



Planning Board Meeting Minutes Tuesday, March 16, 2021 at 7:30 pm – Zoom Meeting

Members Present: Heather von Mering (chair) Diab Jerius (Vice Chair, Clerk)
Maureen Meister Cheryl Wolfe
Heather Hannon

Also Present: Brian Szekely, Town Planner Nancy Polcari, Recording Secretary
Beth Rudolph, Town Engineer WinCam
Art Kreiger, Town Counsel

Others Attending: Sally Dale I-Ching Scott Steve Meinett

A quorum being in attendance, Vice Chair/Clerk Jerius calls the Winchester Planning Board (PB) meeting to order at 7:33 pm, noting that the meeting is being video recorded via WinCam.

1. Updates from Mr. Szekely:

- a. Attending the first meeting with our consultant regarding the Local Rapid Recovery Grant program to focus on activities and training to help businesses rebound from the pandemic.
- b. Anticipate the filing for 654 Main Street will be by the middle of next week.
- c. Participated in a walk-through with Town Hall staff, Engineering, DPW, Chamber of Commerce, Select Board and Heather Hannon around downtown Winchester to review the traffic, parking, and beautification. This corresponds with the Parking Study with Toole currently underway through the Select Board.
- d. The North Main Street Study continues to accept survey submittals. Once closed (unsure of that specific date), the Metropolitan Area Planning Council will analyze the data and schedule a community meeting to convey the results and continue the study.
- e. The Swanton/Washington Streets RFP is complete. Currently the lawyers for the property owners are negotiating without the Town. The RFP is only needed if the Town proceeds to secure the land.
- f. There is no further information regarding the 5-acre parcel of land behind Mahoney's that is for sale. It could accommodate about 7 single family homes, or some other development (cluster homes with a friendly 40B opportunity). A portion is zoned agricultural. Unless there is some 40B included, it would require an overlay and need to go before Town Meeting.

2. Updates from Mr. Jerius:

- a. The ZBA held a hearing on 972 Main Street (the Meineke site); they voted to require the applicant hire a 53G consultant as well as providing a response to the PB's comments. The hearing is scheduled to continue in June.
- b. Last Thursday, the Response and Advocacy Committee with the Network for Social Justice met to discuss a workshop on zoning and how it can lead to discriminatory housing. Mr. Suhrbier had raised the concern last fall and the Housing Partnership Board asked if the PB would participate in a workshop like what Arlington had held last summer on this topic. The Network now has financial resources to do the workshop. Current plan includes HPB and PB to be a part of the presentation, and to have 2 programs: one from a historical perspective

and one for the current and future. Ms. Meister suggested contacting Claire Dempsey, Ellen Knight and Nancy Schrock regarding the history of the black communities in Winchester.

3. Subdivision Rules and Regulations:

Mr. Szekely: This is a discussion with Legal Counsel regarding the potential changes to the Subdivision Rules and Regulations and the implications on the Zoning Bylaw.

Mr. Kreiger: The focus is on the interplay between the last clause of the Site Plan Review Bylaw, Section 9.5.1.7, and Subdivision control. The example is Abby Road. Items 1 through 6 in Section 9.5.1 cover construction. Item #7 deals with the slope change over 6% with an area over 500 SF and is not tied to construction; it can be when there is any change in slope of this nature.

When the project is in subdivision control, what do you do with the regrading of lots and the roads. It would be a revision under the subdivision regulations but also be a site plan review with the ZBA. This duplication of efforts and requiring a parallel review is the issue. What does the PB want covered with this provision?

Discussion summarized:

- Once a site is no longer under subdivision control, a grade change of the site requires a Site Plan approval from the ZBA.
- If the site is still in subdivision control, a grade change would still require a Site Plan approval from the ZBA but also simultaneously a subdivision review from the PB. This could be a potential conflict if the two boards' determinations are different.
- Do not want to have two boards deciding on the same request, leaving it to the applicant to resolve potential conflicting conditions.
- Could add language to the Zoning that if a site is under subdivision control, then the review is by the PB.
- However, the role of the PB for subdivisions is limited to the initial plan for the site and roads and does not include construction on the sites, which often happens while still under subdivision control. The construction would be the jurisdiction of the ZBA.
- The intent of Item #7 was to minimize the giant retaining walls, amount of cut-and-fill, and retain the topography.
- In the Subdivision Regulations, Section 7.3.1 addresses Lot Arrangement so there are no foreseeable difficulties. But a developer can still request grade changes that exceed 6%.

