

**TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Monday, April 25, 2016
Record**

Chairman Lance R. Grenzeback convened the meeting at 5:30 PM in the Guidance Department Conference Room at Winchester High School. Present were Vice Chairman E. James Whitehead, Selectman Stephen L. Powers, Selectman Michael Bettencourt and Selectman David P. Errico. Also present were Town Manager Richard C. Howard and Town Counsel Wade M. Welch.

OPENING

*Motion: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing matters related to Contract Negotiations: Winning Farm – MGL Ch. 30A §21(a)6; Litigation: Eversource Inter-venor Status – MGL Ch. 30A §21(a)3, where an Open Meeting discussion may have a detrimental effect on the litigating position of the Board of Selectmen, as declared by the chairman; Contract Negotiations: Retirement Agreement with the Chief of Police – MGL Ch. 30A §21(a)2.

Whitehead – Powers

By Roll Call Vote: Errico, Bettencourt, Powers, Whitehead, Grenzeback VOTED.

*Motion: That the Board of Selectmen adjourn from Executive Session to Public Session, not to return to Executive Session.

Whitehead – Bettencourt

By Roll Call Vote: Errico, Bettencourt, Powers, Whitehead, Grenzeback VOTED.

Selectmen's Notices and Comments

Notification of Other Meetings and Hearings

- ∫ Thursday, April 28, 2016 – Board of Selectmen – Prior to Town Meeting
- ∫ Monday, May 2, 2016 – Board of Selectmen – Prior to Town Meeting
- ∫ Monday, May 9, 2016 – Board of Selectmen – Prior to Town Meeting
- ∫ Thursday, May 12, 2016 – Board of Selectmen – Prior to Town Meeting
- ∫ Monday, May 16, 2016 – Board of Selectmen – Prior to Town Meeting

Town Manager Report and Comments

Reappointment – Conservation Commission

Town Manager announced that in accordance with Massachusetts General Laws, Chapter 40, Section 8C, he has made the following reappointment to the Winchester Conservation Commission for a term to expire March 31, 2019:

Edmond J. Baratta, 5 Fairlane Terrace, Winchester

LICENSES

Old Gold and Silver License:

Simms II Jewelers, 559 Main Street; Winchester Ltd. Jewelers, 534 Main Street

Monday, April 25, 2016
Board of Selectmen Meeting
Prior to Town Meeting – WHS Guidance Conference Room

Second Hand Articles License
EnKa Exchange, 1037 Main Street

*Motion: That the Board of Selectmen approve the Old Gold and Silver License for Simms II Jewelers, 559 Main Street, and Winchester Ltd. Jewelers, 534 Main Street for a term to expire May 1, 2017; and the Second Hand Articles License for the EnKa Exchange, 1037 Main Street for a term to expire May 1, 2017.

Whitehead – Powers

All in favor.

VOTED.

BUSINESS

Town Meeting Warrant Articles – Discussion / Recommendations

Article 2: Amend Zoning Bylaw: 9.5.1 Site Plan Review

Present: Planner Brian Szekely

Planner Szekely informed the Board that this article expands Site Plan review, something that is very limited at this time and falls with the Zoning Board of Appeals. New triggers are being added, three of which are based upon square footage and what is considered to be the correct house size for the lot and neighborhood. He explained that the Planning Board does not want to say that large houses are bad, but that the larger the house, the larger the potential for neighborhood impact.

The Planner informed the Board that consideration has been given to changing the Table of Dimensional Requirements to allow for smaller homes to be built as of right or provide a tool to the Planning Board / Zoning Board of Appeal to conduct a review. After several meetings and polling of realtors, developers and residents, with discussion about changing the Table or preference for a review process, the result was that residents, builders, and realtors thought that changing what exactly could be built was a pretty significant taking. Hearing those comments, consideration was then given towards a review process, which is what this article aims to do, i.e., hit the ‘pause’ button on development to obtain neighborhood feedback and Town-staff involvement to make sure that the proposal fits in with the neighborhood, a major draw in addition to the schools and proximity to Boston. This article is an effort at promoting responsible development. Other communities, like Concord, have very stringent design criteria and in addition, many different districts.

