

TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Monday, September 26, 2016
Record

Chairman Lance R. Grenzeback called the meeting to order at 7:00 PM in the Board of Selectmen Meeting Room, Town Hall. Also present were Vice Chairman E. James Whitehead, Selectman Michael Bettencourt and Selectman David P. Errico. Selectman Stephen L. Powers arrived while Executive Session was in progress. 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 Eversource Intervener Status Litigation – Siting Board Filing Update – MGL Chapter 30A §21(a)3 – because an Open Meeting discussion may have a detrimental effect on the litigating position of the Board of Selectmen as declared by the Chairman; Collective Bargaining Negotiations Update – MGL Chapter 30A §21(a)2.

Whitehead – Bettencourt

By Roll Call Vote: Errico, Bettencourt, 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.

Notification of Meetings and Hearings

- Wednesday, September 28, 2016 – Selectmen’s Traffic Working Group

Selectmen’s Comments and Non-Docket Business

Selectman Powers offered his thanks to Safety Officer Sergeant Tom Groux and the Winchester Police Department for the manner in which they handled the more than 1200 runners participating in the Glen Doherty Road Race this past weekend.

Vice Chairman Whitehead made note of two large piles of dirt sitting in the flood plain, one at the Cross Street soccer complex and the other at Winchester High School. One pile looks to be concrete-type debris, the other looks to be just dirt. Town Manager indicated that he would check with the Conservation Commission about the dirt pile on private property. A check will be made on the debris pile as well. The Vice Chairman recalled that the Board was assured that there would be excavation and hauling, but this seems not to be the case.

TOWN MANAGER REPORT AND COMMENTS

Appointment:

Town Manager announced that in accordance with section 4-2b of the Town Charter he has made the following appointment in the Treasurer / Collector’s Office:

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Town Manager informed the Board that work is on-going and staff continues to work with the group and continues to assist this group in the effort to get position advertising out.

MWRA / Winchester Water Supply

Town Manager informed the Board that some residents have registered concern about the drought conditions in Eastern Massachusetts. He recalled that in the past, advisories have been issued about water usage and residents not taxing the water supply. Town Manager reported that the Town has been advised by the MWRA that they have a full supply of water and the Town reservoirs are also full. In spite of this knowledge, residents are being asked to use water carefully.

Fall 2016 Town Meeting

Town Manager reported that articles for consideration at the Fall 2016 Town Meeting should be submitted on a timely basis. He noted that because of the National Election, the first session of Fall Town Meeting will commence on Thursday, November 10, 2016.

Food Waste Program at Transfer Station

Town Manager reported that containers will be available at the Transfer Station for those who wish to participate in this form of recycling. Chairman Grenzeback noted that the costs for recycling are increasing and the Town is looking for ways in which to keep those permit costs down. This type of recycling will help to reduce the total tonnage.

Town Center Parking Changes

Town Manager informed the Board that he has been asked to reconsider the parking arrangement in the Upper Waterfield Parking Lot. The merchant base is requesting that these spaces be returned to **2 Hour Parking** with the "or Permit" option eliminated. Town Manager recalled that when this restriction was implemented, there was agreement to watch this and change back if necessary.

Winchester High School Parking

Town Manager noted that there has been a fair amount of anguish due to the loss of parking for students as the result of the Skillings Field rehabilitation work. Because of this interruption in parking, Town Staff has been working with the School Administration to accommodate student parking at Borggaard Beach. Some however, felt it was prudent to purchase a commuter parking permit to allow students to park in commuter parking spaces, allowing students to park in the various Town parking lots designated for commuter use. Town Manager indicated that he is working with WHS parent groups on communication; the Superintendent of Schools and Police Chief Peter MacDonnell will be taking a look at student parking at the Transfer Station; contractors could park at Borggaard Beach, freeing up approximately 100 parking spaces for students. Parents have been offered the option of reimbursement of the cost of the parking permit purchased by their WHS student parking in a commuter designated lot.

Town Manager explained that it is difficult to make everyone happy in this situation but the good news is that once construction is completed, there will actually be more parking available at the High School. Town Manager noted that parking conditions are tight with the High School field off-line. Those who purchased a commuter parking permit to be used for WHS parking should contact the Engineering Office for reimbursement processing.

Fish Ladder Update

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Town Manager recalled that the Town received a grant to build the fish ladder at the Center Falls Dam. This project will be before the Conservation Commission at their next meeting and the contractor expects to begin construction on October 3rd. He noted that there will be some interruption of parking in the Town Center and businesses will be notified.

