B. Miller, was born and raised in Winchester and recently moved back with his family. Ms. McDougal stated that her client planned the addition very carefully, to maintain the style, character, and architectural details of the addition in keeping with the rest of the house.

LeMenager and Boswell expressed support for the plans. Clemson asked where the majority of the addition would be. Ms. McDougal stated that the addition is on the side and the rear. She noted that not a single tree would be cut down to build the addition. Clemson expressed his support.

MOTION: The Historical Commission finds no adverse effect on a historical or cultural resource and recommends favorable action with no conditions.

VOTED: 6 in favor, 0 opposed (Adams absent)

10-16 Mt. Vernon Street: Special Permit

With the representative of the 10-16 Vernon Street project absent, LeMenager provided an overview of the proposed plans for the building, to construct a third story with four new

residential units located therein on an existing two-story structure located at 10-16 Mt. Vernon Street. The use of the structure will remain mixed-use, with commercial on the first floor, residential on the second floor, and residential unit on the proposed third floor.

Chair LeMenager expressed concern that the third floor will protrude too heavily over the street and disrupt the character of Mt. Vernon street. He noted that the Historical Commission has a duty to uphold the character of a neighborhood, as well as its visual characteristics, in order to ensure that the historical character of the town center remains consistent. Clemson stated that the proposed plan would disrupt the façade and proportions of the building. Boswell stated her belief that Mt. Vernon Street is one of the most iconic views in Winchester center, and that this proposed project would disrupt that view.

MOTION: The Historical Commission finds no adverse effect on historical or cultural resources.

VOTED: 0 in favor, 6 opposed (Adams absent)

Other Matters

Waterfield Lot RFP responses:

The Historical Commission discussed the findings of the Planning Board in ranking six developers who responded to the town's request for proposals for the Waterfield Lot. LeMenager expressed his agreement and support of the Planning Board's first preference, Civico. Town Planner Brian Szekely provided an overview of each of the proposals. He noted that Civico was most popular due to its utilization of underground parking, its design, and its ability to support reusable energy. Boswell expressed her support.

MOTION: The Historical Commission moves to find the Civico proposal in keeping with the preservation of the historical value of downtown Winchester town. The Historical Commission supports the Planning Board's findings.

VOTED: 6 in favor, 0 opposed (Adams absent)

2020 Fall Town Meeting – Flexible Zoning Bylaw:

The Commission discussed the Planning Board's proposed Flexible Zoning Bylaw, which would aim to keep natural and historic resources from being demolished by enabling flexible zoning that would encourage the preservation of historical structures. LeMenager expressed support. Clemson noted that he fully supported the Flexible Zoning Bylaw and said that he had been in favor of a measure like the Flexible Zoning Bylaw for his entire career, noting that historical properties do not often fit into modern zoning laws.

LeMenager said he would draft bullet points to speak in behalf of the Town Meeting warrant and share them with the Commission at its next meeting, October 26 prior to the schedule November 5 Town Meeting.

Minutes of August 31, 2020 meeting

MOTION: To approve the minutes of the August 31, 2020 Historical Commission Meeting.

VOTED: **6 in favor, 0 opposed (Adams absent).**

The meeting adjourned at 9:45 p.m. Next meeting: Monday, October 26, 2020, via Zoom.

Respectfully Submitted,
Rachael Edmonston, Recording Secretary

Jack LeMenager, Chair

Date



TOWN OF WINCHESTER

Design Review Committee
Town Hall, Winchester, Massachusetts 01890

Tracy Vartenigian Burhans, Chair
David N. Storeygard, AIA, LEED AP, Vice-Chair
Eileen Casciari, RA
Juli Riemenschneider, RLA, ASLA
Adrian LeBuffe LEED
Ellen Spencer

Meeting minutes: Wednesday September 30, 2020

In attendance via Zoom: Burhans, Casciari, LeBuffe, Riemenschneider, Spencer

Agenda Items Discussed

1. Meeting minutes of August 5th were approved.
2. **Petition 3916: 43 Glen Road – Special Permit**
 - a. No objections noted
 - d. Committee recommends favorable action 5-0.
3. **CBD Special Permit: 654 Main Street**
 1. Committee recommends favorable action 5-0 with the following conditions:
 - a. Prior to Building Permit issuance, DRC requests to review Landscape plans and details
 - b. During process of Construction, DRC requests to review onsite mockup of proposed building materials, colors and finishes.
4. **Petition 3914: 138 Forest Street – Special Permit and Site Plan Review**
 1. Committee recommends unfavorable action 5-0 for the following reasons:
 - a. Per 9.4.2 item 4, size of building forms are out of scale with surrounding neighborhood, suggest pushing back and reducing garage volume or detaching from main house and locating in rear yard
 - b. Per 9.4.2 item 6, impact on natural environment of (2) 10' retaining walls where size of lot allows for less invasive solutions
 - c. Per 9.5.7 item 1, size of building forms are an unreasonable departure from scale of surrounding neighborhood
 - d. Per 9.5.7 item 3, excessive quantity of fill required to achieve the large degree of change from existing grade/topography
5. **Petition 3915: 1 Abby Road – Dimensional Variance**
 1. Committee recommends unfavorable action 5-0 for the following reason:
 - a. New construction project within a newly permitted and constructed subdivision should be able to conform to dimensional zoning requirements
6. **CBD Special Permit: 10-16 Mount Vernon Street**
 1. Committee recommends unfavorable action 5-0 for the following reasons:
 - a. Per 5.10.1, proposed addition to this flat roofed building is a substantial change in character, proportion and massing. Proposed 3rd floor should be set back from building facades such as to minimize visual impact