Chair von Mering arrived at the meeting.

Mr. Kreiger: There are 3 possibilities:

1. Delete Section 9.5.1.7 and leave grade changes to subdivision control and the PB, even for new construction.
2. Change Item #7 to exclude land that has had subdivision approval. For situations when the slope exceeds 6% over 500 SF, Site Plan review would be required from the ZBA.
3. Keep Item #7 as is; this would change nothing; Site Plan review would be required whether in subdivision control or not.

Continued discussion:

- Concurrence with Mr. Kreiger's second recommendation.
- Mr. Kreiger will provide new language with the idea to get to the spring Town Meeting.

Mr. Kreiger: Also had a question regarding the second part of Section 9.5.2 regarding Certificate of Compliance. There was a question about what it is. He has not come across this in the past. He will review with Mina Makarious but suggested taking out the language (or a part of the language) in the Bylaw and include it as part of the changes for Spring Town Meeting.

Mr. Szekely: There was a request for a Certificate of Zoning Compliance, but we were unaware of what that was.

Mr. Jerius: Noted an example is 49 Church Street. Suggested reviewing/cleaning up Section 9.5.2.

Mr. Kreiger: Noted he will draft changes and forward to Mr. Szekely to get into spring TM.

Mr. Szekely: Noted he has another concern related to the Subdivision Rules and Regulations but will postpone discussion for another meeting.

Mr. Steve Meinett: Requested a clarification as to whether the grade change of 6% or more would apply to foundations.

Chair von Mering: Noted that foundations and basements usually return the soil to the original grade and thus, would not be applicable for a Site Plan review. Legal Counsel concurred.

Ms. Meister: Requested an update on closeouts.

Mr. Szekely: He has reviewed the Greek Streets with Town Counsel; the proposal is for the homeowners to form an HOA (30+ homeowners) or get roads to an acceptable level and then turn them over to the town. He noted that there had been a meeting in November 2019, but then no follow-up due to COVID. There are three owners of different portions of the roads: the developer (Jason Brickman), the Mahoney trustees, and some homeowners (in front of their homes). Negotiations continue.

4. Master Plan Implementation Committee:

Chair von Mering: What is our vision for this committee? The Capital Planning Committee and the Finance Committee are interested in this topic.

PB Discussion:

- Should be a small group to be productive; recommendation of 5 people. Initial Steering Committee had representatives from each precinct as well as board representatives; total of 18 participated.
- Suggestion to have people active in Town but not serving on Boards, to give them time.
- Want participants who will bring new ideas and perspectives; recommend identifying the skills needed for this committee; also, to keep an odd the number for voting. Having 9 members seems more appropriate. Should maintain a geographically diverse membership (from various precincts).
- Suggestion to ask people to apply to be on the committee. For those who might apply and not get on the committee, that they might serve on subcommittees.
- Recommendation to have a PB member on the committee.
- The committee was intended to be advisory. Should it be reporting and managed by the PB?

Discussion to be continued at a future meeting.

5. Planning Board Meeting Minutes:

Ms. Meister moved to approve as amended the PB meeting minutes for February 23rd and March 2nd, and the March 2nd Community Meeting, all in 2021. Mr. Jerius second the Motion. Vote: Jerius, Meister, Wolfe, von Mering in favor. Motion passes 4-0-1, with Hannon abstain.

6. Question on Curb Cut write-up for TM Warrant:

Mr. Jerius requested clarification on the revised language for the curb cut warrant. The mention of the 3-foot radius was not included in the text; only the diagram.

After discussion, decision made to take out the reference to the “gutterline”, add the 3-foot radius in the text, and clean-up the text and diagram.

7. Executive Session:

Mr. Jerius moved to continue the PB meeting in Executive Session. Ms. Hannon second the Motion.

Vote: Hannon, Jerius, Meister, Wolfe, von Mering in favor. Motion passes 5-0-0. Planning Board moved to Executive session at 9:26 pm.

Nancy Polcari, Recording Secretary

Diab Jerius, Clerk