Chairman Grenzeback noted that one lane on Mt. Vernon Street will be closed for the culvert installation as a part of the flood mitigation project. Reverse calls will be made about this project and the road closure, with as much notification being made as is possible.

HEARINGS

Myrtle Street – Traffic and Parking Concerns

At 8:00 PM Chairman Grenzeback opened the public hearing on the traffic and parking concerns on Myrtle Street. He recessed the hearing to continue hearing the Town Manager's Report. Chairman Grenzeback reconvened the hearing at 8:20 PM. Town Engineer Beth Rudolph recalled that the neighborhood had submitted a letter with specific requests for Myrtle Street back in 2015. The first request was to post signs at both ends of Myrtle Street indicating that the street is "not a through" street, however Traffic Advisory recommends against this. TAC also recommends against a reduction in the speed limit. TAC does however favor a "Slow Children" sign, and a "Do Not Block" intersection sign. Town Engineer further reported that TAC took no position on a "residents only traffic" request. TAC also does not favor the installation of a crosswalk at the end of Myrtle Street due to the close proximity of crosswalks at Washington and Mt. Vernon Street and Washington and Mystic Valley Parkway.

Town Engineer reported that TAC did go further and recommended making Myrtle Street a One-Way street, noting that traffic volume on Myrtle Street is 222 to 275 vehicles per day. There is a higher number of vehicles traveling east-bound. Slightly fewer vehicles travel from Mystic Valley Parkway to Washington Street and fewer vehicles use the area in the afternoon.

Selectman Powers recalled that the Board had previously discussed a west-bound traffic restriction. Town Engineer noted that the data suggests that the east-bound traffic is heavier but she feels that the decision should be left up to the neighborhood. Chairman Grenzeback noted that signs are largely ignored, however one option not discussed is a speed table /or/ bump.

Chris Mango, Myrtle Street resident, informed the Board that it has been his observation that both the speed and number of vehicles using Myrtle Street has increased dramatically, creating a safety issue as twenty-seven (27) children reside on the street; the speed of the vehicles is the greatest concern. The basic concern is the speed that vehicles are traveling and the cut-thru traffic. The neighborhood has considered "Do Not Enter" between certain commuter hours. The neighborhood would also consider a "Local Traffic Only" designation. Mr. Mango noted that there is a "Slow Children" sign located at the top of the Myrtle Street hill further suggesting that most residents haven't ever noticed it. He informed the Board that he has thought about an appropriate speed limit for Myrtle Street and a "Do Not Block Intersection" sign. He indicated that parking is a significant issue both in the amount of time and ability for residents to exit their driveway. Snow exacerbates the problem.

Mr. Mango informed the Board that there was some favorability about a "One Way" street designation, but there was no clear majority and the feeling is that with a One Way Street designation, the speed at which vehicles travel could increase. He noted that he does feel that "speed bumps" make sense and would slow vehicles significantly. He informed the Board that the neighborhood did discuss including Myrtle Street in the Lincoln School – School Zone designation.

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Bennett Heart, 13 Myrtle Street noted that the 85th percentile speed is 29MPH, which he feels is too fast for such a narrow street. He explained that half of the kids living on Myrtle Street have to cross the street to use the park which is an attractive asset. He pointed out that there is a new law that allows the Selectmen to lower the speed limit for vehicles to 25MPH in thickly settled zones. Town Engineer reported that a School Zone is a statutorily defined area and Myrtle Street does not fall into that definition. Mr. Heart noted that many communities have gone with the “speed bump” concept, which seems to work, therefore he feels that this is something that should be considered.

Chairman Grenzeback indicated that the leading traffic expert will be asked about the effective tools that can be used for traffic calming, and the Town may want to check out a “speed bump” on a temporary basis. A “Do Not Enter” during certain times is also something that the Board can consider. The Vice Chairman noted that the Town of Belmont uses temporary speed tables. Town Engineer explained that the big issue with “speed bumps” is with drainage and if such a device is installed, the Town may have to add catch basins to the area. Chairman Grenzeback indicated that “speed bumps” that are not continuous across the road could be installed. Town Engineer noted that when the Complete Street program began, the Town had to submit a list of projects that the Town is locked into however in theory, this would qualify for funding. Selectman Errico suggested that a “Do Not Enter” designation has better teeth associated with it.