In answer to the question about what is expected with site plan review timeframe, Mr. Szekely explained that the minimum would be three months and the maximum would be five to six months for such a review. He noted that it takes approximately one month for a hearing to be scheduled and the board has ninety days in which to write a decision. Currently, it takes three months for a building permit to be issued. He explained the Zoning Board of Appeal decision making process timeline.

In response to the question related to how garage space would fit into this thinking, Mr. Szekely indicated that a lot of builders do not like this. Previously, garages were 500 square feet however new construction garages are more than that 500 square feet. If a garage is located under the house, it would be a part of the basement and not a part of the review. He noted that in 2015 there were 22 new homes that were the result of tear-downs or large additions; this proposal would have caught ten of them.

Mr. Szekely noted that the builders do not like this proposal, however garage space in new construction is much larger than previously. A garage is considered to be an accessory structure, therefore the builder is allowed to go further into the set back if the garage is located behind the house. A decent-sized house could be constructed, then a three car garage located behind the house that is built within

Monday, April 25, 2016
Board of Selectmen Meeting
Prior to Town Meeting – WHS Guidance Conference Room

five feet of the property line. He explained that the idea is that there could be a large-scale structure located very close to the property line.

Selectman Powers raised the question of a garage located under, and Mr. Szekely explained that if it is subterranean it does not have to be reviewed. A subterranean garage does not count as a basement or count as square footage. He informed the Board that a lot of the recently approved Special Permits have a weirdly located garage, i.e., the garage is not facing the street but is located at the front of the house in a sideways position.

Responding to the question concerning who started this process, the Planner explained that it started with residents asking what they could do. He indicated that what is different is the increase of large houses being constructed. The realtors that are against this are very outspoken in their opposition; those realtors that are in favor of the process don't want anyone to find out about it because it is a hot issue and would reduce their clientele by as much as 50%. Some feel that this proposal is an infringement upon property rights, however the Zoning Code details what can and cannot be done on private property. Planner Szekely indicated that the biggest problem encountered with some of the staunch non-supporters is that site plan review cannot be an avenue for denial.

Selectmen Bettencourt noted that at the beginning, this process was resident driven, questioning at what point were developers / builders / realtors brought in. Planner Szekely explained that this started in December and since January, 2016, there have been five public meetings with realtors / builders / developers in attendance at those meetings. He suggested that this proposal is a reasonable, conservative approach, a very small step based upon square footage. He indicated that this proposal makes sure that the development is responsible.

In response to the question concerning how the numbers were developed, Mr. Szekely explained that this started out to address two family homes in the RG zoning district where homes are being demolished, trees and landscaping removed and the house being constructed is going the length of the sideline, where the larger the house, the larger the negative impact.

Article 3: Amend Zoning Bylaw: 10.0 Table of Dimensional Requirements

Planner Szekely noted that greenspace is important to Winchester, a community that has been designated as a "Tree City USA". He explained that there is no distinction in the zoning code and nothing preventing a developer from paving over the entire lot, with no distinction between a parking lot and a lawn. This article would define what greenspace and non-greenspace should be.

Planning and Engineering Departments reviewed an average 10,000 square foot lot in Winchester with average soils and no slope, a generally flat piece of land. The house coverage is 30% of the land, but the question is what to do with the other 70%. He explained that the amount of greenspace needed to infiltrate a two year storm event, which seems to occur every other year, is 35% greenspace. Vice Chairman Whitehead pointed out that if the Town goes towards a stormwater utility, residents will pay on the basis of hardscape.

In response to the question concerning whether pavers will be considered as asphalt, Mr. Szekely explained that the proposal affects stormwater and the other is aesthetic and financial value, the idea is to eliminate excessive amounts of paving, however permeable paving does not count. Mr. Szekely indicated that hardscape is anything that a vehicle can be parked on. Chairman Grenzeback noted that people with small lots should be encouraged to use permeable parking areas.

Article 2: Amend Zoning Bylaw 9.5.1 Site Plan Review

Monday, April 25, 2016
Board of Selectmen Meeting
Prior to Town Meeting – WHS Guidance Conference Room

*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 2 in the Spring 2016 Annual Town Meeting Warrant.
Whitehead – Bettencourt
In favor: Bettencourt, Whitehead, Grenzeback
Opposed: Errico, Powers
VOTED.