- b. Per 7.3.15.5 item 7, proposal would have highly significant impact on historic resources thru modification of existing historic building

7. Subdivision Application: Lochwan Street/Loring Court

1. Lot 3 house, grading and retaining wall are shown to extend into existing steep slope. Suggest that all work be done on flat portion of site rather than grade into the slope
2. Recommend additional street trees located in right of way

Meeting adjourned. Next meeting will be Wednesday, October 28th at 7:30 via Zoom, to be confirmed 2 days prior to the meeting.

Adrian LeBuffe, recording member

**Winchester Planning Board
Procedures for Public Hearings
Special Permits, Site Plan Review, and Variances**

Adopted by the Planning Board 8/27/2019

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.

2. Meeting Purpose

Chair states the purpose of the public hearing or reads 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 information.
- c) Chair shall maintain decorum and may have unruly persons removed.

4. Presentation by Applicant

- a) Chair introduces the applicant.
- b) The applicant is given 15 minutes to present the project. An extension of up to 10 minutes may be allowed at the chair's discretion.

5. Memos and letters

List any memos or letters received by the Board and summarize them.

6. Comments from Town Staff and Other Boards

The Board reviews comments from the Engineering Department, the Department of

Public Works, the Health Department, the Planning Department, the Winchester Historical Commission, the Design Review Committee, and other agencies.

7. Opening of Public Comment Period

- a) Chair opens hearing to public comment and asks the audience how many people wish to speak in favor and how many wish to speak in opposition, and whether any of those speakers represent three or more parties, and who those parties are.
- b) Time limits for all speakers are as follows:
 - 1. Each speaker is given 5 minutes, with an extension of no more than 2 minutes allowed at the chair's discretion.
 - 2. A representative of three or more people may be given 15 minutes to speak, with an extension of no more than 10 minutes at the chair's discretion.
- c) Opponents and proponents will take turns speaking until the Board is satisfied that all views have been heard. Opponents will go first.

8. Board Discussion

Board members begin their initial discussion.

9. Determination of Need of Consultants

The Board votes on whether outside consultants (under MGL Ch. 44 §53g) are necessary based on the review and testimony presented.

10. Questions of the Applicant

- a) Board members ask questions of the applicant.
- b) Audience members ask questions of the applicant or the Board. Questions are limited to 3 minutes each. Chair reminds audience that questions must be addressed to the chair.

11. Determination of Continuation of Hearing

The hearing may be continued to a time certain to allow more time for testimony and for expert reviews to be prepared and presented.

12. Closing of Public Comment Period

Board moves and votes to end public input.

13. Board Deliberates

Board begins deliberation. Board members may seek clarifying information from all parties.

14. Board Votes

- a) As set forth in MGL Ch. 40A, §9, Special Permits, "a vote of at least four members of a five member board" is required for approval of a Special Permit.
- b) A vote of at least four members of the Board is required for approval of a variance.
- c) Three members of the Board present constitute a majority of the Board. The affirmative vote of three members is required to approve the Site Plan review.
- d) The Board may vote to:
 1. Approve the project, with or without conditions;
 2. Deny the project, with or without prejudice;
 3. Accept, with or without prejudice, the applicant's offer to withdraw, if proffered.
 - A Withdrawal or a Denial **with** Prejudice assumes that the same or very similar project would be denied and that a significantly different project should be pursued by an applicant.
 - A Withdrawal or a Denial **without** Prejudice assumes that the same or very similar project could be applied for and potentially approved with or without conditions.
 - A hearing to determine if a newly proposed project is significantly different from a previous application is warranted whenever a vote **with** prejudice occurred for that application.

**Winchester Planning Board
Procedures for Public Hearings
for Town Meeting Articles**

Adopted by the Planning Board 8/27/2019

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 or the Code of By-laws 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 planner is presenting on behalf of the Planning Board.
- b) If the presentation is a dry-run for Town Meeting, the presentation will be five minutes with a possible 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 staff, agencies or 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 MGL Ch. 40A §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 of the Board. The affirmative vote of three members is required to place the article on the Town Meeting warrant.