Keiko Kono, 7 Myrtle Street pointed out that a stretch of Myrtle Street is one way parking; often she is unable to exit her driveway with cars being parked immediately across from it. She informed the Board that she does not favor a One Way Street designation.

Sue Lynch, 4 Myrtle Street noted that when two SUV’s are parked on Myrtle Street it is impossible to exit a driveway. She noted that changes in the Downtown Parking have also affected the Myrtle Street neighborhood. She recalled that in the recent past historic snowfall a few years ago, cars parked on the street created an inability to pass down Myrtle Street.

Keiko Kono expressed concern about traffic from Washington Street driving too fast on Myrtle Street and jumping the curb to make a second lane for passage. She suggested that any regulations being considered should consider the bumper-to-bumper parking currently taking place on one side of Myrtle Street. Chairman Grenzeback informed the audience that what he is hearing is that the problem is a serious one and that a “Do Not Enter” with a time restriction would be beneficial. Staff will be asked to research temporary speed bumps.

Ms. Lynch questioned whether Myrtle Street residents will have to abide by any restrictions instituted regarding access to the street. Chairman Grenzeback explained that residents will have to observe all restrictions. He noted that signs are inexpensive and the Board may be able to implement a pilot program to determine what does and does not work. Ms. Lynch indicated that she feels that the biggest issue for Myrtle Street is the speed at which vehicles travel.

John Minniti, 83 Washington Street pointed out that people do not pay attention to signs. Selectman Bettencourt explained that this is a microcosm of what is happening throughout the Town, and this is a good opportunity to find out what does and does not work, so a Pilot Program makes sense.

Town Engineer indicated that a Do Not Enter and temporary speed bump would have to be voted by the Board of Selectmen. She pointed out that Myrtle Street is a very narrow street.

Helen Babcock, 5 Myrtle Street, noted that people wait a long time at the traffic lights at Highland / Mt. Vernon / Mystic Valley Parkway, therefore seek a faster route. Selectman Bettencourt explained that the Town does not have the police personnel to cover every corner, but there are mobile units in use that do have an impact. Town Engineer noted that there is a process to get the DCR to adjust the signal timing. Town Manager suggested that this has been reviewed in the past and eliminating a cycle may

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be helpful as the cycles may not be responsive to traffic flow. Town Engineer recalled that NITSCH Engineering did make a recommendation several years ago and this could be brought forward to DCR again.

In summarizing the action for this evening, Chairman Grenzeback indicated that the Board would research the feasibility of a speed bump for both availability, cost and appropriate location. Also to be considered is the appropriate location for a Do Not Enter sign, with those ideas being provided to the Town Engineer. A broader look will be taken at the parking on the street but if it is eliminated, it will move the parking to another neighborhood. He questioned whether the on-street parking is by resident vehicle or non-resident vehicle.

Town Manager indicated that if the neighborhood has no objection, the traffic division will run the license plates of all vehicles parked on Myrtle Street.

At 9:07 PM Chairman Grenzeback closed the hearing.

National Grid – Grant of Location Petition
Wendell Street – Extend Gas Main 170 Feet

At 9:08 PM Chairman Grenzeback opened the hearing on the National Grid Grant of Location Petition for the extension of the gas main 170 feet on Wendell Street. Town Engineer explained that this is a request to install 170 feet of plastic gas main in Wendell Street. Any work would be subject to a street opening permit.

NGrid Construction Supervisor Stephen DiLorenzo informed the Board that he would like to do this work as soon as possible. The construction schedule is from 7 AM to 3:30 PM with the job taking three to four days to complete. He indicated that he spoke with the DPW about their requirements earlier today. Seeing no one in the audience wishing to comment, Chairman Grenzeback closed the hearing at 9:10 PM.

*Motion: That the Board of Selectmen approve the National Grid Grant of Location Petition for Wendell Street, extending the gas main 170 feet in order to provide service to #124 Wendell Street in accordance with the Town of Winchester Grant of Location policy and the memo from the Town Engineer dated September 13, 2016.

Whitehead – Bettencourt

All in favor.

VOTED.

BUSINESS

Committee Appointments: Committee on Names – James A. Johnson, III – Term to Expire: March 31, 2017

*Motion: That the Board of Selectmen appoint James A. Johnson, III to the Committee on Names for a term to expire March 31, 2017.

Whitehead – Powers

All in favor.

VOTED.