Article 3: Amend Zoning Bylaw: 10.0 Table of Dimensional Requirements

*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 3 in the Spring 2016 Annual Town Meeting Warrant.
Whitehead – Bettencourt
In favor: Bettencourt, Whitehead, Grenzeback
Opposed: Errico, Powers
VOTED.

Article 4: Amend Zoning Bylaw: 3.0 Outside Food Service

*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 4 in the Spring 2016 Annual Town Meeting Warrant.
Whitehead – Powers
All in favor.
VOTED.

Article 5: Amend Code of By-laws, Chapter 8, Section 21 to allow alcohol service outside

*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 5 in the Spring 2016 Annual Town Meeting Warrant.
Whitehead – Powers
All in favor.
VOTED.

Article 15: Amend and/or revoke Department of Planning and Community Development

*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 15 to amend and/or revoke the Department of Planning and Community Development contained in the Spring 2016 Annual Town Meeting warrant.
Whitehead – Bettencourt
All in favor.
VOTED.

Complete Streets Policy – VOTE to Approve

*Motion: That the Board of Selectmen approve the Complete Streets Policy as amended.
Whitehead – Bettencourt
All in favor.
VOTED.

Consent Agenda / Supplemental Consent Agenda

One Day Alcoholic Beverage License Request (s):

- a.) Boston's Best Bartending – April 29, 2016 – Sanborn House – fundraiser;
- b.) Gail Freeman for Studio on the Common – May 4, 2016 – Studio on the Common;
- c.) Boston's Best Bartending – June 10, 2016 – Wright-Locke Farm;
- d.) Paula Tognarelli for Griffin Museum – April 26, 2016 – Annual Reception;
- e.) Amy Rindskopf for Wright-Locke Farm – May 14, 2016 – private party;
- f.) Amy Rindskopf for Wright-Locke Farm – May 6, 2016 – private party;
- g.) Paula Tognarelli for Griffin Museum – May 1, 2016 – Griffin Museum;
- h.) Paula Tognarelli for Griffin Museum – May 12, 2016 – Griffin Museum;

Monday, April 25, 2016
Board of Selectmen Meeting
Prior to Town Meeting – WHS Guidance Conference Room

Approve – Correct Meeting Minutes

Monday, April 4, 2016

Recognition / Acceptance of Donations:

Acceptance of a \$1,000 donation to Police Department from the Johnston Family;
Acceptance of a \$1,200 donation from the Winchester Garden Club for use of beautification projects at Eliot Park, Main Street;
Acceptance of a \$3,000 donation to the Winchester Coalition for a Safer Community from the Winchester Cooperative Bank;
Acceptance of a \$3,100 donation to the Winchester coalition for a Safer Community from the EnKa Society;

*Motion: That the Board of Selectmen approve the Consent Agenda for Monday, April 25, 2016 that includes approval of One Day Alcoholic Beverage Licenses for April 29th – Sanborn House; May 4th – Studio on the Common; June 10th – Wright Locke Farm; April 26th; Wright-Locke Farm – May 14th – 1827 Barn; Wright – Locke Farm - May 6th -1827 Barn; Griffin Museum – May 12th – museum; Griffin Museum – May 1st – museum; Approve / Correct meeting minutes for Monday, April 4th; acceptance of donations: \$1,000 to the Police Department from the Johnston Family; \$1200 from the Garden Club for use as part of a beautification project at Eliot Park; \$3,000 to the Coalition for a Safer Community from the Winchester Cooperative Bank; \$3,100 to the Coalition for a Safer Community from the EnKa Society.

Whitehead – Bettencourt

All in favor.

VOTED.

Recess to floor of Town Meeting: 7:25 PM

*Motion: That the Board of Selectmen recess to the floor of Town Meeting.
Whitehead – Bettencourt
By Roll Call Vote: Errico, Bettencourt, Powers, Whitehead, Grenzeback VOTED.

Respectfully submitted,

Richard C. Howard, Town Manager