Cultural Council Appointments: Kevin Drum, Joyce Westner – Terms to Expire: July 31, 2019

*Motion: That the Board of Selectmen appoint Kevin Drum and Joyce Westner to the Cultural Council for a term to expire July 31, 2019.

Whitehead – Bettencourt

All in favor.

VOTED.

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Cable Advisory Committee (1) reappointment and (2) new appointments: Robert J. Denn – term to expire: June 30, 2017; Dennis Doble and Christopher R. Noble – terms to expire: June 30, 2018

Christopher Noble informed the Board that he is employed at MIT where he manages some of their property. He indicated that he is aware of both the regulatory and technical issues involved with service as a member of this group.

*Motion: That the Board of Selectmen reappoint Robert J. Denn to the Cable Advisory Committee for a term to expire June 30, 2017 and appoint Dennis Doble and Christopher R. Noble to the Cable Advisory Committee for terms to expire June 30, 2018.

Whitehead – Powers

All in favor.

VOTED.

Water Bill – 32 Tremont Street – Kelly Ryan

Town Manager explained that this issue is similar to those that the Board has encountered in the past; staff recommendations are clear. Town Manager pointed out that in the recent past, the recommendation has been to adjust on the average usage, which in this case would be recommendation #4. Selectman Powers noted that the problem has been identified and corrected and the resident should be allowed to pay over time because the payment is still quite large. He indicated that he favors Option #1.

*Motion: That the Board of Selectmen approve the adjustment to the water bill for 32 Tremont Street with the adjusted amount to be \$5292.47 and total amount due and payable to the Town of Winchester being \$1215.61.

Powers – Bettencourt

All in favor.

VOTED.

Parking Plan Changes Discussion / Vote

Town Manager explained that there will be no reduction in the number of early bird parking permits issued, but the number of spaces available to them will be reduced, providing more parking for patrons.

The owner of LaPatisserie came forward and informed the Board that he feels this is the correct thing to do because customers need to be able to find a place in which to park. Customers will now be able to decide whether they want to take the chance of finding a place in which to park. Parking Wardens will be informed that this change has been made and that they can issue violation notices for space hopping. Chairman Grenzeback noted that both Laraway Road and the Upper Aberjona Lot are available for longer term parking.

*Motion: That the Board of Selectmen approve the change in the parking restriction for the upper Waterfield Lot as identified, back to **2 Hr. Parking** removing the permit allowance.

Whitehead – Bettencourt

All in favor.

VOTED.

Town Manager informed the Board that he would like to offer the opportunity for a refund to those WHS parents who purchased a commuter parking permit to allow their student to park in one of the Town's commuter parking lots.

*Motion: That the Board of Selectmen authorize a reimbursement to those WHS parents who purchased a Town Center or Commuter Parking Permit for use by the WHS student, allowing the student to park in one of the commuter parking lots. The rebate will be available until the close of business on

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Friday, October 14, 2016.
Whitehead – Powers All in favor. VOTED.

Town Manager noted that the School administration and the Chief of Police are meeting to discuss student parking at the Transfer Station because only about half of the parking spaces at Borggaard Beach and a handful at the Cemetery are being used. Selectman Errico suggested that the administration entertain a ‘shuttle’ service for students during the winter months. Chairman Grenzeback informed his colleagues that he has had conversation with the chair of the School Committee about developing a parking policy for students because most school districts allocate student parking based upon need.

Eversource Litigation Funding Authorization

Town Manager requested that the Board authorize the continued use of the Hospital Gift Account for payment of consulting services in the Eversource Litigation.

*Motion: That the Board of Selectmen authorize the continued use of the Hospital Gift account for payment of consulting services provided by those engaged in the Eversource Litigation.
Whitehead – Bettencourt All in favor. VOTED.

Historical Commission: Updated Preservation of Historically Significant Buildings ByLaw
Present: Heather von Mering, Jack LeMenager, John Clemson, Bruce Hickey, Brian Szekely, Town Planner and Mary Feeney, Esquire, Special Counsel

Town Planner Brian Szekely provided an overview of the changes being proposed to the bylaw. The new name of the bylaw is *Preservation of Historically Significant Buildings*. The current bylaw was passed in 1995 and has been amended four times. He noted that all demo permits are evaluated and the list-based approach is inadequate because the criteria needs to be clarified. He outlined the demolition application process explaining the review includes a preliminary determination of significance. The Bylaw encourages restoration and reuse of significant properties. The next step is completion of the legal review by Town Counsel.

Attorney Mary Feeney explained that the essential process is unchanged and the Building Commissioner will continue to issue all permits. The Building Department would then refer a demolition request to the Historical Commission and Town Planner. Attorney Feeney noted that under the State Building Code, action is required within thirty days. She noted that in making a determination of significance, research will be done as to whether there was a prior review. An inventory of historical assets is maintained by MassHistoric. Attorney Feeney pointed out that the preliminary determination is a new step however the Building Commissioner’s jurisdiction and discretion is not reduced or changed. The Building Commissioner will endeavor to notify the Historical Commission. Attorney Feeney indicated that the “opt out” provision is no longer contained in the Bylaw however those who did opt out previously have that option preserved. There is clarification to avoid any unintended consequences.

Historical Commission member Bruce Hickey referenced the process, noting that the new part relates to the preliminary review. He explained that the only determination that can be made is one of “no historical significance”.

Vice Chairman Whitehead noted that three individuals are tasked with making a “quick” determination, questioning whether this is a part of the ten day review or in addition to the ten day review. Mr. Hickey explained that the Historical Commission must hold a hearing within twenty (20)

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days of the demo submission. Historical Commission Chair Heather von Mering indicated that the preemptive addition gets the homeowner out from under the bylaw as quickly as possible.

Jack LeMenager informed the Board that the question is one of who is pulling the demo permit applications. He indicated that most are developers who purchased the property speculatively, with the intent of demolition. He explained that this bylaw will help to determine which houses are worth keeping and contribute to the fabric of Winchester. Selectman Powers commented that the proposed bylaw looks to be clearer this time. He recalled that the second attempt at passage was less successful, but in any event, he will be interested in the debate at Town Meeting because this proposal deals with homeowner rights.

Selectman Bettencourt indicated that the last time, the net was cast too wide and some were surprised that their home was historically significant. He noted that while not ideal, many realtors feel that this is a good option. Ms. von Mering explained that the list locks things in. Mr. Clemson noted that a process has been initiated to expand documentation.

Selectman Errico pointed out that this exercise deals not so much with the value of the home but rather with the value of the land. Attorney Feeney agreed with this statement and suggested that the FAQ's should be changed so that there is no guarantee that the value will increase. Chairman Grenzeback pointed out that the most significant homes were constructed before 1940, therefore the question is how to protect against arbitrary behavior. Attorney Feeney explained that there has to be consistency with all permits being issued by the Building Department and reliance on Building Department records. Planner Brian Szekely indicated that there would be instructions on how to implement criteria.

Attorney Feeney noted that the opt-out is odd and not written for uniformity, nor is it a preservation planning tool. She explained that this is a delay, not a prohibition on demolition. John Clemson noted that preservation tools are not designed to preclude improvements.

CONSENT AGENDA / SUPPLEMENTAL CONSENT AGENDA

One Day Alcoholic Beverage Licenses

Vincent Lombardi for Summer Shack – October 6, 2016 – Wright Locke Farm;
Gail Freeman for Studio on the common – October 6 and 27, 2016 – Studio on the Common;
Thomas Sevigny for Winchester Historical Society – October 15, 2016 – Sanborn House;
Hillary Baker for Winton Club – October 13, 2016 – Sanborn House;
Hillary Baker for Winton Club – January 31, February 1, 2, 3 and 4, 2017 – Town Hall Auditorium;
Wright Locke Farm Conservancy – October 1, 7 and 14, 2016 – Inside 1827 Barn;
Mike Bodall for Griffin Museum – October 6, 2016 – Griffin Museum;

Approve / Correct Meeting Minutes:

Monday, August 29, 2016;

Acceptance of Donation:

Bridgewater Picture Finance, LLC - \$5100.00 for filming of
movie: *Bridgewater*;

Approve Use of Town Property:

Chefalo Park – Friday, September 30th from 4 – 8 PM for the
First Baptist Church's barbecue / picnic

*Motion: That the Board of Selectmen approve One Day Alcoholic Beverage Licenses for the following: Vincent Lombardi for Summer Shack – October 6, 2016 – Wright Locke Farm; Gail Freeman for Studio on the common – October 6 and 27, 2016 – Studio on the Common; Thomas Sevigny for Winchester Historical Society – October 15, 2016 – Sanborn House; Hillary Baker for Winton Club – October 13, 2016 – Sanborn House; Hillary Baker for Winton

